

Planning Board Meeting Minutes

August 2, 2021

Board Members:

Present: Chuck Walkovich (Acting Chair), Al Patenaude, Joyce Morrow and Jennifer Gingras.

Not Present: Casey Campetti and Paul J. Lonergan (Clerk)

Staff: Lisa Davis, Planning Consultant and Cheryl Lutzka, Planning Assistant

Attendees: Pepperell Community Media, Mark Matthews (Select Board), Peter Marlowe, Bridget Partridge, Deb Fountain, Kathy Batchelder, Rita (no last name provided), Lisa Small.

2. Call to Order

7:00P.M. The remote public meeting (recorded for future broadcast by Pepperell Community Media) was called to order by Mr. Walkovich (Acting Chair in Mx. Campetti's absence).

3. Acceptance of Minutes

Mr. Walkovich asked for a motion to accept the minutes of October 19, 2020, as written. Ms. Morrow so moved, seconded by Mr. Patenaude. All in favor.

Mr. Walkovich asked for a motion to accept the minutes of July 19, 2021, as amended. Ms. Morrow so moved, seconded by Mr. Patenaude. All in favor.

6. Reports/Correspondence/Discussion (taken out of order) (matters that may arise that the Chair didn't reasonably anticipate)

Grant Program Updates:

Ms. Davis said that they were in the final stages of the Local Resource Recovery Planning (LRRP) Grant, and they will be submitting it to the State shortly. From there, they will be looking for some funding for implementation. It does become competitive when going after funding. They applied for the One Stop for Community Growth Grant and the State has indicated we should be hearing something in August.

NMCOG Update/DLTA Funding Request:

Mr. Walkovich said that NMCOG did not meet in July, so there is nothing to report. He has not seen the agenda for the upcoming August meeting.

4. 7:05PM – Continued Public Hearing on Special Permit Application for Major Site Plan Review at 50 Main Street (Degmar Development Corporation):

Mr. Walkovich opened the continuation of the public hearing and asked Ms. Davis for an update. Ms. Davis said that the Applicant had submitted updated site plans, a photometric plan, and a landscape plan late last week. She said that these plans had been distributed to the Board, however where they were submitted so late, she wasn't sure if the Board had a chance to review them, however Mr. Marlowe could walk the Board through the changes. Mx. Campetti had sent an email to Ms. Davis with some comments on the photometric plan and the landscape plan. Ms. Davis said it would be up to the Board as to how they would like to proceed, based upon whether they had had the opportunity to review the new plans, or not.

Mr. Walkovich asked the Board Members if they had the opportunity to review the newly submitted plans.

Mr. Patenaude said that he only had the opportunity to quickly review the plans and he noticed that there were not any updated architectural renderings of the elevations, that the Board had previously requested. Ms. Davis said there were some elevations that came in about a month ago that had been circulated to the Board, however they weren't discussed by the Board as they came in the afternoon of a meeting, and she believes they may have included that information on them.

Ms. Morrow said she looked at them quickly but would need a little more time to sit down and fully understand them. It may be advantageous for Mr. Marlowe to give the Board a brief presentation covering the issues the Board had raised in the past, and that may make it clear whether, or not, the Board has all the documentation required.

Mr. Walkovich asked Ms. Davis about the letter received from the Building Inspector. Ms. Davis said that a letter was received from the acting Building Inspector (Dana Barnes) indicating that if the building exceeded the height requirement, which she believes is 35 feet, the Board could waive the height requirement by Special Permit, however the Applicant has not applied for a Special Permit, and the Board has not advertised a Special Permit application, so the Board could not grant a Special Permit, unless we go through that whole process. Mr. Marlowe had a previous discussion with Bob Kelly (Building Inspector) who felt that the building conformed with the height requirement because of the way it is worded in the Zoning Bylaw. Ms. Davis said she just sent that excerpt to Mx. Campetti. Ms. Davis said that she did ask Mr. Marlowe to follow up with the Building Inspector, however we haven't received anything further. The burden is really on the Applicant if he feels he meets the height, however the Building Inspector will not issue a building permit if the height doesn't comply with the 35 feet.

Mr. Walkovich invited Mr. Marlowe to address the Board.

Mr. Marlowe addressed the Board and said that along with the updated plans, the following changes requested by the Board, had been made:

- Added a fence to the rear of the property line
- Added soil test results to the topographic plan
- Provided an additional Cultec stormwater infiltration system for the building, in the backyard, to take the water off the roof
- Added details on page 3 for the Cultec systems for the drainage
- Moved the retaining wall back one foot from Main Street
- Added a visitor's parking spot in the lower right-hand corner and the parking for 5, 6, 7 and 8 are also visitor parking spaces
- Added cantilevered balconies, which stick out 2.3 feet (out the side)
- Added abutter's buildings (Moran and McMahan) on each side
- Located and added the existing trees on the property lines
- Added the first sheet, which shows existing conditions
- Added the third sheet, which is all details
- Produced a drainage report (24 pages) using the flow rates that they had for the perc tests, and this is for a two-year storm, which would be for 3.18 inches of runoff, going a little heavy on the drainage

Mr. Marlowe asked if the Board had any questions on the plan.

Ms. Gingras asked if the visitor parking was something new. Mr. Marlowe said this was requested by the Board. Ms. Gingras asked if he planned to have any screening in that area, as it is 3.6 feet from the property line. Mr. Marlowe said he believed you could go right to the property line with parking. Ms. Davis said she believed that was correct. Discussion ensued regarding parking spot and how it is situated. Ms. Gingras said that if the headlights were facing towards the rear of the property, it would be okay, if it is facing 58 Main Street, she would have concerns and maybe there could be potential plantings along the chain link fence. Mr. Marlowe said he had a planting schedule that would address this, right now this is just all the engineering. Ms. Gingras asked about the height of the retaining wall in the front. Mr. Marlowe said it was about 42 inches. Ms. Gingras asked if the balcony on the left side was on the first plan or if it was new. Mr. Marlowe said that Mr. Patenaude had requested the balconies be shown on the plan to see how much they cantilevered out.

Mr. Marlowe asked Ms. Gingras if she had looked at the landscape plan. Ms. Gingras said that only some pictures had come through in the email. Mr. Marlowe said he was only able to send pictures so far. Discussion ensued on landscaping (plants, trees, watering, etc.) that were recommended to the Applicant by a landscaper he consulted with and the Applicant's preferences.

Mr. Walkovich asked Mr. Marlowe if he would be open to looking at recommendations by the Invasive and Native Plant Species Committee that was recently formed by the Town. Mr. Marlowe said he would. Discussion ensued.

Mr. Walkovich asked if the Board had any other questions.

Ms. Morrow said it would be nice to have plantings that were not deciduous and would provide some sort of constant greenery. Discussion ensued with Mr. Marlowe.

Mr. Marlowe asked Ms. Gingras to do a screen share of the Google shot of the tree canopy, as the lot in back is covered with large maples and there are large, mature trees on the right-side of the property.

Ms. Davis said that plants and lawns can't be established during a watering ban, and new lawns and plantings were an issue during the watering ban this season. Discussion ensued.

Ms. Gingras asked if the Board could make a Condition that the landscape plan be completed prior to the issuance of a certificate of occupancy (unless there is some sort of watering ban/restriction in place).

Mr. Patenaude discussed the engineering plan, height, and grading around the property. He asked Mr. Marlowe what the foundation materials were going to be (wood-framed or true concrete). Mr. Marlowe said that will be determined after excavation and they see what the grades are. If need be, he would frame a small wall and side it, as he doesn't want to see a lot of the foundation sticking out of the ground either. Mr. Marlowe said that plans are to take the old foundation wall, which is stone, and hopefully repurpose that into the retaining wall. Mr. Patenaude asked about the back elevation and said that it doesn't show any transition for stairs and ramps going into the back of the building and asked Mr. Marlowe what the plan is for that. Discussion ensued. Elevation Plans were put on screen share. Discussion ensued.

Mr. Patenaude said that the elevator shaft and elevation heights could push the height to 40 feet in the back of the building. Discussion ensued.

Ms. Morrow read an email, dated August 1, 2021, from Susan H. Smith (Inspection Department) into the record.

Discussion continued about elevation heights, with or without an elevator shaft, and options for the Applicant if he exceeded the height. Mr. Patenaude asked what the overall feel of the rest of the Board was regarding the height (40 feet vs. 34 feet) as the only purpose for the height increase is for a potential future elevator. Mr. Walkovich said he would be in favor of allowing this, as Pepperell needs affordable housing and that would be a way to get it, especially where the foundation isn't visible on all sides. Ms. Morrow said she agreed with Mr. Walkovich, given the fact that there is a heavily treed area in the back of the property, and she would be agreeable to the height differential, within reason. Ms. Gingras said she would agree as well. Mr. Patenaude asked if the Board needs to make any note of approval for a potential future elevator. Ms. Davis said that could be in the record of the Decision. Mr. Patenaude said he was agreeable to that as well and wanted to make sure everyone was on the same page. Ms. Davis said the Board could support the need to add some height for an elevator, this could be a finding of fact in the Decision. Mr. Patenaude said the plan looked nice and would be fitting in the area and the Applicant has done a good job of trying to accommodate everything the Board has requested. He said that we just need to make sure some of these things are covered in the Decision, such as amount of concrete foundation that is exposed, etc.

Ms. Gingras provided a screenshare of the photometric plan and Mr. Marlowe addressed the Board and provided an overview of the plan. Ms. Davis asked a question on the statistics for lighting at the property line/boundary and said she could not find it on the plan, as it is important that this be shown on the plan. Discussion ensued between Ms. Davis and Mr. Marlowe regarding the level of light going onto the abutter's properties and how they came up with the number. Ms. Davis said this question needs to be answered. Discussion ensued. Ms. Davis said the Planning Board wants to see the Kelvins. Mr. Walkovich agreed. Ms. Davis said the Board could make this a Condition. Ms. Gingras said there is minimal light spillage onto the adjacent property, however it should be zero, and lights should be shielded in a way so that there would not be any light trespass at all. Mr. Marlowe said that he believed that would be the one attached to the proposed elevator shaft in the back. Discussion ensued. Mr. Marlowe said he would have this addressed.

Mr. Walkovich invited Deb Fountain, 48 Wheeler Street, to address the Board. Ms. Fountain said that Mx. Campetti had asked her to review the planting plan and she applauded the Applicant for looking at drought-resistant plants. Ms. Fountain said that she was Chair of the Invasive Plant Advisory Group, which also addresses native plants in Town. She said that Pepperell is looking at becoming more sustainable in the future and one thing that will help achieve this is to include more native plants in our landscapes. Ms. Fountain shared a document (via screen share) she had prepared, that listed plants the Applicant was proposing to use, as well as a list she had prepared of some native plant alternatives to each of the Applicant's proposed plants. She explained that the plants on her list are readily available at some local nurseries, and she included the names of those nurseries at the bottom of the document. Ms. Fountain explained that they are aiming to have landscapers consider planting at least 70% of the plants they put in as native plants to New England, which require less water, do not need to be fertilized, have evolved here with native wildlife and are better for the pollinators. She described some of the alternatives for the Applicant to use in his landscaping plan. She also recommended that any invasive plants on the property should be removed and properly disposed of and said that she would be available to come to the property to help identify them. Discussion ensued regarding Christmas-tree type trees that the Applicant was hoping to plant on the property.

Mr. Patenaude asked Ms. Fountain if it would be possible for the Invasive Plant Advisory Group to put a similar list together that the Planning Board could provide to Applicants as a handout during the initial application process. Ms. Fountain said that is on the list of things they do plan to do, hopefully before Christmas time.

Mr. Walkovich asked if the audience had any other comments. None.

Mr. Walkovich asked how the Board would like to proceed.

Mr. Patenaude said that he had heard everything he needed to hear, however there are still a lot of pieces to add, clarify or adjust. Ms. Davis recommended that the Board continue the hearing for two weeks, as there are a number of Conditions to review. It would also give Mx. Campetti the opportunity to review the transcript from this evening's meeting, so that she can participate in the process as well. Mr. Patenaude said that he agreed with that idea, where there were questions on the lighting diagram. Ms. Gingras and Ms. Morrow both said that they agreed.

Mr. Walkovich asked Mr. Marlowe if he would be agreeable to continuing the public hearing to August 16, 2021. Mr. Marlowe said that he was.

Mr. Patenaude asked Mr. Marlowe if he could review the list Ms. Fountain put together with his landscaper and ask them to make some adjustments. Mr. Marlowe agreed and said that the landscaping would most likely occur next Spring.

Mr. Patenaude motioned to continue the public hearing to August 16, 2021, at 7:05p.m., seconded by Ms. Morrow. All in favor.

5. Action Items

a. Request for Special Permit Extension (SP-2016-02) – 26 Tucker Street (Lisa Small)

Ms. Davis said this was a project that was originally approved in 2016. In 2019, the Planning Board granted an Extension that expires in September 2021. Ms. Small is in the process of selling the property and Ms. Davis has been in touch with the potential purchasers, who think construction will happen shortly, and Ms. Small needs the extension to get the sale closed. Ms. Davis recommended that the Board grant the two-year extension, especially considering the Covid situation last year. Mr. Patenaude asked if there were any major changes with regards to stormwater that would be affected on the site. Ms. Davis said not since 2016. Discussion ensued. Ms. Gingras said that when she looked on the Registry of Deeds, the Decision had been recorded, however she did not see that the 2019 Extension had been recorded. Discussion ensued. Ms. Small addressed the Board and said that she could not recall if she recorded the 2019 Extension (with the Registry of Deeds). Ms. Davis said that Ms. Small needed to get the 2019 Extension recorded. Discussion ensued. Ms. Gingras said that she did not believe a new Extension could be filed with the Town Clerk until the previous (2019) Extension is recorded. Ms. Small said that she could do that the next day. Discussion ensued regarding length of the new extension. Ms. Davis recommended a two-year extension, with this being the final extension to be granted. Discussion ensued.

Mr. Walkovich asked for a motion. Mr. Patenaude motioned to extend the Special Permit for 26 Tucker Street, seconded by Ms. Morrow. All in favor. None opposed.

6. Reports/Correspondence/Discussion (continued): *(matters that may arise that the Chair didn't reasonably anticipate)*

Master Plan Implementation Team:

Mr. Walkovich said that the MPIT group had met that day to go over some status items, and they are looking at requests received for funds. He said that Deb Fountain had a discussion with Andrew (MacLean), Town Administrator, about the process for making decisions regarding allocating the funds that were voted on for Town Hall. Mr. Walkovich invited Ms. Fountain to address the Board. Ms. Fountain explained that they have been reaching out to the organizations who had requested FY2022 funds that apply to specific Master Plan recommendations. This information was requested a while back, and they recently sent out a request to ask folks to validate that they can execute those funds in this fiscal year, as well as whether the request was still valid. They also asked them to provide a brief summary of what they are requesting the money for. She said that she had checked with Mr. MacLean, to verify the funds for the Master Plan, and he said that Town Meeting approved \$25,000, plus the Planning Board has funding of an additional \$7,500, for a total of \$32,500 for this fiscal year. There may also be the potential, at the upcoming Town Meeting, that they can free up some prior-year free cash and reappropriate that in the amount of another \$20,000, that could bring it to a total of \$52,500 if it passes. They have heard back from most of the groups with their funding requests, and they are still waiting on hearing back from the Planning Board. She said that they are also trying to avoid any mishaps (like the bike racks), and make sure that they go through the right channels, etc.,

and they have decided to provide the Planning Board (at its next meeting) with a proposed process for managing the funds and some proposed criteria in the event the requirements exceed what we have on hand, so the Planning Board can prioritize who will have their projects funded first. She said that she will draft a document for the Planning Board to review prior to their next meeting. Mr. Walkovich said that this can be added to the Planning Board's next Agenda. Discussion ensued with the Board Members, and they thanked Ms. Fountain for her efforts.

Master Plan Implementation Priorities:

Mr. Walkovich said that due to the absence of Mx. Campetti this evening, it would make sense to table this discussion, and continue it to the Board's next meeting scheduled for August 16, 2021. All Board Members agreed.

7. Future Meetings:

- a. August 16, 2021 (Mr. Patenaude said that he would not be available)
- b. September 7, 2021 (Tuesday)

Adjournment:

Mr. Walkovich asked for a motion to adjourn the meeting at 8:30p.m., so moved by Mr. Patenaude, seconded by Ms. Morrow. All in favor

Respectfully submitted by Cheryl Lutcza, Planning Assistant