

Planning Board Meeting Minutes

August 16, 2021

Board Members:

Present: Casey Campetti (Chair), Chuck Walkovich, Joyce Morrow and Jennifer Gingras.

Not Present: Albert Patenaude and Paul J. Lonergan (Clerk)

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

Attendees: Pepperell Community Media, Peter Marlowe, Bridget Partridge, Patrick Flaherty, Margaret Scarsdale (Select Board), M. Quintan Cutler (Finance Committee) Deb Fountain, Sherrill (no last name), Lyndon Johnson.

2. 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.

3. Acceptance of Minutes

August 2, 2021: Tabled until the next Board meeting.

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

NMCOG Update/DLTA Funding Request:

Mr. Walkovich said that NMCOG has not met again yet – no update.

Grant Program Updates:

- **Local Resource Recover Planning Grant (LRRP):**

Ms. Davis said that the State granted an extension on the LRRP Grant, and they are a couple of weeks away from submittal.

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

Mx. Campetti opened the continuation of the public hearing requesting to rebuild the existing six-family dwelling that was destroyed by fire.

Mx. Campetti said that an additional comment letter had been received from the DPW Office, dated of August 5, 2021, and there was a subsequent response from the Applicant. Mx. Campetti asked that the memo from the DPW be read into the record. Ms. Morrow read the memo from Paul Brinkman, P.E., DPW Business Manager, to Lisa Davis, Town Planner (also copied to Pepperell Planning Board and Ken Kalinowski) dated August 5, 2021, into the record.

Mx. Campetti stated for the record, that she was not present at the continued public hearing on this matter held on August 2, 2021, however she has reviewed all the materials from that meeting. She further announced that Ms. Gingras would be continuing to act as a full member for the purposes of this hearing.

Ms. Davis stated for the record, that this is a Major Site Plan Review, not a Special Permit, and therefore only requires a simple majority of the Board.

Mx. Campetti asked Ms. Morrow to read the response letter into the record. Ms. Morrow read the letter from P.M. Flaherty Associates, dated August 14, 2021, regarding the 50 Main Street Memorandum from P. Brinkman, P.E., dated August 5, 2021.

Mx. Campetti asked Ms. Davis if there had been time to review the response letter, and did she anticipate that this could result in small changes to the design and review and could this be addressed by a final drainage review by the appropriate departments. Ms. Davis said that she had reviewed the comments and that they are engineering-based, and she sent them to Ken Kalinowski today, as we just received the letter yesterday. She said that the Board could move forward with a condition that the Applicant would have to address the comments made by Mr. Kalinowski and Mr. Brinkman, but this would be at the risk of the Applicant, if it results in small changes, that's one thing; if it results in wholesale changes, the Applicant would have to start over again, however she does not expect this to result in wholesale changes, but again it would be at the risk of the Applicant. She would want to add an O&M Plan, for the drainage and landscaping, in the Decision.

Mx. Campetti asked the Applicant, Peter Marlowe, if he had any additional changes or updates for the Board (updated photometric plan, etc.)

Mr. Marlowe addressed the Board as follows and explained that he went over the engineering with Mr. Flaherty, who has been doing his work for over 30 years. Mr. Brinkman either didn't have the right plan or didn't have all the sheets. If Mr. Brinkman had called Mr. Flaherty, this could have been addressed over the phone. He was comparing the test pits in the rear of the building for the test pits on the front of the building. They will need to touch base to straighten this out. The law is we need to decrease the flow onto the street, we do not need to decrease it by a certain percentage, we just need to decrease the flow and we have more than decreased the flow off this property. The test pits were done, and the information is correct. There is no need for a manhole in the backyard, and we don't have an overflow. The manholes are a smaller manhole, that is used everyday for small, tight lots like this one, and they are accessible.

He does not want a restriction on showing only 18-inches of foundation and there are no restrictions or statutes saying he can only show 18 inches of foundation. He went around town and there are plenty of properties showing more than 18-inches of foundation. If the elevator goes in, he does not need a ramp in the back of the building. He does not want to have to put a retaining wall on the backside or left side of the property. He wants to have the choice for himself. He does quality work and has a great reputation, and he wants to control the site himself.

As for landscaping, he is going to incorporate some of the suggested native plants. He met with his landscape supplier on this, however the front of the building faces South and rhododendrons will not thrive there in the full sun. He can do junipers in the back. He wants the building to look like it was there 100 years ago, and he wants the building to look nice.

He is sure the engineering can be straightened out with a phone call and by getting Mr. Brinkman the right set of plans.

Mx. Campetti asked the other Board Members if they had any comments. Mr. Walkovich said he believed they have enough information to move forward, as Ms. Davis suggested, with the conditions on the waterflow and removal. Ms. Gingras said she agreed with Mr. Walkovich and with the conditions Ms. Davis suggested to address the comments from the engineering department prior to the issuance of a building permit, and that would be an appropriate condition. Ms. Morrow said that she also agreed with Mr. Walkovich and Ms. Gingras, and her only comment was that she had suggested that he use a plant that was not deciduous, but it did not have to specifically be a rhododendron. She said that she would appreciate it if he could just keep this in mind for the neighbors, as it would probably be most appreciated by them.

Mr. Marlowe asked to address the revised photometric plan and said it does not bleed onto the other property. Mx. Casey said that the light trespass, which was minimal, did decrease and that was an improvement.

Mx. Campetti asked Ms. Davis about the 18-inch foundation issue. Ms. Davis said that was suggested by Mr. Patenaude. Mx. Campetti asked Mr. Marlowe what the maximum amount of concrete foundation would be visible. Mr. Marlowe said the only issue would be in the back of the building and he will not know until he starts working out there. He said he doesn't want to create a situation where he must satisfy a member's request and then have water flowing onto abutting properties. That could be a concern if he had to construct a retaining wall, and he doesn't want to be tied to a specific amount.

Mx. Campetti asks if the Board Members or Ms. Davis had any comments. Ms. Davis said the Board could put in a maximum not to exceed a reasonable amount. This Board has a job to do and a responsibility to protect the public, it's a balancing act. Mx. Campetti said that she agreed, however part of that balance is also making sure that we are not overvaluing a visual impact where we have an unintended consequence like a real drainage issue because the workaround ends up being more impactful than what we condition out. Ms. Davis agreed. She said it is in the back, so it won't be overly visible to anyone. Mx. Campetti asked if there were any concerns raised for the other sides of the building as well. Ms. Davis said she believed it was just the back with the grade. Mx. Campetti asked what the Board Members comfort level would be with removing that stipulation/condition, that could complicate the drainage. Mr. Walkovich, Ms. Gingras and Ms. Morrow agreed.

Mx. Campetti asked the Board Members if they are generally okay with the other suggested conditions and if they were comfortable to close the public hearing and enter deliberations. Ms. Gingras said that she thought the draft decision and conditions looked fine, and it would be appropriate to issue it tonight. Mx. Campetti said they could close the hearing and move into deliberations and talk through each of the items. Ms. Davis said that once they close the hearing they can't reach out to the Applicant, especially given the way the draft decision is written regarding landscaping, as the plan the applicant has submitted, to date is not a real landscape plan, and he still needs to submit a real landscape plan, as well as work with the Invasive Species Advisory Committee, and use some native materials. If the Applicant has any comments on that he may want to share them now, before the Board closes the public hearing, so that everyone is clear on what the expectations are. Mx. Casey agreed that made sense.

Mx. Campetti asked Mr. Marlowe for his comments on the landscaping and native plants. Mr. Marlowe said he had no problem with the condition in the draft decision regarding the landscaping plan. Discussion ensued. Mr. Marlowe said that he would rather see the requirement for the landscaping plan tied to a later time. Discussion ensued. Mx. Campetti said a full landscaping plan would need to be reviewed by the Planning Department, but that would not need to be submitted

before the Decision is granted/filed, however the plan does need to be tied to some milestone. Mr. Marlowe said it doesn't make sense to tie it to the building permit, because he needs the foundation permit to get started. Lengthy discussion ensued. Ms. Gingras asked Mr. Marlowe if the landscape plan could be submitted and approved by the Planning Department prior to the foundation plan being signed off by the Building Inspector. Mr. Marlowe said that would work. Mx. Campetti asked if the Board Members were okay with that. Mr. Walkovich and Ms. Morrow said they agreed with that. Discussion ensued on O&M plan and maintenance of landscaping.

Mx. Campetti asked if the Board had any specifics to discuss. Ms. Morrow asked if Condition No. 11, in the draft decision, could incorporate inspection of the stockade fence and exterior grounds be inspected annually. Discussion ensued. Ms. Davis said the parking area should be maintained as well. Ms. Davis said that the Building Inspector has enforcement and she picked out what she thought were the salient pieces, such as landscaping and fencing. Mx. Campetti said the fence affects the neighbors and the landscaping affects the aesthetics of the property. Discussion ensued on Conditions No. 10 and No. 11.

Mx. Campetti asked if there were any other Condition topics the Board Members would like to discuss. None.

Mx. Campetti asked if there were any members of the public that wanted to comment on the application.

Lyndon Johnson (49 Nashua Road) addressed the Board and said that he was both a former Planning Board Member and Selectman. He said he has known the Applicant for about 30 years and his building is exceptional. He was happy when he found out Mr. Marlowe was going to be handling this property, and when he is done it will be something to be proud of and that he will do an exceptional job.

Mr. Marlowe asked about Condition No. 7 and recommended that the lights be on from dusk to dawn, in the parking lot area, for security purposes. Discussion ensued regarding electric-eye versus motion-sensor lighting. Mx. Campetti asked Mr. Marlowe if he would agree with Board's preference for motion-activated nighttime lighting. Mr. Marlowe said that he agreed with that.

Mx. Campetti asked for a motion to close the public hearing. So moved by Mr. Walkovich, seconded by Ms. Morrow. All in favor.

The Board entered deliberation.

Mx. Campetti asked for a motion to grant a Major Site Plan Review for the property located at 50 Main Street as conditioned in the draft decision with the edits discussed this evening including:

- The Photometric Plan having exterior lights controlled by a motion sensor
- Having the Landscape Plan be submitted for review and approval at the foundation inspection
- Having landscaping inspected after one year and on an as-needed basis thereafter
- Having the stockade fence inspected as needed
- Having trash removal schedule as discussed
- Exclude the condition to only have 18-inches of concrete foundation wall visible

So moved by Mr. Walkovich, seconded by Ms. Morrow. All in favor.

5. Action Items: None

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

Master Plan Implementation Team (MPIT) Update:

Mx. Casey said that there were a few items to discuss under the MPIT Update and invited Mr. Walkovich and other MPIT members to speak.

Mr. Walkovich said that the main item to discuss tonight (he circulated a final draft document to the Board Members this afternoon) are two things they have put together, which are the Master Plan funds that are available and request list from the different departments. These would be for items which were not specific to any department in the budget.

There was a \$25,000 approval at Town Meeting just to implement the Master Plan that wasn't tied to any specific priority or any specific department. We have \$7500.00 in the Planning Board budget, and there is a potential from prior year's free cash to be reappropriated back into the Master Plan that wasn't used last year, so we have a total of around \$50,000.

We have received requests (we still need to get the Planning Board's in here), but we have received requests for about \$40,000 of those funds. We now need to determine how do we get those funds approved to be spent. This is new to the Planning Board, where we have funds that have been allocated at a Town Meeting specific to the Master Plan Implementation but have not been assigned to a department or to a priority. The MPIT has worked on a budget worksheet that would gather this information. After the annual town meeting is approved people would complete this request for any additional funds that may not have been approved at the town meeting for the individual budgets. Questions like where does it fit into the Master Plan Priorities; how was the estimated cost developed; have you pursued other funds, or exhausted looking for other funds/grant monies/anything else, so that we are not just spending this money without trying to get it from other sources; what is the objective/goal that is going to be accomplished by doing this; what Master Plan element does this go to, i.e., land use, housing, development, open space, so we know which element it is going to be for and who it is going to benefit. We need to set some type of priorities as to how we are going to spend these funds. The Town Planner would ultimately be responsible for managing these funds, and we would suggest that the Town Planner would have authority to approve less than \$1,000.00. This would enable smaller expenditures to get approved. We are looking to see if this would be acceptable to the Planning Board. The responsibility would be for each of the Boards, Commissions, or Committees to complete this worksheet if they need funds. MPIT would be responsible for collecting this data and providing a presentation to the Planning Board. The Planning Board's responsibility would then be to approve the list of recommendations from the Master Plan, and then the Town Planner would take over and follow through all the normal procurement processes within the Town of Pepperell. Those departments that don't have funds available and need to implement a Master Plan recommendation after it's approved at town meeting, would then submit this request. MPIT would verify it and then get all the information to the Planning Board to approve or disallow the request, it would then to the Town Planner for administration. This is what we are trying to accomplish. Discussion ensued.

Quentin Cutler (43 Bacon Street), Finance Committee, addressed the Board, and recommended getting some directive from Andrew MacLean, Town Administrator, regarding the process of inter-departmental transfers, use of free cash, etc. There is an approval by the Finance Committee to do some of those transactions. Mr. Cutler said he would advise MPIT to connect with Mr. McLean and discuss what you are proposing to do and have him confirm the process and then get all the required approvals in place before moving forward to spend.

Mr. Walkovich responded and said they have vetted this with Mr. McLean on a few occasions already and this is primarily the process that Mr. McLean has recommended. Please keep in mind that this \$25,000 was already approved by the Finance Committee and Town Meeting, and it is not coming out of Free Cash. We are looking for a mechanism, from the Planning Board, on how to set priorities on that \$25,000. Mr. Cutler said anything above that \$25,000 should be in writing and the correct process is followed.

Discussions ensued among the Board Members and MPIT.

Mx. Campetti said that MPIT has put together a great proposal that would work very well. She asked if MPIT would be seeking feedback from the other Boards, Commissions and Committees, as well, or are they planning to just roll this out. Mr. Walkovich said he did not think the other Boards, Commissions and Committees need to get involved at this point, as they will be involved each year during the budgeting process. This is just a mechanism to vet those projects that haven't been specifically identified in the annual budget.

Mr. Walkovich said that if the Planning Board is amenable to approving this, he would ask that one condition be for Mr. McLean to have one last look at it, and then we move forward with this as soon as possible. Mx. Campetti agreed. She said she would suggest request that when folks put in their plans that they include specifics on timelines as to when during the year they plan to expend the funds, etc. Mr. Walkovich said they would try to get it broken out by quarter.

Discussions ensued between Board and MPIT regarding MPIT providing future recommendations as part of the process.

Mx. Campetti asked Ms. Davis and Mr. Walkovich if the Board needs to take a vote on this or is this discussion sufficient. Ms. Davis said she did not think the Board needed to take a vote on it.

Ms. Fountain addressed the Board and said that one item on there is time-sensitive, which is the printing cost for the Climate Change Council, for educational materials/brochures for the Fall Fest, which is coming up in September. She was wondering if they could get an approval on that item tonight. Discussion ensued.

Mx. Campetti asked for a motion to approve an expenditure of \$700.00, towards the price of printing an educational brochure, to distribute at the Fall Festival from the Climate Change Council and the Invasive Plant Advisory Committee, to come out of the Master Plan Funds.

So moved by Ms. Morrow, seconded by Mx. Campetti. All concur. None Opposed.

Mx. Campetti said she appreciated the effort in putting this together.

Master Plan Implementation Priorities:

No topics discussed tonight due to lack of time

7. Future Meetings:

Discussion ensued on future meeting dates.

- a. August 30, 2021
- b. September meeting date to be determined

Mx. Campetti announced that after a search the Town has selected a Town Planner, Jennifer Gingras, who is currently an Associate Member on the Planning Board. Ms. Gingras' role as Town Planner to be effective on September 1, 2021.

Ms. Morrow asked if there is any knowledge of any liquor licenses being applied for or granted lately. Ms. Davis said that she did not know of any new applications, however she will get an update by September 13th.

Margaret Scarsdale (Select Board) addressed the Board and said that the Select Board does have an application for an off-premises liquor license and the public hearing is scheduled to be heard at the September 13th Select Board Meeting. Discussion ensued regarding avoiding a Planning Board Meeting on the same night as a Select Board Meeting, with the possibility of the Planning Board meeting on September 14th or 15th. Discussion ensued.

Adjournment:

Mx. Campetti asked for a motion to adjourn the meeting at 9:07p.m., so moved by Ms. Morrow, seconded by Mr. Walkovich. All in favor

Respectfully submitted by Cheryl Lutcza, Planning Assistant