



**Planning Board
Meeting Minutes of March 21, 2022**

Board Members:

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

Not Present: Casey Campetti

Staff: Jenny Gingras, Cheryl Lutcza

Attendees: Pepperell Community Media, Peter Montesanti, Gary McQuaide, Robert Conway, April Healey, Deb Fountain, Mark Matthews, Ken Lania, Stephen Themelis, Roy Philbrick, Renee D'Argento; GR, Brooke Ramthun, Kelli Kinney, Carolyn Ahdab, Michael Dugan, Paula Terrasi, Lisa (no last name), Bentley Herget, Jack Visniewski,

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 in the absence of Mx. Campetti; and she asked if Mr. Walkovich could step in and act as Chair.

2. Acceptance of Minutes:

- a. February 22, 2022: Mr. Walkovich asked for a motion to accept the minutes. Ms. Morrow motioned to accept the meeting minutes of February 22, 2022, as written, seconded by Mr. Ganong. All in favor. None opposed.
- b. March 7, 2022: Mr. Walkovich asked for a motion to accept the minutes. Ms. Morrow motioned to accept the meeting minutes of March 7, 2022, as written, seconded by Mr. Ganong. All in favor. None opposed.

Mr. Walkovich asked if there was time to discuss anything further down on the agenda and the next item was taken out of order:

6. **Reports/Correspondence/Discussion:** *(Matters may arise that the Chair did not reasonably anticipate)*

b. **Master Plan Implementation Team Update:** *(taken out of order)*

Mr. Walkovich said that they have reached out to all of the committees/chairpersons and have received most of comments back for the status reports. Deb Fountain will be summarizing all the statuses received and will report back to the Planning Board. Everything else is going all fine.

3. **7:05P.M.** – Public Hearing on Major Site Plan Review Application for 18 Lomar Park Drive (McQuaide Enterprises, LLC) for a change of use from a commercial daycare to a commercial plumbing and pool company:

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

Mr. Walkovich invited the applicant to address the Board. Gary McQuaide, Matley Plumbing and Pools, addressed the Board and said that he is the owner of McQuaide Enterprises. He explained that they would like the ability to move to a larger location, as they have been at present location at 1 Tucker Street for many years. They are looking forward to moving the business location to the larger building at 18 Lomar Park Drive via a change of use.

Mr. Walkovich asked Mr. McQuaide to describe the work involved to move into the new location. Mr. McQuaide said that basically it is turnkey, explaining that the large area will be the showroom, the back area will be used for storage, and the outside area will be for displays. There will be no footprint or structural changes, other than a new entrance. The old daycare area will be their new showroom. They will clean the place up and make it look good.

Mr. Walkovich asked if there were any public comments:

- Brook Ramthun (5 Countryside Road) asked if the building is the site of the former daycare, Apple Seeds. Mr. McQuaide confirmed that it was. Ms. Ramthun asked if there were going to be any upgrades to the electrical. Mr. McQuaide said they would not need to update electrical, as Masy Systems had done it in the past (prior to the building being used as a daycare).

Mr. Walkovich asked Ms. Gingras to read the section of her Staff Memorandum, dated March 17, 2022, that pertained to the application for 18 Lomar Park Drive into the record. Ms. Gingras complied.

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

Mr. Ganong said that he did not have any questions at this point.

Ms. Morrow asked if we need to discuss the lighting on the exterior of the building. Mr. Patenaude said he was wondering if there would be any parking lot lighting. Mr. McQuaide responded and said that they have replaced some of the lighting that was facing the parking lot with lighting that is a little stronger, and it faces the parking lot, so they have more visibility in the parking lot. Mr. Patenaude asked if they went with LED lighting, and if so, what is the lumen level. He also asked if they will only be operating these lights during business hours and shutting them off. Mr. McQuaide said they were replaced with LED's, but he is not sure of the lumens. They do operate on a dusk control, but he could change it to a timer so they would just be on during operating hours. He explained that he would like to see the lights on in the parking area for security purposes. Mr. Patenaude said having lights at the entrance doors could be continuous, however he is not in favor of flooding the parking lot with light all night. Mr. McQuaide said that would be easy enough to adjust. Ms. Morrow said she was happy with that.

Mr. Patenaude asked about signage down at the Main Road, and if they will be modifying it or adding any lighting to the sign. Mr. McQuaide said that the signage on the roadside doesn't have lighting, but if it were to be added, it would be downlighted, however there are no plans at this time to put lighting on the sign.

Mr. Patenaude asked if they are doing anything additional in regard to fencing/gating. Mr. McQuaide said that it is staying as is. The existing fence around the front is 4-feet tall. They will be doing displays out in that area, which will stay behind that fencing.

Mr. Patenaude asked if the parking lot will be restriped to cover basic handicapped access. Mr. McQuaide said absolutely, and the new building will allow more handicapped access inside and out.

Mr. Walkovich said that downward lighting and how warm the lighting will be is important to the Planning Board. Mr. Walkovich asked if displays would be filled with water. Mr. McQuaide said that one display pool will be filled with water and would be 2-feet deep and it would be behind the fencing/gating. The other display pool would not be filled. Discussion ensued on safety concerns.

The Board discussed the waiver's requested by the Applicant, which are being requested due to no change in the footprint. Mr. Patenaude said he was fine with the requested waivers. Ms. Morrow and Mr. Ganong said that they agreed with Mr. Patenaude's assessment.

Mr. Walkovich asked for a motion to close the public hearing. Mr. Patenaude made a motion to close the public hearing for 18 Lomar Park Drive, seconded by Mr. Ganong. All in favor. None opposed.

Mr. Patenaude said he would like a Condition that the parking lot floodlights be on a timer. Any lighting around the building's doorways could be on 24/7.

Ms. Morrow asked about a Condition for possible future signage. Discussion ensued. No Condition needed at this time.

A Condition for parking lot striping was discussed.

Mr. Walkovich asked for a motion to approve the application. Ms. Morrow motioned to approve the Special Permit application for 18 Lomar Park Drive, seconded by Mr. Patenaude. All in favor. None opposed.

4. Plan Endorsement:

a. ANR – 29-31 Mount Lebanon Street (Bramlett)

Robert Conway was present on the Applicant's behalf. Ms. Gingras displayed the ANR plan via screenshare. Mr. Walkovich asked Ms. Gingras if she had gone through all the requirements on the checklist. Ms. Gingras said that she had, and that it meets all of the requirements on the checklist. Mr. Walkovich asked if the Board had any questions and/or were okay with Ms. Gingras' review of the checklist. The Board Members said they were fine with that.

Ms. Gingras provided an overview of the ANR Plan.

Mr. Walkovich asked if the Board Members had any questions. None.

Mr. Walkovich asked for a motion to approve the ANR Plan. So moved by Mr. Patenaude, seconded by Ms. Morrow. All in favor. None opposed.

5. Action Items:

a. Minor Modification Determination for Special Permit SP-2020-02: Common Driveway 1-4 Chamberlain Way (Complete Home Improvement – Peter Montesanti) - Continuation from February 22, 2022, and March 21, 2022

Mr. Walkovich said that some additional information had been received. He asked Ms. Gingras to discuss that and also summarize the February 2, 2022, site visit conducted by the Planning Board. Ms. Gingras provided an overview of the site visit and said that they had walked the site with the builder and the builder's engineer. She said that the Town Engineer, Fire Chief and Planning Board Members were also present at the site visit. Ms. Gingras said that to date, the applicant has not provided all the information that the Board requested at the previous meeting.

Mr. Walkovich invited the applicant or his engineering team to address the Board. Kenneth Lania (Cornerstone) addressed the Board and provided an update regarding groundwater, culverts, and interception swales. Mr. Lania said that he would coordinate this with Mr. Kalinowski (Town Engineer) to make sure the flow collection would be acceptable over the next 60 to 90 days. Mr. Lania said that it is their hope that these additional upgrades will negate any of the flow concerns the Board may have. He also said the relocation of the driveway was conducive to all of this. The size of the culverts, under the common drive, will need to be increased. It is their hope to sit down and coordinate with Mr. Kalinowski regarding groundwater flow under the driveway. They are also trying to minimize any type of maintenance of these systems for current and future homeowners.

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

Mr. Walkovich asked what the increase of the culvert would do to the runoff downstream and how much would it impact the wetlands. Mr. Lania said the flow of the groundwater would be identically the same.

Mr. Walkovich asked Ms. Gingras to speak on a minor vs. a major site plan review. Ms. Gingras said the Board could make that determination tonight. If it is major, the Board would need to vote to make that determination. If it is a minor modification, the Board would need something to approve, and there is really nothing that has been provided to the Board, aside from an asbuilt plan. She said that the Board could make a determination on what the applicant said, on whether it is minor or major.

Ms. Gingras said that the Board may like to get comments from Town officials.

Paula Terrassi (Conservation Agent) addressed the Board and said she was out at the site this afternoon. So much of the area is not stabilized; the water is not being filtered, so it is impacting the wetlands and the Conservation Commission will need to get involved. The material that has been brought in is not compacted surface. A Waste Management trash truck was stuck in the mud out there most of today and it was tilted. It took a long time to get that machine out of there today. She is concerned about Fire Apparatus being able to maneuver on the site. She doesn't feel the site is ready for any big decisions. The site is not stabilized and there is a lot of mucky water going everywhere.

Ms. Morrow said she is not the least bit surprised by what Ms. Terrasi said, and she is not ready to make any determination whatsoever. She emphasized that she is not very happy with what she's seen and wants to see this rectified for the homeowners.

Bentley Herget (Building Commissioner), 25 West Street, Pepperell, addressed the Board and said he was out on the site today with Ms. Terrassi and Mr. Schrader. The Waste Management truck got stuck in the turnaround area for the fire trucks. If the fire truck had been out there, it could have been stuck there and not available to respond to emergency situations. The fire truck turnaround is not built as it should have been. From what he has observed, he does not see this as a good situation for the Town.

Mr. Patenaude said that he is very concerned with what was done outside of the relocation of the road, which was a major shift. Looking at the topography of the asbuilt, the common driveway is actually acting as a flow for the water, and that really needs to be looked at more. The material that was used for the stormwater control/berms is a mix of tilly clay/roots and is not a structural fill. Looking at what happened with the truck (Waste Management) today, if that was structural fill, what happened today would not have happened. He is very concerned with how the turnarounds were built and what is under the roads. The required 2-foot shoulder is not a drainage swale. We are looking at something that was haphazardly done, and he said he is fearful of moving forward in a minor format looking at how the things that are straight in front of us are visibly done improperly, as well as what was done in the areas that we cannot see.

Mr. Walkovich asked Ms. Gingras what additional documentation the Board could get if they deem this as a minor vs. major modification. Ms. Gingras provided an explanation.

Mr. Walkovich asked the Board members if we have enough information to determine whether we could do a minor or major determination. Mr. Patenaude said yes, as he is looking for a fair amount of more information. Mr. Ganong concurred with Mr. Patenaude. Ms. Morrow agreed with Mr. Patenaude and Mr. Ganong.

Mr. Walkovich asked the Board to discuss how they would like to classify this.

Ms. Morrow said she would prefer to have a major determination, based on what she has seen out there so far.

Mr. Patenaude said that a major determination would allow the Board to pull more information on materials used, etc., and gives more ability to protect the Town, as well as buyers of the property, regarding fire safety and public safety. Ms. Morrow agreed with Mr. Patenaude and said that the roadway should be safe for all types of vehicles that will need to utilize it.

Mr. Walkovich asked for a motion to determine that this should be a major modification determination for a Special Permit at 1-4 Chamberlain Way. So moved by Ms. Morrow. Seconded by Mr. Ganong.

Roll Call Vote taken as follows:

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

6. Reports/Correspondence/Discussion: (*Matters may arise that the Chair did not reasonably anticipate*)

a. Stephen Themelis – Multi Family Discussion:

Mr. Walkovich invited Mr. Themelis to address the Board. Mr. Themelis addressed the Board and said that the property in question is 4 Franklin Street, which he has been in for 18 years. He said that the property is commercially zoned and that he both lives at and has his business out of there. He explained that he has been looking for a new location for his business and residence. He recently purchased 49 Main Street, to put his Niklaus Construction company there. He has also purchased a residence on Hollis Street.

He would like to convert the property at 4 Franklin Street to a three-family residence. It consists of approximately 4200 square feet (1400 square feet per floor). He said that this would be a great location for housing and that the building does not have to be externally modified and there is plenty of parking on the property. Mr. Themelis asked if the Board would entertain a Special permit for a three-family at 4 Franklin Street. Mr. Patenaude said that Mr. Themelis should look at the

requirements and discussed options that may be available to Mr. Themelis. Mr. Patenaude said that Mr. Themelis may need to go to the Zoning Board of Appeals for a pre-existing, non-conforming use. Discussion ensued regarding minimum square footage per unit and pre-existing non-conforming. Mr. Patenaude said that could be checked with Town Counsel. The history on that building stays residential throughout. Ms. Gingras advised that Mr. Themelis should discuss his intentions for the property with the Building Commissioner and see what his interpretation is.

b. Stormwater Regulations Review:

Ms. Gingras said that we need to advertise a legal notice in the newspaper regarding a hearing to accept the stormwater regulations. She said that we are planning to have that hearing on April 19, 2022.

c. NMCOG Update/DLTA Funding Request:

Ms. Gingras said that the 40R Discussion took place this afternoon and went well. The next step is to reach out to DHCD. Chris Hayes from NMCOG sent an email to set up a meeting with DHCD to discuss potential projects. We would need DHCD's support in order to start an initial draft. Ms. Gingras and Mr. Walkovich will be meeting with Jeff Owen from NMCOG tomorrow.

d. Master Plan Implementation Team Update: *(item taken out of order near beginning of meeting)*

e. Adaptive Reuse of Significant Structures Article Review:

Ms. Gingras provided an overview of the changes that were made. She had a discussion with Town Counsel today on the Adaptive Reuse Article regarding definitions and Town Counsel was okay with the definitions. Ms. Gingras will update the draft on the website. Town Counsel wanted to clarify the definition of a community-type use to be more inclusive and equitable, he changed it to be named "community type purposes" instead of "religious uses"; and would also include benevolent or fraternity-type lodges, such as the Grange or VFW.

Mr. Patenaude asked what the limitation is on community-type uses, and is Maker Farm a community-type use. Ms. Gingras said it was not. Mr. Patenaude asked where community-type use ends/what is the limitation. Ms. Gingras said the Maker Farm doesn't fall under religious/benevolent/fraternal. Mr. Patenaude asked if there is a starting/ending point to the duration of time (he referenced the Knights of Columbus on Jersey Street, which has been turned into a residential use). Ms. Gingras said that is a good question, and that she and Town Counsel are looking into that. The intention is for a building like the older Peter Fitzpatrick school to be re-used for the mixed use; or the police station or a vacant church to be reused for one of the uses. If a use was abandoned and the building was sold, it would not qualify, and Ms. Gingras and Town Counsel are looking to close that loophole. Discussion ensued.

Ms. Gingras said that she also cleaned up/clarified what the Planning Board could grant waivers for.

Mr. Patenaude asked about the 30-foot buffer on a property line and asked Ms. Gingras if she has looked to see if that works for some of the properties she's looked at. Discussion ensued on the possibility of some flexibility on that.

Ms. Gingras said that this is essentially the final draft, and they will be able to make some tiny tweaks, here and there. This article is written to allow the Peter Fitzpatrick school to be able to do what they want to do with uses, such as the Food Hub and Commercial Kitchen. That is the first project that will be initiated if this article passes. The Planning Board will have the official public hearing on this on April 4, 2022, at 6:00p.m., and everyone within one mile of the Peter Fitzpatrick School will be getting a postcard notifying them of this public hearing.

f. Inclusionary Zoning Article Review:

Ms. Gingras said that she met with the Affordable Housing Committee (AHC) last week and they took an official vote to move that article to Fall Town Meeting.

g. Staff Updates:

Ms. Gingras said that she had submitted the Massachusetts Historical Association grant last week (for Town Hall renovations) and we will have an answer on that by June 8, 2022

7. Future Meetings:

- a. April 4, 2022 (6:00p.m.)
- b. April 19, 2022 (Tuesday)

Adjournment:

Mr. Walkovich asked for a motion to adjourn the meeting. So moved by Ms. Morrow, seconded by Mr. Patenaude. All in favor. Meeting adjourned at 8:42 p.m.

Respectfully submitted by Cheryl Lutcza, Planning Assistant