

Call to Order:

The meeting was called to order at 7:30 p.m. in the 3rd Floor of the Town Offices. Present were Chairman Zach Bergeron, Members Vinnie Chiozzi, Jay Doherty, Joan Duff, Ann Knowles and Associate Member Austin Simko; also present was Jacki Byerley, Town Planner.

254 Lowell Street:

Mr. Bergeron opened the continued public hearing for 254 Lowell Street, a Definitive Subdivision Plan and a Special Permit for Earth Movement.

Ms. Byerley informed the Board that the applicant had previously submitted an extension of time to the Board until the end of April. The applicant has since submitted an extension until August 31, 2016. The applicant requests that the Board continue the hearings without discussion until the Board's last meeting in August. Ms. Byerley suggested that the Board grant the extension of time to August 31st and continue the hearing to the Board's meeting on August 9th. The Board discussed the process of granting extensions and if they preferred for the applicant to come back to the Board before August.

Heather Lauten of 243 Lowell Street questioned the extensions. She noted that the Board generally grants extensions for work to be performed or questions to be answered. She could not locate a similar situation where long extensions were granted without any work being done or produced. She added that the Board generally continues meetings for only 1-2 meetings, but she could not find another instance of four months based on no work. She questioned what the Board's reasoning is for granting such a long extension.

Mr. Bergeron questioned what the Board is giving the applicant an extension of time to do. Ms. Byerley advised the Board to grant the extension of time to August 31st because it would give the Board the time that they need to make a decision. If the Board does not have enough time to make a decision, the project could be constructively approved with no conditions attached to it. She also stated that there may be the potential of needing more extensions from the applicant past August 31st for the applicant to make changes requested by the Board. The Board discussed when the item should next be put on their agenda and agreed on the date of May 24th. Ms. Duff noted that this would be an opportunity for the applicant to give the Board an update on the project.

On a motion by Ms. Duff seconded by Mr. Chiozzi the Board extended the extension to 254 Lowell Street until August 31st. **Vote:** Unanimous (6-0).

On a motion by Ms. Duff seconded by Mr. Doherty the Board moved to continue the hearings on the Definitive Subdivision Plan and a Special Permit for Earth Movement for 254 Lowell Street to May 24th at 7:30 p.m. **Vote:** Unanimous (6-0).

Town Meeting Warrant Articles:

Ms. Byerley asked the Board to take note of Paul Materazzo's memo dated April 7th. She informed the Board that unless they would like more information, Mr. Materazzo recommends that they vote to take No Action on the noted warrant articles.

Town Meeting Warrant Articles (cont'd):

On a motion by Ms. Knowles seconded by Mr. Doherty the Board took No Action on Article Number 5 Fiscal Year 2017 Capital Projects Fund Appropriation. **Vote:** Unanimous (5-0).

On a motion by Mr. Doherty seconded by Mr. Chiozzi the Board took No Action on Warrant Articles 21, 24, 25 and 43. **Vote:** Unanimous (5-0).

On a motion by Ms. Duff seconded by Mr. Doherty the Board took No Action on Town Meeting Warrant Article 41 Water Main Replacement Project. **Vote:** Unanimous (5-0).

The Board discussed Article 56, Tewksbury Street Sidewalks. Ms. Byerley showed the Board the Tewksbury Street area on a map provided to them. She noted that it is a private article to install a sidewalk for the length of Tewksbury Street to connect to an existing sidewalk on Andover Street. Ms. Byerley stated that the Board normally encourages sidewalk connections to through streets, and this street goes through Ballardvale to the train station. She recommended that the Board recommend favorable action on the sidewalk, but take no action on the financial part of the article as it is not in their purview.

Ms. Knowles stated that she feels the Board needs to begin to rationalize the process of sidewalks and work with DPW to create a prioritization plan. Ms. Byerley stated that the DPW has a sidewalk plan which calls for sidewalks within a 1 mile radius of any school. Ms. Knowles stated that in general if the Town wants to encourage walking and using the Historic District, we need to think more broadly about sidewalks.

Mr. Simko asked where the money for the sidewalk would come from for this private article. Ms. Byerley stated that she did not have that information, but the Selectmen were scheduling a meeting regarding Private Warrant Article funding should any of them pass. Mr. Simko stated that it is hard to divorce the Board's recommendation that there should be sidewalks from the financial impact. By the Board saying we need sidewalks we are creating an impetus for spending the money. Mr. Chiozzi noted that it would be better if the Board's decision was tied to a policy. Mr. Bergeron questioned if the Board had enough working knowledge of this area of Town to have an opinion. Ms. Knowles stated that this area is one of the Town's villages and in her opinion, the villages should have sidewalks. She would like to rationalize the process so that the Board can take an educated position on private articles in the future. She added that this is a type of study that wouldn't take a lot of funding. Ms. Byerley stated that she could not comment on the amount of funding necessary because you would have to take an inventory of streets, the width of the streets and research into easements. Mr. Chiozzi felt that the priority of within a 1 mile radius of a school makes sense, and he would like to stay consistent with Town policy.

Mr. Doherty noted that Tewksbury Street is a dark speedway and a very developed road. Mr. Chiozzi offered that maybe it makes sense to start to prioritize sidewalks within a half mile of the train stations. Ms. Knowles stated that it makes sense to her to have sidewalks here because it is one of the villages and it is near the train station. She added that ultimately the Board needs to work with DPW to make this a rationalized process.

Town Meeting Warrant Articles (cont'd):

The Board discussed the length of the sidewalk as it was not written in the article. Mr. Chiozzi asked if there is enough right of way and Ms. Byerley stated that she did not believe that any measurements had been taken by Town staff. She added that the Board could continue this to their next meeting and ask the proponent to come in and answer the Board's questions.

Mr. Bergeron stated that he does not want to penalize the proponent because it doesn't fall within the school range and the Board does not have a formal policy about distances from a transit system. However, the Board needs to think about a policy. Ms. Duff pointed out that the Ballardvale Playground is also in this area. Mr. Bergeron stated that the Board needs to know where they will draw a line because any number of these private articles could come up in the future for sidewalks. Mr. Simko reiterated that he wants to know the source of funding. He felt that he needs to know if something would get cut from the regular budget in order to fund the sidewalks, or if taxes would be raised before he can make a recommendations. He felt that in issuing a favorable recommendation the Board is saying that this sidewalk should be constructed no matter the cost. The Board should consider what the precedent is, if this is a slippery slope and what will happen if next year the Board has 10 private sidewalk articles before them. The Board should also consider that in the future there could be multiple private warrant articles that fit the criteria of being within a mile of a school.

Mr. Chiozzi noted that this is about 4,000 – 5,000 feet of sidewalk. He asked the Board if they had 4,000 – 5,000 feet of sidewalk to place anywhere in Town, would this be where they would put it. Ms. Knowles noted that this is also a new sidewalk and there are existing sidewalks in Town that need maintenance.

The Board requested more information on the dimensional feasibility, the source of funding, DPW's opinion on private articles for sidewalks and if the estimate is based on bituminous pavement or concrete. They would also like to see DPW's five year sidewalk plan.

Adjournment: The meeting was adjourned at 8:17 p.m.