

TEWKSBURY PLANNING BOARD MINUTES
May 8, 2023

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:00 PM. Present at the start of the meeting were Vincent Fratalia, James Duffy, Jonathan Ciampa & Nicholas Lizotte.

(A) **Approval of Minutes** – March 27, 2023

MOTION – Mr. Ciampa made a motion to approve the March 27, 2023, minutes. The motion was seconded by Mr. Duffy and voted 4-0 with Mr. Lizotte abstaining from the vote.

(B) **Committee Reports/ Administrative Actions**

(B1) **Committee Reports**

(B2) **Town Planner's Reports**

Housing Production Plan

The 2023-2027 Housing Production Plan is a bit delayed as we work with NMCOG to finalize actions and strategies. We are targeting the June 12 meeting at this time, but I will provide updates as I receive them.

On the Horizon

There are two new public hearings scheduled for May 22, both for proposed retail marijuana establishments at 913 East Street and 1695 Shawsheen Street.

a. Economic Development, Housing, and Bylaw Updates

Annual Town Meeting

The proposed bylaw changes relating to signage, industrial principal buildings, definitions, as well as mixed use developments all received endorsements from Annual Town Meeting on Wednesday, May 3. They take effect immediately, pending final approval from the Attorney General's office. Any permits issues before that time under these bylaw changes are at risk.

Mr. Fratalia asked if these were the last 2 applicants for retail marijuana, he thought the date had passed. Ms. Lowder stated that the select board set a final cutoff date of submitting all applications to be Thursday 5/11/23 & her understanding is there are 2 more expected to come in which will be on the 6/12/23 agenda.

(B3) **Housing Production Plan Acceptance – June 12, 2023**

(C) **2 Radcliff Road – Ecogy MA V LLC on behalf of Thermo Niton Analyzers LLC: Site Plan Review/Special Permit (continued from 4/24/23)**

Michael Shelter, James Albert & Derek Klein appeared for the Site Plan Review/Special Permit for 2 Radcliff Road. Mr. Shelter recapped the project they had presented at the last meeting the attended & went over the plan packet given to the board, citing their site plan, canopy views & utility pole placements. Mr. Shelter stated at the last meeting one of the biggest concerns was a battery fire & if any specialized training or equipment was needed, the answer is, based on the Tesla manual, that whatever the town of Tewksbury's best practices are for battery fires are the same as what would apply to this battery system. The system should burn itself out without exploding or causing any other projectiles out of it. Mr. Fratalia stated he knows they haven't spoken with the fire department since March and asked why that was because the board relies on the fire department's opinion and reports. Mr. Shelter stated he misunderstood and thought they would see clarification from them after planning board approval, he would immediately reach out to them. Mr. Ciampa added that what may be standard equipment for NYFD may not be standard for Tewksbury so he would not suggest comparing their firefighting methods apparatus or available resources. Mr. Shelter explained he just included the NY information because of their strict rules and regulations for extra context and apologized for the miscommunication. Mr. Shelter continued by going over the landscaping plans. Ms. Lowder stated she had just received the response earlier that afternoon and did not

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have the opportunity to thoroughly look them over, it does appear that a lot of the comments have been addressed but she would rather go through them before she says that with confidence. Mr. Duffy asked if the applicant planned on just removing the trees and doing something in lieu of. Mr. Shelter stated they are open to what the planning board prefers & just want to adhere to the bylaws citing the shrubbery would fit the lot better due to lack of space. Mr. Duffy asked Ms. Lowder to weigh in, Ms. Lowder stated that is ultimately up to the board's discretion, if there is difficulty planting native trees, native shrubbery is an acceptable alternative but again that is up to the board. Mr. Shelter continued on to list their conditions for approval. Mr. Albert informed the board that the entire system is going to be designed to ANSI 716 standards, typically that translates to an uplift force of 30-50 lbs. applied to the modules, basically 120 mph windspeed before you would even start to encroach on a potential failure. Mr. Albert continued by addressing the glare & light pollution concern stating that the specific fixtures have not yet been chosen but they are happy to use downward facing fixtures if that helps mitigate the issue.

Mr. Fratalia confirmed that they cement pillars were to hold the canopies down, Mr. Albert confirmed they anchor the canopies. Mr. Fratalia asked if part of their purpose was to prevent larger trucks from hitting the canopy, Mr. Albert stated they can be configured so the foundations are at grade & the steel beam can start at that point, they choose not to do that, they have the elevation above grade to add that extra safety factor that if there is a vehicle strike it's not on the beam directly it's on the foundation. Mr. Fratalia asked if it would be high enough for a truck to hit, Mr. Albert stated they could absolutely make the foundations taller, historically they've had foundations as tall as 6'. Mr. Fratalia then stated typically they ask for the lighting with the hood on it, Mr. Albert stated they would work with a fixture that's a downward focal point. Mr. Fratalia then questioned the decommissioning of the site, Mr. Shelter stated that would be determined after they have a professional engineer estimate the total cost & they understand that it would be through the town. Mr. Fratalia asked if this was the first time they had been asked to do this, Mr. Shelter stated they had done decommissioning bonds on other projects.

Mr. Duffy stated regarding the tree issue, he would prefer if they presented the board with options not have the board invent a substitution for them. Mr. Duffy then asked for a rough timeline for project construction, Mr. Albert stated the issue is obtaining the battery, Mr. Duffy stated that was his next question, where is the megapack manufactured right now his understanding is there is a backlog of equipment, he doesn't want to see the project crawl along. Mr. Albert stated they are seeing timelines of 30-50 weeks for the megapacks similar to transformers. Mr. Duffy stated he would like to see some renderings of proposed substitutions for the trees.

Mr. Ciampa stated he thinks they are providing quite a bit of shade so some other plantings that are maintained/ replaced for the life of this installation. Mr. Ciampa asked how often maintenance would be performed & if copies of the maintenance record would be submitted to the town on completion & asked Ms. Lowder if that was something they would do. Ms. Lowder stated that is something they'll want to be asked for because there aren't any other large-scale solar arrays except for one that is on town owned property, this will be the first commercial one they have seen. Mr. Johnson stated they would add it to the conditions. Mr. Ciampa then stated the batteries are considered hazardous materials and asked if a hazardous material plan will be provided as part of the construction for this. Mr. Shelter stated they will be happy to draft one to send over. Mr. Ciampa asked if there was a fire when those gasses vent where do they go, does it affect local plant and animal life somehow. Mr. Shelter stated he would reach out to Tesla.

Mr. Johnson asked the board if they were all ok with the shrubbery as an alternative to the trees, all board members confirmed they were. Mr. Johnson then asked they come back with a plan that offsets what is taken out. Ms. Lowder asked the applicant if they were ok with the wind load calculations & lighting and glare plan being part of the conditions of the special permit to be submitted prior to the issuance of a building permit. Mr. Johnson reminded the applicant that once they are done with the board there is no coming back they are in limbo until they do what is asked of them. Mr. Shelter then displayed renderings and provided explanation to the board and audience. Mr. Johnson asked if they would be painted or if it was just steel, Mr. Albert stated the steel is going to be galvanized, it won't require maintenance.

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Mr. Fratalia asked if they had contacted the building department at all yet, the applicant stated they had not. Ms. Lowder stated they building department was part of the IDR meeting and they didn't have any initial questions until the permit submittal comes in.

Mr. Duffy asked about the square footage of the roof deck & where the runoff would go, if it could be reused somehow. Mr. Albert stated snow & water management is typically something they include on canopies with that typically brings the rainwater back to the foundations & down to the center to stop sheets coming off. Mr. Shelter stated he would get the full size to them next meeting.

There were no questions from the audience.

MOTION – Mr. Fratalia made a motion to continue the Site Plan Review/Special Permit for 2 Radcliff Road to 5/22/23 at 7:15PM. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

(D) 1699 Shawsheen Street – Pure Tewksbury, Inc on behalf of David DiCenso, 3 ABS, LLC: Site Plan Review
(continued from 4/24/23)

Applicant requested continuation to May 22, 2023

MOTION – Mr. Ciampa made a motion to continue the Site Plan Review for 1699 Shawsheen Street to 5/22/23 at 7:00PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(E) 1 Main Street – David Plunkett on behalf of C&M, LLC: Site Plan Review *(continued from 4/24/23)*

David Plunkett, Matt Hamor & Ken Kram appeared for the Site Plan Review for 1 Main Street. Mr. Plunkett stated he believes a majority of the issues have been addressed, the only issue that is open is final approval by Mass Highway. Matt Hamor stated there have been plan changes since the last meeting. Mr. Hamor then showed the traffic plan and relocated bike storage on the plan & stated with the relocated bike rack they now will have a sidewalk instead of the line striping. Mr. Hamor then went over traffic the traffic engineer's recommendations citing changes they made to the plan including walkways, line striping & turning radii.

Mr. Ciampa pointed out the comment that they would still be crossing the center line on Main St. Mr. Hamor stated he has an updated plan showing they have corrected that issue and he can provide it if Mr. Ciampa would care to look at it. Mr. Hamor stated they received the comment on Thursday & made the change on Thursday but it was recommended to just bring the plan with him this evening, Ms. Lowder stated she didn't receive anything until Friday, not Thursday. Mr. Ciampa confirmed the comment had been resolved, Mr. Hamor stated he believed it was provided an explanation that made Mr. Ciampa ask that the comment be addressed in the spirit of which it is intended where the FD can get their truck out without having to worry about oncoming traffic. Mr. Hamor then gave the board his updated analysis. Mr. Johnson added this issue would be settled in the field and confirmed the entrance would not be changing from the existing.

Mr. Duffy asked when they expected their permit from MassDOT, Mr. Hamor stated they need their local approvals first, they think they could be through the process by August. Mr. Duffy asked the current function of the building, Mr. Plunkett stated it was Simon's Auto.

Mr. Fratalia asked if cars could turn left in the lot to park, Mr. Hamor stated not by signage. Mr. Fratalia confirmed the FD has not approved the auto turn, Mr. Hamor stated he responded to their comment in March and hadn't heard back. Mr. Fratalia stated he wanted their approval before anything was finalized.

Mr. Johnson clarified that the FD typically doesn't comment unless there is a problem, otherwise they won't sign off for good until the end in the field when everything is done. Ms. Lowder confirmed that is typically the case, they did not receive the current plan until Friday and fire prevention doesn't work Friday, she will forward the current plan to them. Mr. Hamor stated they haven't responded to multiple plans and agreed with Mr. Johnson that they typically reserve the right to sign off. Mr. Johnson stated they should be notified when plans are submitted to the FD.

Mr. Kram stated most of the 3rd party traffic engineer's comments are closed, there are a couple of housekeeping items, such as the MassDOT permitting. Mr. Kram then highlighted the traffic study updates based on the comments & stated they would be replacing a section of sidewalk to have one continuous sidewalk in front of the business.

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Mr. Duffy asked how likely MassDOT is to agree with the report, mainly the right turn only prohibition. Mr. Kram stated he thinks they will totally agree with the right turn only prohibition they may ask them to do some things that haven't been thought of. They control the access to Rt. 38 so whatever they say goes, he believes they will be able to meet their needs as well as the board's.

Mr. Fratalia asked if there were any sight line issues at the site. Mr. Kram stated there were none & explained the process of how he confirmed that. Mr. Hamor shows the plan that there were no blockages. Mr. Fratalia asked how many feet looking left, Mr. Hamor stated greater than 300'.

Mr. Johnson confirmed there was no snow storage in the front.

There were no questions from the audience.

Mr. Johnson confirmed there was no issue with the list of conditions, adding that the plans submitted tonight still had to be reviewed.

**Mr. Lizotte abstained from voting.*

MOTION – Mr. Fratalia made a motion to close the public hearing. The motion was seconded by Mr. Duffy and voted 4-0.

MOTION – Mr. Fratalia made a motion to approve the requested waivers from sections 6.1.12.C & 6.2.10.H. The motion was seconded by Mr. Duffy and voted 4-0.

MOTION – Mr. Fratalia made a motion to approve the Site Plan Review for 1 Main Street with agreed upon conditions as discussed. The motion was seconded by Mr. Duffy and voted 4-0.

(F) 90 Chandler Street – Metro Sign & Awning for Tewksbury Youth Baseball on behalf of the Town of Tewksbury: Sign Special Permit (continued from 4/24/23)

Brian Schofield, Wayne Freitag & John Peterson appeared for the Sign Special Permit for 90 Chandler Street. Mr. Peterson stated there was a question on the location of the sign last meeting and clarified the location on the plan, stating it is about 13' from the roadway providing the best possible sightlines. Mr. Schofield added they feel this sign is the best way to communicate information to parents & players.

Mr. Lizotte questioned the size of the sign in comparison to the old one, Mr. Peterson stated it is very similar possibly a little higher. Mr. Lizotte asked about the street sign, Mr. Peterson stated there was a pathway that cuts through. Mr. Lizotte asked if sponsorships would be on the electronic message board or the banner part on top, the applicants confirmed it would be on the banner on top. Mr. Schofield asked if there would be opposition if they were to put sponsors on the message board. Mr. Johnson referred to Ms. Lowder who stated she did not have a complete answer because they haven't really encouraged it. Mr. Johnson informed the applicant they will have the contingency to revisit this if what is displayed on the electronic message board isn't keeping with what they intended. Mr. Freitag stated the intent would be to thank sponsors. Mr. Johnson clarified the board isn't to be used for advertisements, just to thank sponsors who are doing things with youth baseball. Mr. Schofield stated examples of what would be put on the board such as standings & registration dates.

Mr. Ciampa stated he liked the new location and understood their reasoning for wanting the message board. He agrees that it should remain strictly associated with the operations of youth baseball and not a rotation of the outfield signs.

Mr. Duffy stated he would be ok with using the board to thank sponsors, he likes the sightlines and thinks the size is appropriate. Mr. Duffy asked them to remove the pole since it has no current use.

Mr. Fratalia stated he is glad they moved the sign to the new location and stated he's concerned about players hitting or climbing the sign. Mr. Peterson stated it is up on the hill a little so it will be slightly higher than the 7' measurement. The applicants stated they never see kids in the area of the hill due to the proximity to the street. Mr. Fratalia asked if they would be opposed to using the board for town announcements in the event something happens. Both Mr. Schofield & Freitag agreed they would not be opposed to that since it's town owned property. Mr. Johnson stated he was under the impression they had applicants agree to emergency messaging, Ms. Lowder stated that was not a standard provision. Mr.

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Johnson asked the board if they had an issue making that a standard condition of electronic message boards. Mr. Fratalia recalled doing that with Wamesit Lanes.

There were not questions from the audience.

MOTION – Mr. Fratalia made a motion to close the public hearing. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

MOTION – Mr. Fratalia made a motion to approve the requested waivers from sections 6.2.7C.4B, 6.2.7C.4H & 6.2.10.D1. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

MOTION – Mr. Fratalia made a motion to approve the Sign Special Permit for 90 Chandler Street with agreed upon conditions as discussed. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

Old Business

New Business

Other Business Not Known at the Time of the Posting of this Agenda

Ms. Lowder stated there was an open meeting law seminar put on by KP Law & they noted there are some open meeting law issues with just having old & new business, putting in this language gives a little bit more leeway with what is discussed.

Mr. Fratalia discussed larger projects that are being done and stated he emailed Ms. Lowder stating they should be proactive rather than reactive to get the as built moving. Ms. Lowder stated one project is already under review, Mr. Johnson stated he would like to remind the engineers about last minute submissions as stated earlier in the meeting. Ms. Lowder has it on her list to start reaching out to projects sooner rather than later to make sure it is on their mind.

Mr. Fratalia asked if there was anything new on the lighting at Treehouse Brewery, Ms. Lowder stated she had not heard anything.

Mr. Duffy stated he is a little miffed that they have not received the requested cut sheet from Pleasant St confirming what they told the board. Ms. Lowder stated she would absolutely follow up on that. Mr. Fratalia stated that applicant is always in front of them he doesn't think they are going to be running out of town. Mr. Duffy stated he asked for something, the applicant agreed to provide it and didn't so that's his issue with it, it's a little disingenuous that they have not come forth with that document that backs up what they said at the meeting.

Correspondence

Adjournment

MOTION – Mr. Duffy made a motion to adjourn the meeting at 8:48 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Approved on: May 22, 2023

List of documents for the 5.8.23 meeting

Documents can be found in the Community Development Office

- A. 7:00** Approval of Minutes: March 27, 2023
- **Meeting minutes March 27, 2023**
- B. 7:00** Committee Reports/Administrative Actions
- 1- Committee Reports

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- 2- Town Planner's Report
 - a. Economic Development, Housing, and Bylaw Updates
 - **Memo from Alexandra Lowder dated 5/5/2023**
- 3- Housing Production Plan Acceptance – June 12, 2023
 - **No materials submitted**

C. 7:00 2 Radcliff Road – Ecology MA V LLC on behalf of Thermo Niton Analyzers LLC: Site Plan Review, Special Permit (*continued from 4/24*)

- **Letter from Ecology dated 5/4/2023**
- **Revised plans dated 3/23/2023**
- **Memo from Alexandra Lowder dated 5/5/2023**
- **Proposed waivers and conditions dated 5/5/2023**

D. 7:05 1699 Shawsheen Street – Pure Tewksbury, Inc on behalf of David DiCenso, 3 ABS, LLC: Site Plan Review (*continued from 4/24*)
– ***applicant requested continuation to 5/22***

- **Response letter from Bayside Engineering dated 4/28/2023**
- **Revised plans dated 4/28/2023**
- **Peer traffic review from Vanasse and Associates dated 4/18/2023**
- **Letter from Andrew Stack dated 5/5/2023**

E. 7:10 1 Main Street – David Plunkett on behalf of C&M, LLC: Site Plan Review (*continued from 4/24*)

- **Transportation Review #2 from TEC dated 5/3/2023**
- **Letter from Andrew Stack dated 5/5/2023**
- **Proposed waivers and conditions dated 4/21/2023**
- **Memo from Alexandra Lowder dated 4/19/2023**

F. 7:15 90 Chandler Street – Metro Sign & Awning for Tewksbury Youth Baseball on behalf of the Town of Tewksbury: Sign Special Permit (*continued from 4/24*)

- **Sign specifications with photos of placement (undated; 6 pages)**

Correspondence

- **Email from Ian Ainslie dated 5/10/2023**

Other business not known at the time of posting this agenda

Adjournment