

**Call to Order:**

The meeting was called to order at 7:40 p.m. Present were Chairman Zach Bergeron, members Vincent Chiozzi (arrived at 8:05 p.m.), Jay Doherty, Joan Duff, Ann Knowles, and Associate Member Steven Pouliot; also present were Lisa Schwarz, Senior Planner and Jacki Byerley, Planner.

**Park Master Plan:**

Mr. Bergeron opened the continued discussion on the Park Master Plan. Ms. Schwarz stated that further changes have been made to the document based on clarification requested at the last meeting. Ms. Duff noted that it is a quality document incorporating a lot of public input from many public meetings.

Susan Lindholm of 44 Chestnut Street stated that fifty people are not a lot of people for the process. She stated that her father, Edward Lindholm has complaints about abutter notification. The trees, which are the heart and center of the Park, have been a major concern of hers throughout this process, and Marc Fournier's suggested arboretum should be made part of the plan. Ms. Schwarz stated that she has spoken with Mr. Fournier and his idea of an arboretum is the labeling of trees. She added that there is a component in the plan where Plant and Facilities and the Superintendent of Parks and Grounds would move forward with a long term plan for trees including maintenance. Ms. Lindholm stated that before a sidewalk is put in and bushes are moved, she would like someone to speak with the police department as to why they previously removed shrubbery from around the perimeter of the Park. She felt that it was so that the police could see into the Park better at night to prevent any criminal activity.

Mike Burke, Director of Veteran's Services for the Town, thanked Ms. Schwarz and the Planning Board for the ability of the Veteran's Office and the veterans to be present throughout the process. He noted that the Park recognizes 85 individuals who died in service to our country in the 20<sup>th</sup> century memorials. He thanked the Board for letting them speak and for easing their concerns by assuring them that the playground would be located in the Playstead, and that the veterans will have the ability to provide input on anything put in the Park in the future through the Patriotic Holiday Committee or the Veteran's Office.

On a motion by Ms. Duff seconded by Ms. Knowles the Board closed the discussion on the Park, Playstead and Municipal Complex Plan and adopted the Plan as drafted. **Vote:** Unanimous (5-0).

**139-143 Elm Street and 26 Pine Street Special Permit for Elderly Housing:**

Mr. Bergeron opened the continued public hearing for 139-143 Elm Street and 26 Pine Street, a Special Permit for Elderly Housing.

On a motion by Ms. Duff seconded by Mr. Pouliot the Board moved to continue the public hearing on the Special Permit for Elderly Housing for 139-143 Elm Street and 26 Pine Street without discussion to June 9, 2015 at 8:30 p.m. in the 3<sup>rd</sup> Floor Selectmen's Conference Room of the Town Office Building. **Vote:** Unanimous (5-0).

**Other Business:**

Ms. Byerley informed the Board that staff has pulled together a short list for further examination for Town Meeting 2016. The items identified include the Cluster zoning section of the Bylaw, Shawsheen Village, Restaurant definitions, the Earth Movement Special Permit and the Elderly Housing section of the Bylaw. She asked the Board to inform staff if they had any other items to add to the list before initial discussions begin. Ms. Duff asked if the Elderly Housing Bylaw included the definition of congregate housing. Ms. Byerley stated that it falls under the umbrella of elderly housing and all of the definitions could be touched upon. Ms. Knowles asked if they will be revisiting accessory dwellings. Ms. Byerley stated that she would add that to the list.

The Board discussed Shawsheen Village and how they could move forward with allowing smaller lots in new developments to better fit into the established Shawsheen neighborhoods. Ms. Knowles asked what was being contemplated as revisions to the Earth Movement Special Permit. Ms. Byerley stated that she would like to get the Board's input on incorporating it into the Subdivision Rules and Regulations in certain circumstances. Mr. Pouliot asked if the Board will be looking into the allowed districts for elderly housing. Ms. Schwarz stated that they would take a comprehensive look at every part of the Elderly Housing Bylaw.

Heather Lauten of 243 Lowell Street stated that the Board took a vote on her private warrant article on April 28<sup>th</sup> to take no action her article and the two articles that Mr. Bernardin proposed. She asked if a subsequent vote was taken to change that decision prior to Town Meeting, and if so, when and why that occurred. Ms. Byerley stated that the Planning Board held a posted a meeting on the day of Town Meeting. The Board had voted to take no action on Mr. Bernardin's articles because Mr. Bernardin informed the Board that he would be withdrawing the articles. Planning staff was informed on the day of Town Meeting that Mr. Bernardin would not be withdrawing his articles so they chose to take a vote on the day of Town Meeting. Ms. Lauten noted that the meeting place was identified as the stage area but she did not see a vote take place. Ms. Byerley stated that the vote took place approximately ten minutes before Town Meeting started. She suggested that if Ms. Lauten had questions about the process, she should call staff during office hours. Ms. Lauten questioned how a vote could have been retaken. Ms. Byerley noted that the hearings on the articles were not closed, so the Board could take another vote at a properly posted meeting.

Mr. Bergeron asked Ms. Lauten if she was questioning why her article was revoked on when the new information was received about Mr. Bernardin's articles. Ms. Lauten stated that she felt it was a reasonable question. Mr. Bergeron suggested that she contact the Planning office for more information on the process. Mr. Pouliot stated that he would also like to know the process and he cannot connect with the office during the day. Ms. Duff noted that it is not an uncommon practice to take no action on an article and make a final decision on the day of Town Meeting. She added that it would be better for Mr. Materazzo to explain the process. Ms. Knowles added that other Town boards make decisions on article immediately before Town Meeting as well. Mr. Bergeron agreed that Mr. Materazzo should outline the process for the Board and Ms. Lauten on that Town Meeting article.

Mr. Bergeron asked if there would be anything with the passage of the Historic Mill District that needs to be considered by the Board. Ms. Knowles noted that there are design guidelines that are

required for the process and Mr. Materazzo is looking for Board members to help write the guidelines. Mr. Bergeron asked if those guidelines would be presented to the Board and Ms. Schwarz and Ms. Byerley stated that they would. Mr. Bergeron asked if they would have to go before Town Meeting and Ms. Schwarz stated that they would not because they are referenced in the original article. Ms. Byerley stated that she would be working on revisions to the Subdivision Rules and Regulations and requested that the Board pass on any suggestions to her.

At 8:10 p.m. on a motion by Ms. Knowles seconded by Mr. Doherty the Board moved to adjourn until 8:45 p.m. **Vote:** Unanimous (6-0).

It should be noted that at 8:10 p.m. Ms. Duff left the meeting and did not return.

The meeting was reconvened at 8:45 p.m. Present were Chairman Zach Bergeron, members Vincent Chiozzi, Jay Doherty, Ann Knowles, and Associate Member Steven Pouliot; also present was Jacki Byerley, Planner.

#### **254 Lowell Street Preliminary Subdivision Plan:**

Mr. Bergeron opened the public meeting on 254 Lowell Street, a Preliminary Subdivision Plan.

Bill MacLeod of Andover Consultants an engineer representing the applicant described the site as the 9.25 acre former Strawberry Hill Farm. The land would be subdivided into 3 lots with a single cul de sac. The lots exceed the zoning requirements in both area and frontage. All lots would be connected to Town sewer and water. There are no wetlands on the site, but there will be a stormwater detention facility on the site to comply with the Town's Stormwater Bylaw. He noted that the definitive subdivision may be proposed as a minor street which would only require one water service up the road to the middle dwelling, with the two lots on Lowell Street directly connecting to the service in Lowell Street. A full street would require a water loop, and they are checking into an existing offsite easement.

Ms. Byerley asked Mr. MacLeod if he would be proposing a minor street or a local street. Mr. MacLeod stated that they would look into it more as they developed a definitive plan. Ms. Byerley noted that their decision on the street will determine if they need to do a water main loop and have a separate detention basin or low impact design on individual lots. Ms. Byerley informed the Board that with a local street, a sidewalk is not required, and the right of way would have to be 40 ft, but the pavement can be reduced to anywhere between 18 ft and 26 ft. She noted that an IDR was held on May 14<sup>th</sup> and a lot of the comments were about the water main looping required of a minor street. The Health Department noted that they would like the farm ditch running through the property to be eliminated. The Fire Department wants a hydrant located between lots 1 and 2. Ms. Byerley stated that the applicant may have to file with the Conservation Commission when they move forward with the definitive plan for the roadway and the detention basin dependent on the location of wetlands across the street. The Planning Department noted that the ditch will need to be eliminated, the water main looped, a sidewalk will need to be constructed or a waiver will need to be requested, an easement will be needed for the water main. Ms. Byerley noted that she would like more information on an existing easement that goes to Wild Rose Drive. Mr. MacLeod pointed out the off-site easement to Wild

Rose Drive on the plan and stated that they would be investigating it more to see if it can be used to enhance the development.

Mr. Bergeron asked Mr. MacLeod what will determine if they come in for a local street or a minor street. Mr. MacLeod stated that it would be determined with his client. Ms. Byerley noted that another distinction is that a minor street can be accepted as a public way, but a local street would remain private in perpetuity.

Mr. Pouliot asked what the next steps are after the Board makes a decision on this preliminary plan. Ms. Byerley stated that the decision would be stamped in at the Town Clerk's Office and the applicant would decide if they would like to file for a definitive plan. Mr. Bergeron asked how long the applicant has to file for a definitive plan after the vote on the preliminary plan. Ms. Byerley noted that this preliminary plan is valid for seven months from the date of action by the Board, but the applicant can apply at any time in the future for a definitive plan. Ms. Byerley added that the information provided meets the preliminary content however the Board does not have enough information, particular about the street designation at this time. She recommended that the Board deny the preliminary plan.

Mr. Pouliot asked if this plan is denied, can the applicant or someone else apply with a different plan at the same location. Ms. Byerley stated regardless of the Board's decision on this preliminary plan, something else can be proposed for this land. Mr. Pouliot asked if anyone else could propose a project for this land. Ms. Byerley stated that only those who own the land or have rights in the land can propose a project for it.

John Boness of 4 Robinswood Way asked if there was any relationship between this preliminary plan and another application that had been before the Board for this parcel. Mr. Bergeron stated that the only thing that is the same between the two applications is the applicant.

Steve Hoar of 6 Wild Rose Drive asked if the easement could be pointed out on the plan. He asked if this is for a residential subdivision. Ms. Byerley stated that it is in a residential zone, so it would have to be a residential use. He asked if the applicant was the same as the congregate living facility and Ms. Byerley stated that it was. Mr. MacLeod pointed out the easement on the plan and stated that it is between the Perry dwelling and the Wennik dwelling. Mr. Bergeron asked if the easement was pre-existing and Mr. MacLeod stated that it shows on the subdivision plan, but it needs to be further researched as to who it benefits.

Maureen Weisner of 6 Cricket Circle stated that she is confused because another project for senior housing was proposed for this land, but that is now off the table. She is confused as to why there is a new proposition for the land. Ms. Byerley stated that the prior project is not off the table. The Board is acting now on an application filed for this land by those who have rights in it. Ms. Weisner stated that she is confused because they have previously discussed two facilities for this land and the compelling need for them. Mr. Bergeron stated that the owners or those with rights in the land can propose any number of projects for that land so long as it meets the zoning. Ms. Weisner asked if this process could continue indefinitely with different projects. Mr. Bergeron stated that so long as an applicant has rights in the land, they can make as many

proposals as they want. Ms. Weisner asked if each time it would come to the Planning Board. Mr. Bergeron stated that potentially it would.

John Boness of 4 Robinswood Way stated that there are wetlands between this lot and the Baptist Church. He asked if the Conservation Commission has to review this. Ms. Byerley stated that the Conservation Commission does not have to be involved in a preliminary subdivision plan, but if a definitive subdivision plan is filed, Conservation would then determine the distance between any wetlands and proposed work. They do not have to file with Conservation if the wetlands are far enough away from proposed work.

On a motion by Mr. Chiozzi seconded by Mr. Doherty the Board disapproved the preliminary subdivision plan entitled "Loosigian Circle" located at 254 Lowell Street for failure to meet the design standards of the Subdivision Rules and Regulations. **Vote:** Unanimous (5-0).

**Adjournment:** The meeting was adjourned at 9:10 p.m.