



**Planning Board
Meeting Minutes of February 22, 2022**

Board Members:

Present: Casey Campetti, Chuck Walkovich, Joyce Morrow, David Ganong, Al Patenaude

Not Present:

Staff: Jenny Gingras, Cheryl Lutzka

Attendees: Pepperell Community Media, "MP", David Lebwith, Ken Lania, Deb Fountain, Paula Terrasi, Michael Dugan, Chris Dunlay, Roy Philbrick, Renee D'Argento, Ken Kalinowski, Lauren W, George Gallagher, Stephen Rodman, Peter Montesanti, Tony Beattie

1. Call To Order:

7:00P.M. The remote public meeting (recorded for future broadcast by Pepperell Community Media) was called to order by Mx. Campetti.

2. Acceptance of Minutes:

- a. February 7, 2022: Mx. Campetti asked for a motion to accept the minutes of February 7, 2022. Mr. Ganong made a motion to accept the February 7, 2022, meeting minutes as written, seconded by Ms. Morrow. All in favor.

Mx. Campetti asked if there were any Staff Updates (taken out of order)

- Ms. Gingras said that she had heard back on four projects that she submitted and three were eligible and one was not eligible:
 - Update of the Town of Pepperell Zoning By-law (eligible)
 - A Parking Management Study (eligible)
 - Implementing a way-finding system within the District (eligible)
 - Developing a Marketing and Planning Program for the District (not eligible)

Discussion ensued on above.

3. 7:05P.M. – Public Hearing on Special Permit Application (SP-2022-01): 110 South Road (Robinson Hollow, LLC) Requesting to Allow a Sign:

Mx. Campetti opened the public hearing at 7:06p.m.

Ms. Morrow read the Notice of Public Hearing into the record.

Mx. Campetti gave an overview of the requested relief, a temporary real estate sign. The size of the sign is larger than what is allowed by right.

George Gallagher, Habitat Communities and Robinson Hollow, LLC, addressed the Board and provided an overview of the application as follows:

- They are in the process of developing the road and would like to put up a marketing sign, which will come down when the lots are all sold. The sign will not be illuminated. He has reached out to MA DOT regarding moving the sign out of the right-of-way.
- A screen share of the sign and application were shown, and Mr. Gallagher provided an explanation stating that it makes sense to move the sign to the other side of the road and remove it from the town-owned property.
- They do a typical sign (shows image), that is professional sold and will be removed once all the homes have been sold. The homes are not officially on the market yet, but there is a lot of interest in the development.

Ms. Gingras said that the only official comments were from Paula Terrasi, Conservation Administrator. Ms. Terrasi addressed the Board and said that this isn't a conservation issue, but more of a DPW issue, because it is on Route 119, which is a state highway. The Town land is on both sides of the roadway of the access to Robinson Hollow and she requested that Mr. Gallagher make sure that MA DOT is okay with that. Mr. Gallagher said he had reached out to MA DOT and is waiting for an answer as to whether a permit will be required.

Mx. Campetti asked if the Board Members had any questions:

Ms. Morrow said that this is straightforward and temporary for the sale of the homes, and she did not have any issues or questions.

Mr. Patenaude, Mr. Walkovich and Mr. Ganong did not have any questions.

Mx. Campetti asked what the total height of the sign/post would be. Mr. Gallagher responded and said that the post is probably six feet. The sign is 36 inches from the ground to the sign, so seven feet overall.

Mx. Campetti asked if the sign was moved to the other side of the road, how far back from the road would it need to be to stay out of the right-of-way. Mr. Gallagher said it would go somewhere between the parking area and the right-of-way.

Ms. Gingras read her staff analysis relative to this application/hearing.

Mx. Campetti asked if there were any public comments. None.

Mx. Campetti asked Ms. Gingras if the Board needed to address any waivers. Ms. Gingras said no.

Ms. Morrow asked if the sign was illuminated. Mr. Gallagher said the sign is not illuminated.

Mx. Campetti asked if the Board had all of the information, they need to have a discussion. Mr. Walkovich said the conditions outlined by Ms. Gingras are appropriate. Ms. Morrow, Mr. Patenaude and Mr. Ganong concurred. Mx. Campetti said the conditions were reasonable, however which side of the road the sign will be on is a little up in the air. She asked the Board Members how they wanted to deal with the location issue. Mr. Patenaude said as long as we identify they are within their property ownership, 10-feet back from their property line should be sufficient, so there shouldn't be any sight issues. Mx. Campetti agreed. Mx. Campetti suggested language be added that when the sign is removed after all the homes have been sold, that the Applicant restore the ground surface where the sign was located, all of the Board Members agreed with this. Discussion ensued.

Mx. Campetti asked for a motion to close the public hearing. So moved by Mr. Patenaude, seconded by Ms. Morrow. All in favor. None opposed.

Mx. Campetti asked for a motion to grant the Special Permit for erection of a temporary sign for Robinson Hollow at 110 South Road as per the Conditions written and discussed. So moved by Mr. Patenaude, seconded by Ms. Morrow.

Roll Call Vote taken as follows:

Ms. Morrow:	Aye
Mr. Walkovich:	Aye
Mr. Patenaude:	Aye
Mr. Ganong:	Aye
Mx. Campetti:	Aye

All in favor

4. Action Item:

- a. Minor Modification Determination for Special Permit SP-2020-002 – Common Driveway Chamberlain Way (Complete Home Improvement – Peter Montesanti) 1-4

Ms. Campetti explained this is an Action Item to determine whether a proposed change to the Site Plan is a minor or major change, which would put some other actions into motion. She further explained that this is not a public hearing, rather a simple Planning Board decision to be made on this. She said that the Board is pretty limited on the scope of making the call on whether this is major or minor.

Ms. Morrow said that based on the information she has seen, as well as a visit to the property, she is uncomfortable making a determination at this time, and would like to see the weather and site conditions more stabilized. She further explained that she would like to see a site visit with the Applicant and the Town Engineer. Mx. Campetti asked Ms. Morrow if this is based on completion of the Special Permit and the Bond, or if this is just for the plan change. Ms. Morrow said yes, as the ground is still frozen, and she is not comfortable with the overall changes to make a determination.

Mr. Patenaude asked if it would be appropriate to hear the comments from the Ken Kalinowski (Town Engineer), based on his review, as those are critical in determining if this is minor or major. Mx. Campetti agreed.

Mx. Campetti thanked Mr. Kalinowski for his written comments and photos and invited him to address the Board.

Mr. Kalinowski addressed the Board and said they visited the site today. He provided an overview of what was assessed at the property and photos taken at the site (via screen share). Mr. Kalinowski said he has questions on calculations and new-found surface water runoff, and if it was accounted for in the initial existing conditions. He would like to see a plan stamped by a certified engineer. Discussion ensued between Mr. Kalinowski and the Board Members regarding the plans shown on the screen share.

Mr. Patenaude said that he sees a big break between the break swale and the retention pond in the middle section of the plan. Discussion ensued. Mr. Kalinowski said there is water coming out of everywhere and it is frozen. Discussion ensued. Mr. Kalinowski explained to the Board what he sees in the plan shown on the screen what is different from what he saw on-site, and his concerns for now and the future. Mr. Kalinowski said that he did not know if the Fire Chief has been out to the site recently to see the overflow and freezing and if it would impact access for emergency vehicles. Mr. Kalinowski discussed contouring of swale and drainage concerns/issues. He further explained that this site tends to run wetter than drier, and could it cause safety concerns.

Mr. Patenaude asked about the small interceptor swale being able to catch everything above it. With the ground freezing and the heavy rains there is a lot trying to be intercepted by a frozen swale, and that is one of his biggest concerns. He said he is concerned with this being labeled as minor and that he feels a lot of things need to be clarified. Mr. Patenaude asked Ms. Gingras if the minor vs major determination would allow the Board to obtain additional information. Mx. Campetti agreed and said we have some known data gaps that we could ask to be put on a new plan, however, would this be enough to make a determination.

Mr. Ganong asked to share his screen with the photos showing the swale. He said that there was significant rain and flash freezing but this doesn't appear to be deep enough to consistently runoff the hill. If there is an ongoing excessive amount of water coming down, there is no real catch as to how it is going to flow. If there is an ongoing, large flow of water, there is a concern with maintaining this after the fact. There is some concern with overflow of water washing out and nothing to stop it from flowing. Mr. Kalinowski said they are not finished with one of the basins yet, so what you see there may not be the final design. Mr. Kalinowski said that if the upper swale ever let go, with erosion out there right now, it could breach, and this is something that we would not want to saddle the homeowners with.

Mr. Patenaude asked if it would be possible to ask the Applicant and Engineer to provide the information Mr. Kalinowski is suggesting before the Board makes a determination. Mx. Campetti said that is what she would personally feel most comfortable with and that the Board isn't asking for extra, this should be on any plan. She further said that the Board has to balance what they see on the ground and what they see on the plans and getting that extra information would be a good start for the Board. Discussion ensued.

Mx. Campetti said the suggestion on the table is the Board doesn't have all the information they need to have a robust conversation on whether this is minor or major. Ms. Morrow agreed. Mr. Walkovich agreed.

Mx. Campetti asked Mr. Lania if he had any thoughts on what it would take to provide the Board with all of the information. Mr. Lania addressed the Board and said he had no problem providing the Board with whatever they need to make a minor/major determination. He said that he has discussed with Mr. Kalinowski and would be happy to meet out on the site with whoever would like to do that. He said that the volume of the amount of day-lighted ground water is tough to estimate. There are definitely modifications that need to be done and many change that need to happen, but it doesn't stray us very far from the initial project. Ultimately, he will have no problem working with the Town and the Planning Board to get to where they need to be to make a decision on whether this is major or minor.

Mr. Lania explained that one of the items they are concerned with is the house that is constructed and ready to be occupied (lot 8), for which bond money was put up in good faith, and they were hoping to get some clarification on that to expedite that scenario. Mx. Campetti said the Board is not taking up bond question and nothing has changed since that hearing. We are dealing with a different issue tonight with the same project, the major and minor issues.

Mx. Campetti said that the Board's next meetings are on March 7, 2022 and March 21, 2022. She asked Mr. Lania if the requested items could get back to Board to allow for review time. Mr. Lania said they would be ready for the March 7, 2022 meeting. Mx. Campetti explained that the Board has a narrow scope here and need to stick to what's on the agenda. Mx. Campetti said that the Board would need to have the materials by February 28th. Mr. Lania said he would have them to the Board by the end of the day on February 28th.

Mx. Campetti asked for a motion to continue this matter. Mr. Patenaude made a motion to continue to March 7, 2022, seconded by Mr. Walkovich. All in favor. None opposed.

5. Reports/Correspondence/Discussion: *(Matters may arise that the Chair didn't reasonably anticipate)*

a. Stormwater Regulations Review:

Ms. Gingras said she is waiting on Town Counsel for comments and asked if the Board had any additional comments. None. Mx. Campetti asked if they could adopt the regulations once Town Counsel approves. Ms. Gingras said once she gets comments back from Town Counsel it would go onto an agenda for the Board to approve.

a. NMCOG Update/DLTA Funding Request:

Mr. Walkovich said NMCOG met last Wednesday. They are still in search of an Executive Director. It was a brief meeting. There was a letter sent out for awarding of the DLTA. 175 Hours in funding were awarded in total. Ms. Gingras said they awarded 175 hours of technical assistance for 40R Zoning Analysis (RR Square area and a little further out) to write a zoning by law (60 hours). The second project is to update the Planning Board Subdivision and Site Plan regulations (115 hours). Mr. Walkovich said that we get a lot of assistance from NMCOG for the money we pay in dues. Mx. Campetti discussed timeframes and said that having a clearer set of timeframes and how time would get broken up would provide a better understanding for the Board. Mr. Walkovich agreed. Ms. Morrow asked if NMCOG provides the Town a record of how much time is spent. Mr. Walkovich said they keep records, but not sure if they provide them to the Town. Ms. Morrow asked if we could request that. Discussion ensued.

b. Master Plan Implementation Team Update:

Mr. Walkovich said they have been meeting almost every Monday. Deb Fountain has sent out the request for status information and once we receive and compile it, he will give the Board an update. Goal is to present the status report to the Planning Board for review and approval so they can present it at Town Meeting.

c. MPIT Budget Request:

Mr. Walkovich said that any Department, Commission or Board that is looking for funding needs to get a request out. Reminders have been sent out to them.

d. Adaptive Reuse Overlay District Review:

Ms. Gingras said they received some feedback from the Fitz Collaborative, and she asked if the Board could review it and provide her with feedback. Ms. Morrow said she didn't have a problem with any of those. Mr. Walkovich said he was fine with it as well. Mx. Campetti said that she thought they were good additions. Ms. Gingras said they are not substantially different from what is in there. She wants to be clear with bylaw and types of additions they would allow. Mr. Patenaude said it would update the definitions to a 2022 standard of how businesses are being run. Ms. Gingras said these have been sent out to all Boards and Department. Discussion ensued regarding the timelines for the legal notices for both the AROD and the IZ. Ms. Gingras proposed having the first public hearings on these articles on April 4, 2022 (instead of March 21, 2022) and to publish both articles in the newspaper at the same time. Discussion ensued among the Board Members on this. Mr. Patenaude asked if the Board could meet earlier, at 6:00p.m., on April 4th, if possible. Mx. Campetti agreed with publishing the legal notices together and starting the April 4th meeting at 6:00p.m. Ms. Morrow agreed. Discussion ensued.

e. IZ Bylaw Review

Ms. Gingras said that there have been some proposed revisions and the Affordable Housing commission will be meeting on their revisions before the next Planning Board meeting on March 7th. and the Board can have a discussion on that on March 7th. After that it will need to be sent to Town Counsel.

f. Budget Proposal for FY2023

Ms. Gingras said that she has the Planning Board's proposed FY2023 Budget presentation meeting, with the Finance Committee, on March 3, 2022 at 7:00p.m., and she will be presenting the proposed Planning Office budget. She went over some of the details and said that we will be asking for an additional four hours of administrative support (for Chery Lutcza), explaining that we either have to go down to 24 hours per week or up to 28 hours per week. She said that Ms. Lutcza is also provides administrative support to the Zoning Board of Appeals, however we are considered one office now, so we will be requesting 18 hours of administrative support for the Planning Office and 10 hours of administrative support for the ZBA Office. Ms. Gingras then provided an overview of the FY2023 Budget Request (via screen share) and provided details on the various line items in the proposed budget. She said that if the Board Members had any questions, she would be happy to answer them.

g. Staff Updates:

Ms. Gingras said that she had heard back on the One Stop for Growth EOI, and the proposals submitted were approved as a digital submission item: Update to Pepperell Zoning Bylaw re-write; Parking Management Study (for Railroad Square and the Main St corridor); and Railroad Square adding in some benches and planters. She received feedback on the One Stop for Growth. She wants to focus on applying for update to the Zoning Bylaws because that is the key to a lot of the items in the Master Plan that we've discussed. Mr. Walkovich said it would take a very long time to do it a little bit at a time.

Ms. Morrow said that the businesses need to be involved as it is their whole persona that is being marketed too. She discussed ecotourism and having businesses to support that kind of traffic and what is going to bring people to the business district and Pepperell outside of the three seasons.

Ms. Gingras said they had a great meeting with the consultant for the Mixed-Use Overlay District (MUOD) and he helped give everyone an idea of what we can do to the downtown area to make it a more vibrant business area. Ms. Morrow said that once the consultant comes up with some renderings of ways we could position the downtown area, it may bring up some excitement. Ms. Gingras said the Public Design Charrette will be on March 11th and March 12th (Friday night and Saturday morning) and it will be open to the public, and we will also be sending out flyers and inviting businesses. Ms. Morrow suggested having Pepperell Community Media televise it, and Ms. Gingras said she will reach out to Gerry Couper regarding that. Ms. Gingras provided an overview of what the Public Charrette will consist of.

6. Future Meetings:

- a. March 7, 2022
- b. March 21, 2022
- c. April 4, 2022
- d. April 19, 2022 (Tuesday)

Adjournment:

Mx. Campetti asked for a motion to adjourn the meeting. So moved by Ms. Morrow seconded by Mr. Patenaude. All in favor. Meeting adjourned at 9:14p.m.

Respectfully submitted by Cheryl Lutcza, Planning Assistant