

TEWKSBURY PLANNING BOARD MINUTES
October 17, 2022

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:12 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**

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

(B1) **Committee Reports**

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

Ms. Lowder gave a few project updates on Main Street:

Starbucks at 1800 Main Street (old Eastern Bank) is aiming for an opening the last week of October. Signage, landscaping, and sidewalks are all nearly in place, and interior finishes touches are in progress.

La Vita Dolce at 1866 Main Street (old Santander Bank) the external grease tank was installed last month. Interior improvements have been delayed due to equipment availability. Basic framing is up, but significant build out is ongoing.

Brelundi at 836 Main Street (old Mirabella's Bakery) has submitted kitchen plans to the Health Department and revisions are ongoing. They are switching architects and expected to have revisions in in the next week or so.

Eco Auto at 623 Main Street (old Nissan dealership) has completed demo work, chemical remediation, and is ahead of their initial construction schedule. Their anticipated opening is late January/early February.

Ms. Lowder continued the Select Board will host NMCOG to discuss Tewksbury's Housing Production Plan (HPP) on Tuesday, November 15. The Planning Board is invited to attend and participate in this as a joint meeting to discuss housing needs in town. The feedback from this meeting will go toward our overall narrative and goals for housing production during the 2022-2026 reporting period.

Ms. Lowder stated she has spoken with the Building Commissioner, and he supports occupancy until as-builts are accepted by the Engineering and Planning Departments. He proposes including the following type of language in all Site Plan and Special Permit approvals:

"An as-built submittal must be accepted by the Engineering and Planning Department prior to the issuance of an occupancy permit. For phased work, projects with multiple buildings, or other circumstances deemed unique by the Building Commissioner, accepted as-builts may be required only after more than 50% occupancy is requested."

This would be a procedure we could put in place with some parameters for review periods, so these things don't drag on and occupancy isn't unnecessarily held up. We could put it into practice in the next few months and codify it in the Zoning Bylaw once appropriate language is agreed upon by the Board and Town departments.

Mr. Duffy asked the time of the NMCOG meeting, Ms. Lowder answered 7 PM.

Mr. Johnson stated he thinks this is something they should pursue so they can start informing people if everyone is on board.

Mr. Fratalia asked when they actually accept bonds in the process, Ms. Lowder informed him they are made conditions of the site plan reviews & special permits and their release is predicated upon receiving final as-builts for the site.

Mr. Johnson stated that he wants this to start right at the beginning of the year, he doesn't want to lag, if someone is in there January 2 this is how it's going to work from then on. Ms. Lowder agreed and said she would have the proposed schedule for 2023 and they could use one of the first January meeting dates as the cutoff if he'd like.

TEWKSBURY PLANNING BOARD MINUTES

October 17, 2022

Mr. Ciampa stated he liked the phased idea & that current projects that have been approved obviously get grandfathered in. He then asked how this would be formalized with the by-law. Ms. Lowder stated it would have to be an article at town meeting, they can implement it as part of the rules and procedures for the board, common practices but it can be something that ends up in the zoning bylaw after the performance guarantee if they don't want, for complicated projects it wouldn't hurt to have that as an option. Mr. Ciampa gave a negative example from his experience, Ms. Lowder stated the remedy there is to write it in as a condition in place of the performance guarantee.

MOTION – Mr. Ciampa made a motion to implement a new condition of occupancy for as-built acceptance. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

(C) 662 Clark Road – Uladzislau Bortnouski on behalf of Aram Arakelian – Special Permit

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

Aram Arakelian appeared for the Special Permit for 662 Clark Road. Mr. Arakelian stated the property has been empty for the last 3 years & his previous tenant built a mezzanine without a permit. He has since demoed everything and passed all necessary inspections & it is ready to be rented. Mr. Arakelian stated he's had a lot of interest from welding shops, auto detailers, granite masons, but he wants to have a low-key business occupy the property. The gentleman with him would like to run his business out of the property, he imports European toys, the delivery will come in once a month from overseas & a few times a week there will be a FedEx pickup to ship to the third party. Mr. Arakelian continued by giving location details of the property and reiterating that he wants a low-key respectful tenant that won't disturb neighbors.

Mr. Fowler asked if there was sign out front with the name of the site. Mr. Arakelian stated he didn't think so, he knows there's a mailbox. Mr. Fowler continued by asking how any would know where they are going, Mr. Arakelian stated one of the units is a sign shop, he could get a sign in a day if they want. Mr. Fowler asked what number Clark Rd the property was, Mr. Arakelian answered unit 12 and described the complex. He stated he is just going to have pallets, if in the future the tenant decides he wants shelves they will go to the building commissioner and get the permit.

Mr. Fratalia stated he was at the property earlier that day & asked the size of the garage unit. Mr. Arakelian stated it was 1,652 sq.ft. Mr. Fratalia asked if they said it will be 1 delivery every 5-6 weeks, they confirmed that was correct, Mr. Fratalia continued it was a highly traveled road, they have issues in the past with trucks but if it 1 every 5-6 week & pickups 2 or three times a week, they aren't getting larger trucks back there.

Mr. Duffy asked if the building was sprinklered, Mr. Arakelian stated yes, the fire inspector inspected the whole unit with the building inspector. Mr. Duffy asked the plan for when they put in shelves, Mr. Arakelian stated that there would be 7'-8' shelves, if need be, in the future.

Mr. Johnson stated the only thing for him the idea of it being a less problematic business going in there in terms of noise that would seem to be a benefit, this sounds like a benign use.

Mr. Johnson opened the hearing to the audience.

Sergio Limos, 56 Trull Rd – Mr. Limos stated his back gate borders Mr. Arakelian's property & in the past he's had issued with a demo company that was there and no one did anything to help him, to this day he is still dealing with the noise there. Mr. Limos went on to remind the board that there is a school there & more truck mean more congestion. Last time they did construction on the rear of the building it shook his foundation; he really does not think this should be approved. Mr. Johnson asked if Mr. Limos had any question about this, Mr. Limos stated he did not, its just more trucks & more noises. Mr. Limos stated he worked in Cambridge where there was a noise ordinance, that is not the case at his property. Mr. Johnson stated the noise ordinance is a different group, not this board. Mr. Limos stated he understands that but if there's more trucks going in and out there's going to be more noises. Mr. Johnson stated that it was an industrial site, something is going to end up in there it a weighing issue. Mr. Limos said he doesn't think this should be going in there because he does own property there. Mr. Johnson asked how long the property has been there, Mr. Arakelian tated

TEWKSBURY PLANNING BOARD MINUTES

October 17, 2022

since the 80's, Mr. Johnson asked when Mr. Limos purchased the property, he stated about years ago, he's not saying they shouldn't have a business there he's just very concerned about the congestion and the noise. Mr. Johnson stated reminded Mr. Limos that one of the alternatives mentioned was a welding company, the possibility of even more vehicles coming in and out with that might be a worse alternative than this, its something both him and the board have to consider, nothing is not an option. Mr. Fowler asked what unit was in the rear of Mr. Limos' property, Mr. Limos did not know, Mr. Fowler asked Mr. Arakelian is his unit faced Clark Rd. or his house, Mr. Arakelian stated he has heard about the demo company Mr. Limos complained about, they were unit 16, he is 12.

Giovanna Ferreira, 56 Trull Rd – Ms. Ferreira stated she understands the situation here, they aren't against the business they just want to get a better relationship so if there is a problem, they can contact the owner. Mr. Johnson stated Mr. Arakelian can only deal with his unit if their problem is with 16 that's the building owner not a unit owner. Ms. Ferreira stated they are concerned about the trucks and wants to be clear about the hours of operation. Ms. Lowder stated for the issues they are having with the noise ordinance; those are handled by the police department. For this application they can put conditions on the special permit on times of delivery and pickup.

Mr. Ciampa asked the applicant's expected hours of operation. He stated that USPS & UPS typically deliver between 8 AM & 5PM. Mr. Johnson stated the delivered from the larger box truck will have to be between 8AM & 5PM nothing before that & nothing rolling in the middle of the night. Ms. Lowder clarified that the hours would be 8AM-5PM Monday-Saturday. Mr. Fratalia stated he thinks this is a limited type of operation with limited in and out of trucks and contractors. Mr. Johnson stated that Mr. Arakelian's contact information is to be kept on record with the board that way if it is his unit getting complaints, they can contact him. Mr. Arakelian stated before his last tenant his number was posted on the door, he can put it back.

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

MOTION – Mr. Ciampa made a motion to approve the Special Permit for 662 Clark Road with condition of hours and the owner keeping his contact information on file. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

(D) 400 Main Street – Univar Solutions c/o Michael Amenta – Special Permit

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

Michael Amenta & Arron appeared for the Special Permit for 400 Main Street. Mr. Amenta stated that they would like to relocate a fence at the property. The fence is chain link 8'high with 1' of barbed wire at the top approximately 800' long with privacy slats. A purchase of an abandoned railroad property changed the property lines, so the exiting fence line is now on another property, and they need to move it closer to their property. The current fence is coming down to put in parking and they will reestablish the fence line on their property.

Mr. Fratalia confirmed the information stated it was nice to see a good working relationship between the 2 businesses. He then stated he had issues reading the plans submitted.

Mr. Duffy commended the applicant for working with the abutters.

Mr. Ciampa stated a new fence is good because there will be increased employee traffic back there. He then asked if they had a cantilever gate back there, the applicant confirmed they did and its going to be an upgrade. Mr. Ciampa asked the location of the gate; the applicant confirmed it would be at the Caleb Rd driveway.

TEWKSBURY PLANNING BOARD MINUTES
October 17, 2022

Mr. Fowler stated he liked what they are doing with the fence and really securing the property.

Mr. Johnson stated he has no issue, the only thing he's going to ask they add as a condition is that they keep and maintain the fence in perpetuity but more specifically the slats. Mr. Amenta stated the technology has changed a lot on those inserts, so they tend to be made better and stay better now.

Mr. Johnson opened the hearing to the audience.

Frank Colantonio, Tewksbury Florist & Greenery – Mr. Colantonio asked what was happening with the existing fence. Mr. Amenta stated that his understanding is during the renovation the fence would be coming down. Mr. Johnson clarified there will not be 2 fences, Mr. Amenta confirmed that was correct. Mr. Colantonio stated part of the fence belongs to his property and the previous company just added the barbed wire on top of his fence, he wants to make sure they are not removing the fence on his property line. Mr. Amenta stated his understanding is that Wamesit is taking down the fence on his property, they should be touching the greenery fence.

Donnie McLaren, Wamesit Lanes – Mr. McLaren clarified that once Univar has installed their fence he will be taking down the section of fence directly related to the parking they have planned, the fence that is against the Colantonio's will remain there and not be removed.

Mr. Fowler confirmed what Mr. McLaren stated lines up with the applicant's plan. Mr. Amenta stated that he was all set.

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 Special Permit for 400 Main Street with conditions it be maintained. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

(E) 663 Main Street – Sign Effects on behalf of Extrails LLC – Sign Special Permit

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

Heather Dudko & Ron McNulty appeared for the Sign Special Permit for 663 Main Street. Ms. Dudko stated they are proposing the removal of an existing manual reader board on the existing sign structure and replacement with a digital reader board. They have refaced the top of the sign to Ronnie's Car Care Center but in order to update to a digital board a special permit is required. They have proposed a full color board that can accommodate up to four lines of text & the cabinet will be installed in the existing freestanding sign, there will be no structural change to the sign at all.

Mr. Johnson asked if they were amenable to the emergency use when necessary if they are contacted for Amber Alerts and things like that, Mr. McNulty agreed.

Mr. Duffy asked the times they planned on leaving the sign on. Ms. Dudko stated the hours of operation are Monday-Friday 8-5 & Saturday 8-3 so nothing really outside those hours, maybe a few hours after. Mr. McNulty asked what the town would allow, Mr. Johnson stated it could not be on between 12AM -6AM unless the business is open at those times. Mr. Duffy stated he was fine with that restriction.

Mr. Fratalia stated he thinks he would want it on longer than they are open because people drive by & see the advertisements but keep it to reasonable hours, not overnight.

TEWKSBURY PLANNING BOARD MINUTES

October 17, 2022

Mr. Ciampa asked for clarity on what they applicants were requesting. Mr. Johnson stated that when they put this in, the board members at the time did not like the digital signs so they set at very high markers, but they put in the ability to authorize them if the Planning Board okayed it. Mr. Ciampa stated he thinks the sign fits the character of the site, it's a small site, it's a small sign, it doesn't have any issues with it.

Mr. Johnson stated that he looks at what its replacing and to him those hand done signs just don't look good anymore, the new signs look clean as long as they are maintained and kept at a high grade. Mr. Johnson stated they approved one of these & made the mistake of not making it a condition that it be a high-grade well-maintained sign, meaning the visual is maintained at a high level and it does not become a low grade, blurry, pixeled out sign. The applicant stated they understood the expectations of maintaining the sign.

Mr. Duffy asked if their sign required and electrical permit. Mr. McNulty stated it will be done when the electrician goes to install the sign.

Mr. Johnson informed the applicants that the address needs to be put on the sign, Ms. Dudko said okay, and asked about placement preferences. Mr. Fratalia stated they could put it on the support bar. Mr. Johnson said whatever looks good, Ms. Dudko stated they could do that with the reflective lettering, Mr. Johnson added it would need to be on both sides.

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

MOTION – Mr. Duffy made a motion to accept requested waivers from section 6.2.7.C4A, C4B & C4H. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

MOTION – Mr. Ciampa made a motion to approve the Sign Special Permit for 663 Main Street with conditions discussed. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(F) 434 Main Street – Wamesit Lanes, LLC – Site Plan Review (continued from 9/26/22)

Applicant requested continuation to 10/31/22

MOTION – Mr. Fratalia made a motion to continue the Site Plan Review to October 31, 2022, at 7:00 PM. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

Old Business

New Business

Mr. Fowler discussed the 4 sites for marijuana dispensaries.

Correspondence

Mr. Johnson stated there were 4 notices for preliminary meetings for dispensaries being held as part of the requirement. The 4 addresses are 2122 Main St, 2212 Main St, 890 East St. & 2504 Main St. Members are free to go to any of these and gather any information they want to convey to the board.

Adjournment

MOTION – Mr. Duffy made a motion to adjourn the meeting at 8:19 P.M. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

Approved on: November 28, 2022

TEWKSBURY PLANNING BOARD MINUTES
October 17, 2022

List of Documents for the 10.17.22 Meeting

Documents can be found in the Community Development Office

- 7:00 p.m. Call meeting to order
- A. 7:00 Approval of Minutes:
- **No documents submitted**
- B. 7:00 Committee Reports/Administrative Actions
- 1- Committee Reports
 - 2- Town Planner's Report
- **Memo from Alexandra Lowder dated 10/14/2022**
- C. 7:00 662 Clark Road – Uladzislau Bortnouski on behalf of Aram Arakelian: Special Permit
- **Application packet dated 9/13/2022**
 - **Memo from Alexandra Lowder dated 10/13/2022**
- D. 7:05 400 Main Street – Univar Solutions c/o Michael Amenta: Special Permit
- **Application packet dated 9/8/2022**
 - **Memo from Alexandra Lowder dated 10/13/2022**
- E. 7:10 663 Main Street – Sign Effects on behalf of Extrails LLC: Sign Special Permit
- **Application packet dated 9/14/2022**
 - **Memo from Alexandra Lowder dated 10/13/2022**
- F. 7:15 434 Main Street – Wamesit Lanes, LLC: Site Plan Review (*continued from 9/26/22*) – **applicant requested continuation to 10/31/22**
- **No documents submitted**

Old Business

New Business

Correspondence

Adjournment