

TEWKSBURY PLANNING BOARD MINUTES
September 26, 2022

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:00 P.M. at the Town Hall Meeting Room. Present at the start of the meeting were, Robert Fowler, James Duffy, Vincent Fratalia & Jonathan Ciampa.

(A) Approval of Minutes – August 22, 2022 & September 12, 2022

MOTION – Mr. Duffy made a motion to approve the 8/22/22 minutes. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

MOTION – Mr. Duffy made a motion to approve the 9/12/22 minutes. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

(B) Committee Reports/ Administrative Actions

(B1) Committee Reports

Mr. Duffy stated he had a press release from NMCOCG that they are seeking public input for the Greater Lowell economic recovery & resiliency plan and proceeded to read the text.

Mr. Fratalia stated they had a CPC meeting & approved the additional \$25,000 from the fund to construct a skatepark on Livingston Street.

(B2) Town Planner's Reports

Mr. Johnson stated they would do this later in the meeting as Ms. Lowder would be late.

(B3) 150 Main Street – As-Built Approval & Bond Release

Doug Lees appeared for 150 Main Street as-built approval & bond release. Mr. Lees stated the work has been done with the site plan special permit submitted to the town, everything has been addressed and the site has been completed.

Mr. Fratalia stated it looks great.

Mr. Fowler stated he thought the island in driveway was supposed to have some vegetation on it. Mr. Lees stated there was vegetation on the island, it was planted and there, it's possible it wasn't drought resistant after this summer. Mr. Fowler stated there was nothing on the plan. Mr. Lees stated they did not locate the plantings on the as built. Mr. Fowler stated that the as built is not completed yet then. Mr. Lees stated they are there they just aren't on the plan; he's doesn't recall ever locating shrubbery and flowers on previous as built.

Mr. Fratalia stated he echoed Mr. Fowler's concerns, then asked Mr. Lees is they've been planted and died & if they plan on replanting them. Mr. Lees stated the plantings were complete, he went out there and counted them before they released the landscaper's bond.

Mr. Fowler stated when you hire a landscape architect, they do a drawing that shows all the plants that are going to be on the plan, if that's not transposed to an as built that will tell someone down the road that they never put them in, or they are not required to keep them. Mr. Lees apologized stating he thought it was more of a site plan & engineering as built, not a landscape as built, if it needs to be on the as built, he can add it.

Mr. Duffy stated he feels the as built are thorough and substantially complete, it's a slight oversight not marking things on the island. He would like to approve the as built.

Mr. Johnson asked how difficult it would be to get the as built Mr. Fowler is talking about, Mr. Lees stated he went out and checked they were all there so he can add approximate locations to the plan off the landscape plan & drive back out there and make sure they are all still alive, they did a substantial planting along 38, Mr. Johnson stated that that stuff was meant to be substantial and it was a big deal when they did discuss this a lot. He doesn't fault Mr. Fowler for wanting to have it on there the way they expected it to be.

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MOTION – Mr. Ciampa made a motion to accept the as built plan contingent upon the revised plan sowing the full plantings. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

MOTION – Mr. Fratalia made a motion to release the bond under the same contingency. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

(C) 30 Commerce Way – Rhino Capital Advisors LLC on behalf of Atlantic-Dracut Realty LLC (continued from 9/12)

Mr. Johnson reminded everyone that only 4 members can vote on this, Mr. Ciampa cannot.

Robert Buckley, Tyler Murphy & Greg DeBona appeared for the Site Plan Review, Land Disturbance Permit & Special Permit for 30 Commerce Way. Mr. Buckley stated he believes they have responded to all comment from the Town's consultants. Mr. Murphy then went through a quick presentation with the board, showing the existing & proposed site conditions. Dan Dumay presented the traffic portion of the project, stating they had about 15 minor comments from Beta and they have addressed them all. Dennis Flynn of Beta stated they were selected by the town to perform the peer review for the traffic impact assessment. Mr. Flynn reiterated that they found all the responses to their comments acceptable and satisfactorily addressed the concerns. Mr. Flynn did highlight that they would be referring the variance for parking to the board. Mr. Johnson asked generally what Beta was hitting on that go them the 15 comments. Mr. Flynn stated that they agreed he the addition impact of the intersection would not be significant or on that would be of concern, both the existing safety and operations at the locations are not significant or cause concern, the additional traffic would not be regarded as an additional undue burden to the adjacent transportation network or the intersections. They did ask for additional information regarding the turning movements and the vehicle was able to maneuver through the site.

Mr. Fratalia asked Mr. Flynn if he reviewed the lights at the corner of Old Main. Mr. Flynn stated they reviewed this as part of their assessment they included an analysis and evaluation of that signal both as it currently operates & as it would expect to operate in the future with the new development and they found that the additional traffic at that intersection would not be expected to have a significant impact or adverse⁴ impact on the operations. At the end of the day its just not generating a significant demand in new cars. Mr. Fratalia asked Mr. Flynn if he concurred with what the applicant presented in prior meetings as far as the traffic goes, Mr. Flynn stated he did.

Mr. Duffy asked for explanation on the comment T2 why only 24 hours of data was collected for the ATI. Mr. Flynn stated they asked for clarification as to why they didn't include a 48 or 72 hour & based on this corridor it does appear to have a consistent travel pattern on a daily basis, when they looked it over, they felt that was appropriate.

Mr. Johnson opened the hearing to the audience.

Tony Sikara, 232 Old Main St – Mr. Sikara asked if Mr. Flynn knew approximately how wide a tractor trailer with mirrors is. Mr. Flynn stated 9'-10'. Mr. Sikara continued his road is 24' wide, as it goes further down its 22' wide, it's a safety hazard for 2 tractor trailers. Mr. Sikara then asked if a truck taking a right onto Old Main St. would have to cross over to the other side of the road causing a traffic jam, Mr. Flynn stated he would not say that Mr. Sikara continued with the number of crashes for the last few years. He then stated the sidewalk stops at Town Fair Tire and pedestrians are forced to walk on the street, another safety hazard with tractor trailers going up and down. Mr. Sikara added that the report stated the busiest time was between 4-6PM, there's a daycare by that intersection, and that is pick up hours. Mr. Sikara ended by restating how unsafe the road is & how this won't make it any better. Mr. Dumay responded by stating the accident report fall slightly below the district average. Mr. Johnson asked if they report showed the number of accidents that included trucks vs. cars. Mr. Dumay reviewed the report quickly and stated over the 5 years none included a tractor trailer. Mr. Johnson asked what the largest truck on the report was, Mr. Dumay stated it was a SUV/pickup truck.

Gail Stone, 46 Trull Rd – Ms. Stone complained of speeding in the area and asked if they have tried to see if trucks can turn with cars waiting at the light. Mr. Dumay stated the auto turn findings in the report. Ms. Stone then expressed her

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feelings on the traffic situation in the area. Mr. Johnson asked the number of trucks that would be coming/going during that 5-6PM time, Mr. Dumay answered about one in one out per hour about 54 over the course of the day, if they are open Saturday the number would stay the same.

Mr. Johnson asked the applicant to keep their answers geared towards tractor trailers not passenger cars as that seems to be the main concern.

Jim Lewis, 10 Barker Rd – Mr. Lewis stated he is retired, home most of the day and sees everything. There are no sidewalks and there are packs of walkers in the morning & late afternoon, the pedestrians are not safe nor are those that ride bicycles. Mr. Lewis stated that speed is an issue in the area as well, there are also 2 bus stops on this road. Mr. Lewis then stated that at the hairpin turn the concrete is smashed and the curb is pushed down into the ground. He then noted that Trull was not included in the study but should be because trucks cut down that narrow street all the time. He then shows concern for emergency vehicles having access to his neighborhood when a truck is on the road, he does not believe they will be able to pass. Mr. Lewis then stated a similar project was proposed 20 years ago and it was stopped.

A Resident approached the podium to stated that there's already a company down there with box trucks in and out all day. Mr. Johnson stated that none of the trucks that are already there have been involved in an accident.

Mr. Fowler asked if the town wanted to put a no right turn on Old Main St from 38 that would need state approval because it's a state road, correct? Mr. Dumay stated they could do a no right turn for trucks, but it would need state approval, they restrict them in certain areas. Mr. Fowler stated they could ask the selectmen to petition the state to do something in the area.

Mr. Ciampa stated that it seemed like the issues have little to do with what the project is bringing and adding stress to and already stressed area. A lot of the issues being brought up are serious issues, but he doesn't think they fall within the purview of the planning board or are necessarily relevant to the project. He feels that they need to stick to the issues of the project and the issues that are general day to day already existing that cant be solved by this board need to be taken to the town or state authorities that can.

Mr. Duffy stated they all live in Tewksbury neighborhoods with disappearing sidewalks, the town has made tremendous progress recently with sidewalks & they need a lot more. He agrees the impact of this project is going to add some vehicles to an area that's already has had problems for a number of years. Mr. Duffy then asked the applicant about the timeline on the easement. Mr. Murphy stated the way he interpreted the comment from the town engineer was essentially a condition, they've reached out to Landing Management & they've agreed & its being drafted right now by the attorneys. Mr. Duffy then asked the timeline on the pollution protection plan, Mr. Murphy stated typically contractors will pull between 30-45 days before they start in the interest of not setting up erosion controls months ahead of schedule.

Mr. Fratalia stated he would like the concerned residents to reach out to the police department & do some speed traps that might help, he hates to see somebody get hurt. There's nothing they can do on their end but that's something they can try to alleviate the problems down there.

Mr. Johnson stated this is the kid of thing the area is zoned for it been zoned down that way for some time, this isn't something they just did suddenly out of nowhere. There are logistical concerns in the area but those exist regardless of this project, they just had 2 different traffic engineers go through explaining the process works if the process is followed correctly. The board can't account for people doing things that are illegal, like speeding, that's not their job, they can't factor that in, when the town engineer tells them that things work, they take it for what he says. He doesn't doubt what people see in everyday life, but at the same time its very difficult to make decisions based on the incorrect actions of others or the possible incorrect actions of others. He will ask the town planner to send a message from the board asking the police to look at the traffic controls down there, he suggests the residents do the same. Mr. Johnson was interrupted by a resident yelling from the audience and addressed him asking him to stop. He continued that there is a process they go

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through, they had an independent expert look at the traffic, they don't discount what people see but if they are being told that things work correctly, they have to take that. Mr. Johnson asked the applicant if they will have an issue if the board retains an ability, that if it turns out that the vehicles specifically dealing with their property are causing problems, they come back and discuss that. The residents have brought up something concerning and the only way he can address it is to retain some ability for the board or come back and say something's going to have to change here, you're not taking care of this on your own, the board is going to have to deal with it, like restricting when trucks can come and go. Mr. Buckley stated that he was going to make a statement that people have to remember that they are going to be a property owner in this area & behooves them, their tenants & operations to make sure that things are under control. As a good neighbor, a corporate citizen of the town, as an applicant that doesn't want to have the wrath of nuisance complaints filed it certainly would be in their best interest to have that type of dialogue exist & be maintained. Mr. Johnson stated the issues at the intersection of Old Main are not Tewksbury's issue it's DOT's thing, but he would ask in the event that is something that is pursued they be on board. Mr. Buckley stated that would be in their best interest. Mr. Johnson checked that the applicant had no issues with the list of conditions and asked if there was a waiver. Mr. Buckley confirmed the waiver was for the sign.

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

MOTION – Mr. Duffy motioned to approve the waiver from 6.6.2.10 H, The Master Sign Signage Plan requirement. The motion as seconded by Mr. Fratalia and unanimously voted 4-0.

MOTION – Mr. Duffy motioned to approve the Site Plan Review & Special Permit for 30 Commerce Way with the 11 special conditions discussed. The motion was seconded by Mr. Fowler and unanimously voted 4-0.

MOTION – Mr. Fowler motioned to approve the Land Disturbance Permit for 30 Commerce Way. The motion was seconded by Mr. Duffy and unanimously voted 4-0.

Mr. Buckley complimented both the board and town staff to their attentiveness to their application.

(D) 434 Main Street – Wamesit Lanes, LLC – Site Plan Review

MOTION – Mr. Duffy made a motion to waive the public reading. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

Dick Cuoco & Tom Shomburg appeared for the Site Plan Review for 434 Main Street. Mr. Cuoco stated that they would be giving an intro tonight, they just got their review the previous Friday and are going to be working with the DPW on those items from the review letter. Mr. Shomburg gave an overview of the proposed project which would create 44 new paved employee parking spaces, an accessory storage building & snow storage along with a new drainage system.

Mr. Fratalia asked for confirmation of how many spaces would be added. Mr. Cuoco stated originally that had around 20 spaces but with the additional land they were able to add more parking spaces. Mr. Fratalia asked if the drainage process in the back will be similar to the one they did in the front. Mr. Cuoco stated that the only difference is in the back it will be a separate system, it won't be porous pavement, it will be regular pavement.

Mr. Duffy stated he had concern on engineer's comment #1 on the drainage he was just referring to. There isn't an as-built on file with the town and he believes Wamesit still has a sum of money put down for a performance guarantee to provide as-builts for the drainage. Mr. Cuoco stated they do have an as-built that was submitted, they use the as-built when they

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came in in 2019 to do the small expansion to the back. Mr. Duffy stated that will have to get some clarification on that. He went on to ask about ADA parking spaces and in they are included in this. Mr. Cuoco stated all the ADA spaces needed are already out front and any employee needed such a space would park out front. Mr. Duffy stated he had no issue with the sidewalk waiver in the back or the proximity to the lot line & where its in the back of the building he has no issue with the landscaping either, but he would like to see the bike rack put out back.

Mr. Ciampa agreed with Mr. Duffy about the bike rack.

Mr. Fowler asked to wait to hear from the neighbors before commenting.

Mr. Johnson asked why they would be holding the bond if the as-builts were submitted. Mr. Cuoco stated they rolled the bond over from 2014 into other projects in 2016 & 2019. Mr. Johnson asked that everyone be in the same page when they come back at the next hearing, he doesn't want to keep stacking bonds. He continued by asking if it was correct to assume that the reason for this project is business success, Mr. Cuoco confirmed it was for a need.

Mr. Ciampa asked to confirm that in Ms. Lowder's memo she stated that the outbuilding will be no more than 20' 1.5 stories, is that coming from the applicant or she's just stating what is. Mr. Johnson answered she's just stating, and they have to comply. Mr. Cuoco stated because it's an accessory structure it can't be any higher than 20' and it won't be.

Mr. Johnson opened the hearing to the audience.

Chris Colantonio, Tewksbury Florist & Greenery – Mr. Colantonio stated he was there to find out 1.the size of the structure and it proximity to the lot line, 2. if the trees abutting their lot line will be staying or taken down, 3. if the snow storage has any potential to drain onto their property because right now it pitches towards them and if they take down trees or add lights its going to effect their greenhouses and what they are able to grow and produce. Mr. Cuoco showed Mr. Colantonio the plan showing the placement of all the potential issues he mentioned.

There were no more questions from the audience.

MOTION – Mr. Duffy made a motion to continue the Site Plan Review for 434 Main Street to 10/17/22 at 7:15 P.M. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(E) 3, 3R, 4 Executive Place (Andover) – MCP/Howland Burt Owner, LLC – Site Plan Review & Special Permit

MOTION – Mr. Fratalia made a motion to waive the public reading. The motion was seconded by Mr. Dufy and unanimously voted 5-0.

Peter Ellison appeared for the Site Plan Review & Special Permit for 3,3R,4 Executive Place, Andover. Mr. Ellison stated the parcel is split between Andover, Tewksbury & Wilmington, this project was approved by the board about 2 years ago and since that time there have been some modifications to the site plan. The original approval was for approx. 206,000 sq.ft. of warehouse building, he's here to request to modify that plan and reduce the total sq.ft. of the building by approx. 40,000 sq. ft, 10,000 sq. ft. of that reduction is in Tewksbury. The second smaller warehouse has been removed from the

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plan & the larger warehouse had been reduced by 10,000 sq. ft to add a second entrance point in the building to allow 2 separate tenants in the building. He stated they would also like to modify the maximum building height to 46'7".

Mr. Fowler stated he was pleased to see what they were doing there; it fits a need and at this time he doesn't see any specific problems unless Mr. Hardiman had some. Mr. Ellison stated that the engineering department did issue a clean letter.

Mr. Fratalia stated he doesn't have much problem with what they are requesting and asked if there were potential tenants. Mr. Ellison stated there were not any at this time, hopefully once its constructed tenants will come forward. Mr. Fratalia asked for a completion date for construction, Mr. Ellison stated he would guess by next fall.

Mr. Ciampa asked the permissible height of an industrial building, Ms. Lowder stated the allowed maximum height by right is 40' & then can be up to 60' by special permit from the board. Mr. Ellison stated 44.5' is the measured maximum height from the finished floor of the building to the peak elevation, in Tewksbury the measurement is from the average grade & the average grade with the loading docks is slightly lower than the finished floor. Mr. Ciampa asked if the measurement was to the top of the roof structure or all the rooftop equipment, Mr. Ellison stated that's the very peak of the roof, so you won't see any equipment above that.

Mr. Duffy asked if construction was underway, Mr. Ellison stated it was not, Mr. Duffy followed up by confirming that they expected to have 2 buildings built by next fall, Mr. Ellison stated they expected 1 building. Mr. Duffy then went over the details of the area including abutters, easements and that Andover will be responsible for emergency response with Mr. Ellison.

There were no comments from the audience.

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

Mr. Johnson confirmed with Ms. Lowder there were no special conditions with this permit.

MOTION – Mr. Fratalia made a motion to approve the waiver for building height of 46'7". The motion was seconded by Mr. Fowler and unanimously voted 5-0.

MOTION – Mr. Fratalia made a motion to approve the Site Plan Review for 3,3R,4 Executive Place. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

MOTION – Mr. Fratalia made a motion to approve the Special Permit for 3,3R,4 Executive Place. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

(F) 2560 Main Street – Sawyer Realty Holdings on behalf of EC Tewksbury LLC – Site Plan Review & Special Permit

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

Dan Bailey & Jessica Rosenberg appeared for the Site Plan Review & Special Permit for 2560 Main Street. Mr. Bailey stated the applicant's proposal is to convert the property to and age-restricted 55 apartment building, previously it was a 78-bed memory care facility. Mr. Bailey stated they are not proposing any exterior changer other than enhanced landscaping recommended by planning staff, most of the changes will be to the interior of the building. Mr. Bailey then summarized project facts, impacts & why the project falls under the special permit. Mr. Bailey addressed the memo written by Ms. Lowder and referred to Ms. Rosenberg, who went over the more important details of that memo. Mr. Bailey added they are under transaction pressure, ideally they would like an answer tonight because their due diligence

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period expires today. Ms. Rosenberg added they plan on changing the color of the exterior color of the building and showed a rendering.

Mr. Ciampa asked about the fire suppression system of the building. Ms. Rosenberg stated it is fully sprinklered now, there are smokes that were tested & they are up to code it would be tested again prior to closing.

Mr. Fowler asked Ms. Lowder if everything was all set for this project as far as she was concerned. Ms. Lowder stated it was and added in regard to the signage, that the building commissioner considers direct replacement of existing cabinets to be maintenance so even if it exceeds the allowable square footage in the new bylaw. She stated they quickly got a traffic study to satisfy the engineer and from a fire perspective they noted the existing sprinkler system has been a problem for years & they are thrilled someone is going to go in and make sure it is safe going forward.

Mr. Duffy asked if the existing sprinklers were cast iron or PVC, they referred to someone in the audience. Mr. Duffy continued if the parking is typical of a 55+ development. Ms. Rosenberg stated it is, they have actually seen it as low at .25/unit, but they have at least a 1-1 plus handicap & employee parking. Mr. Duffy asked if they were going to have an office on site, Ms. Rosenberg confirmed they would have a management leasing office with 3 employees in there.

Mr. Fratalia stated he would like to see the landscape improved and bike racks outside. He is also happy to see them fixing the fire system.

Mr. Duffy asked if they were going to have a common area for residents. Ms. Rosenberg stated they would have one inside and outside, they idea is to have this be an amenity rich building.

Mr. Johnson stated this project feels like a no brainer, he's happy that a gateway property to the town will be cleaned up and presentable.

There were no comments from the audience.

Mr. Johnson stated he has no issues with moving this along anyways because they aren't doing all that much there, this is to get something going again on a significant sized parcel. The other members of the board agreed.

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

MOTION – Mr. Ciampa made a motion to approve the Site Plan Review & Special Permit for 2560 Main Street. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

(G) Administrative Items (continued)

1 – 821 Main Street – Concept Plan Review

Jim Hanley appeared for the Concept Plan Review for 821 Main Street. Mr. Hanley stated they came in April to freeze the zoning; they came back in June with 2 options, 1 with 8 residential & a commercial unit, the other had 2 buildings 15 units commercial on one floor. They were old it was too dense, and the board would like to see some architectural so that's what they have done. Mr. Hanley stated they have selected the layout that is the smaller of the two and went on to recap all the details of the site plan and discuss the density issue with this lot.

Mr. Fratalia stated he understands the concerns & economics of the project, but density is an issue for him. Even though they are allowing 4 spaces per unit if someone has a party where do visitors park.

Mr. Ciampa asked if they did a cost analysis s to how many units would be their break even, Mr. Hanley stated as of right now it is 8 units. Mr. Ciampa asked if option 2 was still a viable option, Mr. Hanley stated he would have to speak with his client. Mr. Ciampa continued that with all that would go in the garage area of the townhouse style unit how viable is it to actually have 2 cars tandem in the garage, that second garage spot may not be complete space.

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Mr. Duffy stated the single entrance off Main Street is a deal breaker for him, he pretty sure the fire department would have something to say about that too. He likes the idea of the townhomes but unless it can be reconfigured in some way to get an egress from Nelson & Newton Ave, he thinks its just one or two too many units. Mr. Duffy asked about the space above the commercial unit, Mr. Hanley stated they didn't have anything defined right now, they have enough parking there for 800-1,000 sq. ft of commercial.

Mr. Fowler stated he wouldn't be too quick to shoot them down, the residential will be scooped up so he would not be negative against them yet. As far as the fire department is concerned let them report that they can't get in, the board can't say that he can see 2 places on the plan where a turnaround could be placed. Mr. Fowler stated he feels there's plenty of area for 2 cars, utilities, and the stairs on the bottom level.

Mr. Johnson stated if he remembers he liked option 2 better, is there a break number on the 2 buildings? Mr. Hanley stated he was there with just the one option. Mr. Johnson continued that it was harder to wrap their heads around how it would layout, it's a lot to fit in and be accomplished. He'd be more interested in the 2-building approach and where the number falls with those. He feels like all of the board members have said the same thing different ways, if 8 really is the number he's going to have an issue right off the bat, what is the alternative. Mr. Hanley asked the board if they could appreciate that they have 2 uses on that lot that they couldn't do today to generate a certain income it has to be considered for them to invest. Mr. Johnson stated that is the applicant's consideration, what they want to do with their property, all the board can look at is what's being brought in & thinks about it in terms of what they are comfortable with, if the board's comfort level and the applicant's break even don't match, someone's going to have to make a decision. Mr. Hanley & Mr. Johnson then discussed the pros and cons of coming in under the old vs. new bylaw and possibly losing the commercial component to allow space for the 8 units. Mr. Ciampa stated he feels the potential for a nice little duplex community is there & he thinks there would be a lot less objections to that, he can't say he'd be in favor of it but it would take away a lot of his objections. Mr. Fowler asked for clarification on what Mr. Johnson suggested. Mr. Frataglia stated he wouldn't have a problem with getting rid of the commercial due to all the unoccupied units already existing in town. Mr. Duffy agreed with Mr. Johnson's suggestion. Mr. Johnson stated the board will obviously review whatever is submitted under either bylaw.

Town Planner's Report

Ms. Lowder asked the board to please let her know if they have given any thoughts as to where they might want to implement some of the available sidewalk fund, or if they would like her to consult with the Town Engineer.

Ms. Lowder continued that after consulting with several communities in Massachusetts, the consensus seems to be that as-built submittals were tied to occupancy for the buildings. That is, an owner would not gain occupancy for their new construction until an as-built is submitted to the satisfaction of the Building Commissioner, in cooperation with other Town departments. The Building Commissioner is open to working with the Planning Board to make this part of the occupancy process.

The Board may choose to implement such a policy and eliminate the need to hold a performance guarantee or bond or else set a minimum bond amount for as-built submittals.

Another idea that the Board has discussed is requiring additional performance guarantees if there are issues obtaining final as-builts or close out of the project. This would require significantly more monitoring and may result in the Board being in the same position where items remain outstanding after occupancy.

Mr. Johnson stated he would like to see the sidewalk money get moving. He also stated he doesn't have a preference for the as-builts, but if they are the outlier on they way folks are doing it he's concerned about that because that doesn't feel right or current to him. If other towns don't regret the way they did it he would rather be consistent with what other towns are doing.

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Mr. Duffy stated he thought it was a good idea & asked if everything required an as-built, Ms. Lower stated anything that has a building. He thinks there needs to be a time to educate applicants but he's perfectly ok with it. Mr. Duffy also agrees they should get the sidewalk money moving, he's ok with Ms. Lowder working with the town engineer to get this done.

Mr. Fratalia stated he would like to see the Main St sidewalks completed. Ms. Lowder stated the town is working on a project to do the sidewalks on the length of Livingston St. so it hooks up with the sidewalks on East St which will bring them all the way down to meet Main St. Starbucks poured their sidewalks last week.

Mr. Ciampa stated he likes Mr. Fratalia's idea to prioritize sidewalks on Main St. He feels they should tie the as-builts with occupancy, keep the limits low & maybe put in a condition. Mr. Duffy added he would like to see temporary occupancy granted on a case-by-case basis rather than a matter of course.

Mr. Fowler stated he likes the idea, but they need to confer with the Building Commissioner. Ms. Lowder stated she has had preliminary conversations with the building inspector, he has done this in other communities he's worked in and he is not upset about holding up occupancy for an as-built.

Old Business

Mr. Fratalia discussed the changes to the proposed new DPW building that will be voted on at Town Meeting.

New Business

Ms. Lowder shared the details of the upcoming Fall Festival.

Correspondence

Notice for marijuana retail dispensary – community meeting Friday 9/30/22 from 4:30-6:30 P.M. at 777 South St run by the proposed applicants with abutters. The town is not involved in this Ms. Lowder just wanted to bring it to the board's attention.

Adjournment

MOTION – Mr. Fratalia made a motion to adjourn the meeting at 9:58 P.M. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

Approved on: **November 14, 2022**

List of Documents for 9.26.22 Meeting

Documents can be found in the Community Development Office

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| | 7:00 p.m. | Call meeting to order |
| A. | 7:00 | Approval of Minutes: August 22,2022; September 12, 2022 <ul style="list-style-type: none">• Meeting minutes for August 22, 2022• Meeting minutes for September 12, 2022 |
| B. | 7:00 | Committee Reports/Administrative Actions <ul style="list-style-type: none">1- Committee Reports2- Town Planner's Report<ul style="list-style-type: none">• Memo from Alexandra Lowder dated 9/19/2022 |

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3- 150 Main Street – As-Built Approval & Bond Release

- **Letter from Land Engineering & Environmental Services dated 9/12/2022**
- **As-built plan dated 5/6/2022**
- **Review Letter from Kevin Hardiman dated 8/30/2022**

C. 7:00 30 Commerce Way Way – Rhino Capital Advisors LLC on behalf of Atlantic-Dracut Realty LLC: Site Plan Review, Land Disturbance Permit, Special Permit
(continued from 9/12)

- **No new documents submitted**

D. 7:00 434 Main Street – Wamesit Lanes, LLC: Site Plan Review

- **Letter from Civil Design Consultants dated 8/19/2022**
- **Waiver request letter from Civil Design Consultants dated 8/19/2022**
- **Site Plan Review application dated 8/25/2022**
- **Site plans dated 8/19/2022**
- **Email from Capt. Sawicki dated 9/12/2022**
- **Letter from Kevin Hardiman dated 9/23/2022**
- **Memo from Alexandra Lowder dated 9/23/2022**

E. 7:05 3, 3R, 4 Executive Place (Andover) – MCP/Howland Burrtt Owner, LLC:
Site Plan Review, Special Permit

- **Letter from The Engineering Corp dated 8/30/2022**
- **Site Plan Review application dated 8/30/2022**
- **Special Permit application dated 8/30/2022**
- **Site plans dated 8/30/2022**
- **Original SPSP 2020-05 issued 3/30/2020**
- **Letter from Kevin Hardiman dated 9/22/2022**
- **Memo from Alexandra Lowder dated 9/20/2022**
- **Revised Sheet C-3 (1 page)**
- **Revised memo from Alexandra Lowder dated 9/20/2022 w/ comments**

F. 7:10 2560 Main Street – Sawyer Realty Holdings on behalf of EC Tewksbury
LLC: Site Plan Review, Special Permit

- **Application packet dated 8/26/2022**

TEWKSBURY PLANNING BOARD MINUTES

September 26, 2022

- Letter from Kevin Hardiman dated 9/19/2022
- Memo from Alexandra Lowder dated 9/20/2022
- Email from Deputy Fire Chief Paul Guttadaro dated 9/21/2022 w/ attachment
- Trip generation report prepared by Vanasse & Associates dated 9/21/2022
- Revised site plan dated 9/22/2022

G. Administrative Items (continued)

1 – 821 Main Street – Concept Plan Review

- Letter from Civil Design Consultants dated 9/21/2022 w/ renderings

Old Business

New Business

Correspondence

- NMCOG Press Release for Greater Lowell Economic Recovery and Resiliency Plan (ERRP) dated 9/19/2022
- Community Meeting Notice for Retail Marijuana Dispensary (1 page)
- Letter from Kevin Hardiman regarding 85 Livingston Street dated 9/23/2022

Adjournment