

**Call to Order:**

The meeting was called to order at 7:30 p.m. Present were Chairman Zach Bergeron, members Vincent Chiozzi, Jay Doherty, Joan Duff and Ann Knowles; also present was Paul Materazzo, Director of Planning.

**Planning Session:****Council on Aging Draft Overlay:**

Mr. Materazzo informed the Board that the Council on Aging is uncertain of the direction they will be moving in after having their first public meeting a few weeks back, and they are not ready to report back to the Board at this time. Their goal is to create an overlay district in portions of downtown to help facilitate smaller lot zoning targeted for the aging population. Once they are ready, they will be put on an agenda to report back to the Board. Mr. Bergeron questioned if this overlay district is feasible. Ms. Duff noted that there are other opportunities besides 1 floor ranches, such as conversions. Mr. Materazzo stated that not a lot of land is available in the downtown area and the COA is currently reviewing datasets with staff.

**Earth Movement Special Permit:**

Mr. Materazzo asked the Board if they are comfortable moving forward with an article to roll the special permit criteria into the regular application process for all development projects. Section 6.3 of the Zoning Bylaw would govern how the Board would facilitate reviewing the criteria for earth movement operations.

Ms. Knowles stated that at a recent MVPC training on Site Plan Review, there was a discussion on requirements for clean fill only to be brought onto sites. She asked if this should be added to the Town's earth movement regulations. Mr. Bergeron questioned who in the Town would be able to certify that the fill was clean. Ms. Knowles stated that it would have to be the Inspector of Buildings, and Mr. Materazzo offered that it may be the Construction Inspector. Mr. Bergeron asked how remediation was currently handled. Mr. Chiozzi stated that Chapter 21E governs the process through MassDEP, and it is not something that the Planning Board would address. Mr. Materazzo added that the Board of Health has the paperwork for all remediated sites. Mr. Chiozzi questioned how the Board could ever deny a Special Permit for Earth Movement for a site remediation. Mr. Materazzo stated that he would pass along the comment about clean fill to Ms. Byerley.

Ms. Knowles noted that the applicant for the recent project worked with the contours of the land. She wants to ensure that if the Bylaw changes, there will still be a mechanism to not allow excessive cuts or fills. She questioned if a review would allow for a denial if too much earth movement takes place, and who would advise the Board on that. She asked if this change is modeled after another Town's Bylaw so that it doesn't become too permissive. Mr. Bergeron agreed that with the special permit criteria, the applicant has to work with the topography or answer to the Board as to why they cannot, and he questioned if the Board would still be allowed to do that. Mr. Chiozzi noted that there are already slope disturbing limitations such as the special permit for the disturbance of a slope greater than 35%. Mr. Materazzo added that Section 6.3.2.1 states that a review by the Planning Board is required and "cuts and fills associated with the construction of such streets shall be balanced to minimize." This allows the Board to

Earth Movement Special Permit (cont'd):

challenge an applicant to comply and not have excessive cuts. The Board can also deny an application for not making the best use of the topography. Ms. Knowles noted that she does not want to preclude that. Mr. Bergeron offered that the Board may want to entertain bringing in a third party for guidance on what may be excessive for individual applications.

Mr. Materazzo stated that it may be useful to beef up the Subdivision Rules and Regulations and the criteria for commercial projects on items like clean fill. Ms. Knowles stated that she wants guidance because she is not comfortable with knowing what would be excessive and what would trigger it. Ms. Duff stated that it may be better articulated of what the Board should take into account. Mr. Materazzo suggested keeping parts of Section 6.3.3 and consolidating a number of sections where it will be applicable.

Shawsheen Working Group Update:

Mr. Materazzo introduced John Nies, Sean Higgins and Chris Meech, residents and members of the Shawsheen working group. He noted that at Town Meeting 2015, the Town voted to rezone an area off of Fleming Avenue from IA to SRA. Leading up to Town Meeting the Board had inquired if SRA zoning was appropriate, or if smaller lots consistent with the existing neighborhood should be explored.

Sean Higgins of 20 Liberty Street stated that the neighborhood is a tight knit community that wants to be included in the discussion on this parcel. He showed all of the potential uses allowed in the SRA district and noted that there is a major concern about access to this potential development. Currently it is difficult to access Fleming Avenue off of Haverhill Street. An alternative may be to access the development off of Sutherland Street and there are major concerns about safety. Mr. Higgins stated that they would like to limit allowable uses to only detached single family dwellings to match the fabric of the neighborhood. To do this a new zoning district would have to be created. A majority of the homes in the neighborhood do not meet current SRA guidelines because of the age of the neighborhood. He noted that there has been a discussion on allowing smaller lots, but there is not a consensus. In a walkthrough of the neighborhood everyone seemed concerned about a new development with huge houses not in character with the existing homes such as what happened on Cassimere Street. If the neighborhood decides to move on this, they would like something ready for Town Meeting next year. They don't want someone from the outside deciding what the neighborhood wants.

Mr. Materazzo noted that he and Ms. Knowles had discussed with the group what tools can be used to try to mimic the existing neighborhood. He showed a map comparing what the preexisting non-conforming lots in the neighborhood look like and the SRA conforming lots. He noted that drainage, traffic and sidewalks would be part of any development review. Mr. Higgins stated that they envision the new zoning district to encompass the area from the railroad bridge to Doctor's Park.

Paul Therkelsen of 11 Carlisle Street asked for clarification on what has been approved and what is trying to be done. Mr. Materazzo stated that there is no project or application currently before the Board. In May 2015 the land was rezoned from Industrial to SRA. At that time the Board questioned if a different development pattern was appropriate to mimic the existing

Shawsheen Working Group Update (cont'd):

neighborhood. Mr. Therkelsen asked for clarification on the use chart that was shown. Mr. Higgins explained that there are uses other than single family homes that are allowed in the SRA district. A question for the neighborhood is if it would be a good idea at a minimum to create a zoning district allowing only single family homes.

John Nies of 27 Sutherland Street added that they would like to get the opinion of the neighborhood on changing setbacks and reducing lot sizes. Mr. Higgins added that most of the houses are old and do not meet current standards, so to put an addition on your house you have to go through a long process.

Mr. Materazzo showed a mockup plan prepared by Brickstone Properties of what a conventional subdivision on that parcel may look like. Ms. Duff asked if the setbacks and frontages on the lots were consistent with the neighborhood, and Mr. Higgins stated that they were consistent. Mr. Materazzo reminded the Board and the audience that the lot sizes would be the minimum. He added that the zoning is already in place if you want to see less homes. Mr. Chiozzi asked if the consensus is that access would be only from Fleming and the audience stated that they were not in agreement on access.

Mr. Bergeron noted that someone can come in today and develop this land. This group is being proactive to get ahead of the game and decide what they want in their neighborhood. The key now is to come up with agreed on specifics. Ms. Knowles stated that she likes any attempt to keep the traditions of a neighborhood going. This was one of the first planned neighborhoods in the United States and it may be good to change the setbacks and side yards to allow more houses like from that era to be built. Mr. Bergeron noted that the Council on Aging has a desire for more manageable houses and yard sizes in Town. This is also very appealing to young families, but the drawback is that more houses equals more cars. Mr. Chiozzi noted that there are some topographical challenges to the land. The Board discussed the number of lots that could feasibly go on the parcel.

Chris Meech of 18 Fleming Avenue stated that the neighborhood was built in 1920, and any homes built now, no matter the style will be new. The piece of land is landlocked and he feels that the best outcome is to have a minimal amount of homes put in. Traffic will be a problem in the neighborhood and down at the light no matter what, but the most important thing is to minimize.

Mr. Bergeron asked if design guidelines could be part of this. Mr. Materazzo stated any design guidelines would be put on all homes including existing. Mr. Bergeron noted that any change to a neighborhood is difficult, and encouraged the neighborhood to consider this as an opportunity to get out ahead of what may go there.

Mr. Chiozzi asked why traffic they think traffic is a problem as a 10 lot subdivision would produce 4-5 extra cars at the peak hour. Mr. Materazzo noted that Fleming Avenue is steep and has an awkward curve at the intersection of Haverhill Street. Ms. Knowles added that the roadway is narrow and has an acute turn. Mr. Chiozzi asked if the intersection could be redesigned, but Mr. Doherty noted that there is a building in the way of a redesign.

Shawsheen Working Group Update (cont'd):

Ren Martin of 7 Dumbarton Street noted that there is a tight window for next year's Town Meeting. Mr. Materazzo stated that the warrant closes on January 29<sup>th</sup>. After this meeting they can start to look at numbers and come back to the Board. Mr. Martin asked if it was conceivable to write an article to change the zoning to allow only single family homes, and Mr. Materazzo stated that it was. John Nies noted that the biggest issue on the table is what the neighborhood would like to allow for uses. Mr. Materazzo informed the audience that there are uses allowed by right in in this district by Massachusetts General Laws such as child care facilities, educational and religious uses.

Mr. Bergeron asked Mr. Materazzo what the next steps would be. Mr. Materazzo stated that the working group will take the feedback received tonight under advisement and will come back to the Board with a consensus. Mr. Bergeron encouraged the working group to open up to a larger group of people from the neighborhood.

**Adjournment:** The meeting was adjourned at 8:36 p.m.