



Planning Board Meeting Minutes

January 18, 2022

Board Members:

Present: Chuck Walkovich, Joyce Morrow and David Ganong

Not Present: Casey Campetti and Al Patenaude, Jr.

Staff: Jennifer Gingras (Town Planner) and Cheryl Lutcza (Planning Assistant)

Attendees: Pepperell Community Media, Chuck Walkovich, Joyce Morrow, David Ganong, Emily Scerbo, Doug Lees, Greg Looney, Ken Kalinowski

1. 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 Ms. Campetti's absence).

2. Acceptance of Minutes:

- December 20, 2021: Mr. Walkovich asked for a motion to accept the minutes of December 20, 2021, as written. So moved by Ms. Morrow, seconded by Mr. Ganong. All in favor.
- December 27, 2021: Mr. Walkovich asked for a motion to accept the minutes of December 27, 2021, as written. So moved by Ms. Morrow, seconded by Mr. Ganong. All in favor. None opposed.

3. Plan Endorsement: ANR – 4 Mason Street (Clark’s Retirement Park, LLC)

Mr. Walkovich asked Ms. Gingras to provide an overview of the ANR Request. Ms. Gingras read her staff report to the Board regarding the ANR request for 4 Mason Street.

Jack Visniewski, Professional/Civil Engineer, representing George and Kay Clark of Clark’s Retirement Park, LLC, addressed the Board and provided an overview of the ANR plan for 4 Mason Street via screen share as follows:

- Applicant would like to break out single family dwelling from the retirement park
- Applicant had to go to ZBA for eight variances and he provided an overview of the variances and the ZBA Decision has been recorded with the Registry of Deeds

Ms. Gingras said that the Plan meets the criteria in the Zoning Bylaw.

Mr. Walkovich asked if the Board had any questions. Brief discussion ensued. Both Ms. Morrow and Mr. Ganong said they were okay with the plan.

Mr. Walkovich asked for a motion to endorse the plans as presented for 4 Mason Street. So moved by Ms. Morrow, seconded by Mr. Ganong.

Roll Call Vote Taken as Follows:

Ms. Morrow: Aye
Mr. Ganong: Aye
Mr. Walkovich: Aye

4. Action Items:

a. 33-35 Hollis Street - Review of Final As Built Plan:

Ms. Gingras gave an overview of the request. The Applicant is requesting review and approval of the Site Plan by the Planning Board of the Special Permit Condition #6. She read comments from the following into the record:

- Ken Kalinowski (DPW Director/Town Engineer)
- Paul Brinkman (DPW Business Manager)
- Paula Terrasi (Conservation Administrator)
- Land Engineering and Environmental Services
- Ms. Gingras (Town Planner)

Ms. Gingras explained that the Planning Board needs to determine that the final asbuilt is in compliance with the approved Site Plans.

Mr. Walkovich invited the Applicant/Applicant's representative to address the Board.

Doug Lees, of Land Engineering and Environmental Services addressed the Board and said that he was the record engineer and land surveyor for the project, representing Greg Looney and New View Remodeling and Construction. Mr. Lees said that the original permit was issued in 2008 and revisited in 2019 and approved in 2020. The site came out really nice with some small changes. Sewer was relocated at the request of the neighbor, and he believes at the Town (at the department level). They found out the foundations were raised one-half to one-foot during construction, which is not uncommon. The Plan really matches the approved plan, and the project came out quite nice.

Ms. Morrow said she has a red flag on the memo about the change in elevation requiring the platform that some of the residents have complained reduces their garage space, and the inability for the vehicles to go into the garages. That certainly is a red flag, and she is not comfortable with this.

Mr. Lees said that he was not aware of what the homeowners were shown or told when they purchased the homes, he assumes they did a walk-through. The original design plan called for 30 inches in elevation difference between the garage and the first floor, which would have required a platform and four steps. So, the plans as approved, required 30 inches between the garage and the first floor. This was due to the water table. The garages were a couple of feet down to meet the driveway slopes. They were designed with two and one-half feet between the first floor and the garage floor which always would have required a platform. He feels bad that the owners did not know about the platform, he doesn't know if they bought before the houses were constructed, but this would have always been required.

Ms. Morrow asked why the new plans were not submitted to the Building Department or the Planning Board for review.

Mr. Lees said there were no new plans. The Building Inspector requested that he raise the foundations in the field, so he raised the foundations in the field. The original plans, approved by the Planning Board, show the two and one-half foot difference between the first floor and the garage floor. Anything over 29 inches requires a platform. The approved plans, approved by the Planning Board as part of the Special Permit, would have required the platforms in the garage. The changes in the field didn't cause the platforms to be required, they were always required.

Greg Looney addressed the Board and said that he measured the garages, a small car fits in there but a mid-size car does not. They cannot take the platforms out and replace it with just stairs, because someone could fall down the stairs.

Ms. Morrow said she is still not comfortable with this.

Mr. Ganong said after looking at the plans, ideally the differential would have been maintained. Is the addition of those two steps what caused the issues with the platform, Mr. Looney responded "yes". Mr. Lees said the design calls for 30 inches between the garage floor and first floor and the Building Code calls for a platform for anything more than 29 inches. Mr. Ganong said did the run cause the issue that the owners are unhappy about and were the residents aware of that. Mr. Looney said that the homeowners had all been out there multiple times. In the Code if you are 30 inches or below, you don't need platforms or handrails. Anytime your over 30 inches you need a handrail. This is in the MA code. We should have had 2 or 3 steps, tucked in the corner of the garage, but we dug down a foot and there was water everywhere. This was in December when there was that much water there.

Mr. Walkovich asked Ms. Gingras what the Boards options are.

Ms. Gingras said that the new Building Commissioner had looked at the plan, as well as Dana Barnes, the acting Building Inspector. They did receive their final inspections and final occupancy permits. They are already moved in and they technically meet building requirements. This is something that should have been stated, however unfortunately there is not much that can be done about it at this point. She said that she did speak with Mr. Looney and said that in the future if anything like this happens, the builder should come to the Planning Board for a minor modification request. Things in construction happen all the time in the field, and may seem minor, but can become a bigger deal than they seemed at the time. This is better situation overall, because they are out of the water table, but it resulted in a smaller garage space for the residents to park their vehicles in.

Mr. Walkovich asked if Building Commissioner signed off on this. Ms. Gingras said that the Building Inspector is okay with the plans that they are not significantly different from the original plans. The elevations are okay with the Building Commissioner.

Discussion ensued.

Mr. Walkovich asked for a motion. Mr. Ganong made a motion to accept the final asbuilt drawing in compliance with the approved site plans as presented, seconded by Ms. Morrow.

Roll Call Vote Taken as follows:

Mr. Ganong: Aye
Ms. Morrow: Aye
Mr. Walkovich: Aye

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

a. Public Comment:

Mr. Walkovich asked if there were any public comments: None

b. Stormwater Regulations Presentation by Tighe & Bond:

Emily Scerbo, Tighe and Bond, asked Mr. Kalinowski if he would like to speak.

Mr. Kalinowski addressed the Board regarding the Pepperell Stormwater Management Regulations and gave an overview of the evolution.

Ms. Scerbo provided an overview, via screen share, of the Stormwater Regulations and explained that she was here tonight to obtain feedback and answer any questions from the Planning Board.

Mr. Walkovich asked if the Board Members had any questions. Both Ms. Morrow and Mr. Ganong said they did not have any questions.

Ms. Gingras said that everything looks good, and everyone involved did a great job. She asked Ms. Scerbo when they were looking to the Planning Board to look at this for approval. Ms. Scerbo said as soon as the Board is ready to adopt it.

Mr. Walkovich said that they would probably need to put this onto an agenda item for discussion.

Mr. Kalinowski the town currently has drainage design standards within its subdivision control law and this regulation would probably start to disturb this for properties over an acre. At some point in the future this may need to be revised.

Mr. Walkovich said that the one acre is probably a good starting point for the Town, and he doesn't see many developments where we are going to disturb a lot less than one acre. Discussion ensued between Mr. Walkovich and Mr. Kalinowski.

Mr. Walkovich thanked Ms. Scerbo and Mr. Kalinowski.

c. Grant Program Updates:

Ms. Gingras said there are quite a few grants due for submission in the next few months. The Shared Streets and Spaces program will be a big reason why we started work on the site plan for the Railroad Square Area. The Site Plan is almost complete, and she has received a preliminary draft. She would like to see what the Board would like to see applied for on these grants. We recently went through the LRRP project, and they proposed some great resources to apply for grants for. Regarding Shared Streets and Spaces, Mr. Walkovich asked if curb cuts would be for handicapped accessibility. Ms. Gingras said yes. Mr. Walkovich said that is a great improvement. Ms. Morrow asked about solar-powered cross walks (flashing beacons) or raised brick to slow cars down at crosswalks. Ms. Morrow said those two are critical. Ms. Gingras said she agrees with the flashing beacons for crosswalks and will speak with Town Engineer regarding this next week for a list of materials that need to be provided with the grant. After talking with folks at Mass Dot and NMCOC they felt that was a great project to submit for the Shared Streets and Spaces. Ms. Morrow said the crosswalks near the rotary are another area that should be concentrated on to use those types of technology for crossing as well. Ms. Gingras said that Complete Streets Program is a separate program and she plans on submitting an application for that also by May 3rd, and that would be for the rotary project for new sidewalks, making them ADA accessible and lining the crosswalks and possibly putting in some of the RRFB's, which are very expensive, so we have to be careful with the budgeting for them with the amount we have for funding under Complete Streets, but it is definitely possible and that is another grant in the works.

Ms. Morrow asked about using small green plastic (looks like a little person) markers for crosswalks, so as cars approach they can see that, maybe we could use a combination of both types of awareness builders. Ms. Gingras said sometimes the issues with those is they get hit by the plow truck and have to keep being replaced. We are looking at a more permanent solution and the RRFB's are a definitely a more permanent solution.

Ms. Gingras said that the other two big grant programs she is working on are the "One Stop for Growth" and through that we are able to submit a grant application under the "Rural and Small Town" grants. How would the Board feel about submitting a grant application for a Zoning Bylaw update through the Rural and Small Town grant, as this is mentioned a few

times in the Master Plan and is something they award a lot to small towns similar to Pepperell. Looking at our Bylaws, we definitely need a re-write.

Mr. Walkovich said that following preliminary discussions they had on re-writing the Zoning Bylaws, it would probably be a 5-year process taking it piece by piece, so if we could get some funding and get some professional expertise on it that would be a huge step in the right direction. Ms. Morrow agreed. Mr. Walkovich said that we have the Design Guidelines with NMCOG and the OSRD going, and the next step would be to do the Bylaws, and discussions with NMCOG during the Master Plan process, they suggested we take it slow and having some help on this would be great. Ms. Gingras said this probably wouldn't be done all in one big chunk, the consultant would come in and look through each piece and make updates. That would be a great use of that grant program. We can submit for more than one project and Ms. Gingras asked if there were any other projects on the Master plan list that come to mind. Expressions of Interest are due by the beginning of March. Ms. Morrow said that this may not have been on the Master Plan list, however an idea would be to look for any type of funding that might help in remediation of the mill site, even though the Green's still own it. Ms. Gingras said there is a new tier for redevelopment of brown field, and she will find out if they will do it for private property. Ms. Morrow wondered if a discussion might be prudent with the current owners. Discussion ensued. Ms. Gingras said she would look into that. Discussion ensued.

Ms. Gingras said the Mixed-Use Overlay District consultant (MUOD). The initial meeting was held with the consultant and went well. The consultant has a lot of great ideas and wants to put together a working group of different individuals around town (such as committee and neighborhood representatives, Town Staff, etc.). Ms. Gingras will send out invitations to these individuals to be on working group. If anyone is interested, please send Ms. Gingras an email. The consultant is looking at doing a hybrid of a MUOD and form-based code in the Railroad Square corridor. It will be interesting to see what he comes up with.

d. NMCOG Update/DLTA Funding Request:

Mr. Walkovich said the NMCOG meeting is 1/19/22, so he doesn't have an update for what's going on. We should start thinking about what we would like to apply for this year's DLTA funding. Mr. Walkovich said that the individual that was hired to replace Beverly Woods at NMCOG has resigned, and we are now starting from scratch to look for an Executive Director for NMCOG, which is unfortunate. Mr. Walkovich said that we got the DLTA funding extension on both the Design Guidelines and OSRD. Ms. Gingras said that we did receive those, she sent them out to the Board and posted them on the Town website. We can apply again for further review. Discussion ensued. Ms. Morrow asked if they could assist with online permitting. Ms. Gingras said it is Viewpoint Cloud. She plans to ask for money in the budget for that. Discussion ensued.

e. Master Plan Implementation Team Update:

Mr. Walkovich said this is still underway and a lot of good things are going on in getting things accomplished, in the Planning Department especially. A number of warrant items will be placed on Town Meeting for approval. We are starting to update the Status Report, because the Implementation Team will need to give the Planning Board a 6-month update sometime in the April timeframe, on the status of the Master Plan Implementation, as we will be making a presentation at the Town Meeting in May.

Ms. Morrow asked if there was an update on the consultant hired for the Agricultural Commission to work on the Food Hub. Ms. Gingras said the Agricultural Commission is having a kick-off meeting on January 19th and she believes the consultant will be on to introduce herself.

f. Staff Updates:

Ms. Gingras said that the Citizen Engagement Night is scheduled for Thursday, February 3, 2022 @ 7:00p.m. to discuss the Adaptive Re-Use Article and Inclusionary Zoning Article. If anyone has any questions, please reach out to Ms. Gingras. Discussion ensued among Ms. Gingras and the Board Members.

6. Future Meetings:

- a. February 7, 2022 (Monday)
- b. February 22, 2022 (Tuesday)

Adjournment:

Mr. Walkovich asked for a motion to adjourn the meeting at 8:13P.M., so moved by Ms. Morrow, seconded by Mr. Ganong. All in favor.

Respectfully submitted by Cheryl Lutcza, Planning Assistant