



Planning Board

Meeting Minutes of May 16, 2022

Board Members:

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

Not Present:

Staff: Jenny Gingras (Town Planner), Cheryl Lutzca

Attendees: David Lavender/Caroline Ahdab, Joan Ladik, Tiffany James, Chuck Walkovich

1. Call To Order:

7:01P.M. The remote public meeting (recorded for future broadcast by Pepperell Community Media) was called to order by Mx. Campetti.

2. Consent Agenda:

Mx. Campetti asked for a motion to accept the Consent Agenda. So moved by Mr. Ganong, seconded by Ms. Morrow. All in favor. None opposed

- a. Acceptance of Minutes from May 2, 2022

3. Action Items:

a. Adoption of Ch. 44, Section 53G ½ Regulations:

Mx. Campetti opened up the hearing on consideration of adopting the regulations for Ch. 44 Section 53G 1/2 relating to Deposit of Performance Security.

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

Mx. Campetti asked Ms. Gingras to provide a brief to the Board.

Ms. Gingras provided a screen share of the proposed regulations and said that many times the Planning Board can require a bond in lieu of completion of work, or deposit of monies, securities. This is something that the Planning Board has not adopted, and Town Counsel recommended that the Board accept these regulations. The draft recommended is a standard draft that other towns have accepted and were written by Town Counsel. This will explain the process for the form and handling of security. The Board already follows this process, per M.G.L. Ms. Gingras provided an overview of the regulation document that the Board needs to adopt and the procedural process.

Mx. Campetti asked if the Board had any questions.

Ms. Morrow asked if this is just focused on bonds that have to do with permits that were before the Planning Board. Ms. Gingras said it is for anything where the Board could require a bond in lieu of completion of the work.

Mr. Patenaude asked if this changes any of the formats that the Board can hold bonds under. Ms. Gingras said it is for any type of bond (cash, financial guarantee through a bank, etc.). Discussion ensued. Ms. Gingras said we are already following this process via the Tax Collectors office, however, the Board is required to accept these rules by vote. Discussion ensued. Mx. Gingras said this would be referenced in any new drafts of regulations for the Board.

Mx. Campetti asked about the default section of the regulation and said that there was pretty broad discretion and might that be something where the Board might want to be more specific with the language in an actual bond. Ms. Gingras said that the Board could be more specific in special permit decisions, i.e., tightening the deadlines for substantial completions, by putting in a deadline for completion of work. Discussion ensued.

Mx. Campetti asked if the Board received any comments from other Town Boards and Departments. Ms. Gingras said no.

Ms. Morrow said that having this as a background document will fulfill the Board's needs and she is comfortable with that. It allows the Board to be stricter in defining our permit agreement and use this as background to substantiate that agreement. Ms. Gingras said that is correct.

Mx. Campetti asked if anyone in the audience would like to make a comment or ask a question regarding this. No response.

Mx. Campetti asked if the Board was ready to have a discussion and take a vote on this matter. Mr. Patenaude said that he won't vote as he hadn't had a chance to read it, however if it is a standardized form, he is okay with it. Mx. Campetti said that she would prefer if everyone had a chance to review it and continuing this to take a vote next time around. Ms. Gingras said that these are referenced in the Stormwater Regulations, and she wouldn't want to see the Board wait too long to adopt them. Mr. Patenaude said if everyone else on the Board had a chance to read them, and were comfortable with them, he would be okay with that. Mx. Campetti asked Ms. Morrow and Mr. Ganong if they were comfortable with this. Ms. Morrow said that she was.

Mx. Campetti asked for motion to close the public hearing. So moved by Ms. Morrow, seconded by Mr. Ganong. Ms. Morrow, Mr. Ganong and Mx. Campetti were all in favor. Mr. Patenaude abstained. None opposed.

Mx. Campetti asked for a motion to adopt the Rules for Performance Security as written. So moved by Ms. Morrow, seconded by Mr. Ganong.

Roll Call Vote taken as follows:

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

Mx. Campetti confirmed that there were three in favor and one abstained, so the Board has adopted these Rules for Performance Security.

4. Reports/Correspondence/Discussion:

(Matters may arise that the Chair did not reasonably anticipate)

a. Discussion of Smart Growth Overlay District (Ch. 40R) Analysis:

Mx. Campetti said that Chris Hayes from NMCOG was supposed to make a presentation this evening, however he is not able to be here. Mx. Campetti asked Ms. Gingras to provide a presentation.

Ms. Gingras said that she wanted to reiterate that this is still in high-level discussion and is still in draft form. She said that she has been working with Mr. Hayes for a couple of months and he has provided detailed information. She said that this is not an easy zoning change, but it is an important one. There needs to be a lot of public outreach on this and the Board will need to hold a public hearing, no later than the end of July, as the hearing is for a pre-eligibility determination and the Board needs to decide what will be included in the 40R district, after the hearing it is sent to DHCD for approval, and DHCD has 90 days to approve or deny. We would like to have this on the Fall Town Meeting Warrant, as it is important for affordable housing and we have a developer who is ready to go with a development, if it is approved. Ms. Gingras provided a screen share of a memo from Chris Hayes, dated April 29, 2022. Mx. Gingras said that 40R is a smart-growth overlay district and it needs to be near a commercial district or transit system. She provided an overview of what DHCD could provide relative to the number of units built. Mx. Gingras said that the areas of concentrated development are near Lomar Park and the Main Street/Railroad Square area. The affordable housing would be 80% of the area median income, and you can't go any higher than that, and this would be worked out in the bylaw as to what percentages would be required. Mr. Patenaude said that it would be important for people to hear what the area median income is. Ms. Gingras said that Mr. Hayes will have that information. Ms. Morrow said that where this is senior-related housing, it would not be related to the school budget. Ms. Gingras said that 40R units would also qualify for 40S payments. If the Town is able to get up to 10% of affordable housing for Pepperell, we would be in safe harbor status, and the ZBA would not have to accept any 40B projects, which can have unlimited density, where 40R has specific guidelines. Ms. Gingras said there is a developer interested in developing the site behind the VFW, and we would like to see him do a 40R instead of a 40B. Discussion ensued regarding the paper mill site and remediation programs that would be needed if a developer chose to develop that site as a 40R, however Ms. Gingras said that she believes that the current property owner is not interested. Discussion ensued regarding other potential future project sites along the Main Street. Ms. Gingras said that this gives developers the option to do affordable housing, via 40R, which gives the Town more control over what goes where, rather than 40B's. All units created under 40R count towards our affordable housing.

Mx. Campetti asked if Ms. Gingras could provide an overview of how the smart-growth and mixed-use overlays are complementary to each other. Ms. Gingras shared her screen and provided maps and discussed scenarios via screen share. Ms. Gingras said that Mr. Hayes would be providing more detailed information and photos in the future. Ms. Gingras continued with her presentation via screen share.

Mr. Ganong asked if this would make the Mixed-Use Overlay District (MUOD) more attractive to everyone. Ms. Gingras said it would. Ms. Gingras continued her presentation. Mr. Patenaude said this is a very interesting concept and if written properly could certainly be beneficial to the Town. He discussed current rental rates in Pepperell for one and two-bedroom apartments. He said Pepperell's rental rates are below what MHP has set for guidelines. Where there is no detriment of a 40R being blended into an MUOD, all rental units would count and would be extremely beneficial to the Town over 40B, and this is a great way to push the numbers quicker. The Town has more control in working with developers.

Ms. Gingras said that the concept is pretty much what Mr. Patenaude spoke on. It is complicated right now, however there are other towns that have been successful, and this is something worth exploring. We would still have the design standards and everything we are working on with the MUOD, but we would be getting credit for all of the housing under 40R. Any restrictions that are in place on land, will still stay in place, such as conservation, wetlands, water districts, etc. Ms. Gingras said that Mr. Hayes will be putting together a more detailed presentation.

Mx. Campetti asked about the time process and the hearing needing to be held prior to the end of July, if the goal is Town Meeting. This is already complex, and it is important to get a lot of public input, especially where we are talking about specific areas. The hearing is the public outreach that has to happen. Mx. Campetti asked if this gets mixed in with MUOD, would some of the public outreach already planned for MUOD also address this. Ms. Gingras said that she recommends that the Board discuss this at every meeting, and just like the MUOD, we will continue to have public working groups, meetings, and workshops throughout the summer and fall. Ms. Gingras said that she was thinking about sending postcards out to residents/businesses in all the areas that are being considered. Mx. Campetti agreed that this is important, and it is good that the Board is looking at more than one thing at the same time.

Ms. Gingras continued her presentation and explained that changes can still be made after a pre-eligibility hearing has been held.

Ms. Morrow asked if the MUOD and 40R are only restricted to apartments, or could condos be considered. Ms. Gingras said that you can have rental or ownership. There are percentages of what you can have of each type, and she believes those can be figured out on a local basis. We can ask Mr. Hayes about this in more detail.

Ms. James asked if there would be restrictions on the number of bedrooms. Ms. Gingras said there might be under the bylaw, however she will have to touch base with Mr. Hayes on that.

Mr. Patenaude discussed developers asking the State for funding, and that could push higher bedroom counts (two- and three-bedroom units).

Ms. Morrow asked about the 40S support payments back to the Town, if it were a condo versus an apartment. Ms. Gingras said she did not know for sure, however it is tied to student count and the school district should have those numbers. Discussion ensued.

Ms. Gingras said one caveat if we combine them is that 40R has to be by right and we can do a site plan review, but we can't require a special permit.

b. Discussion of Planning Board Subdivision Rules and Special Permit Rules:

Mx. Campetti asked Ms. Gingras to speak.

Ms. Gingras said that if the Board has had a chance to review the documents, she is looking for feedback on anything the Board would like to see changed or revised.

Mx. Campetti asked if there are any best practices that are new, that aren't already incorporated. Ms. Gingras said she had suggested that the differences between minor and major site plan review, would be something new that is needed.

Ms. Gingras shared the document on her screen.

Mx. Campetti asked about Section 3 (Applications for Special Permits) and said that the Board could be a lot more thoughtful on the requirements that are needed, and how it would best work for everyone. She would like to see better quality applications, with digital submissions.

Ms. Morrow asked if there could be a checklist that encompasses all of the various points under 3.0 for the applicant to refer to, summarizing every step the applicant needs to take. Mx. Gingras spoke on this and said there currently is a checklist and an Appendix A, which needs to be changed.

Discussion ensued among Ms. Gingras and the Board Members. Ms. Gingras said she spoke with Jeff Owen (NMCOG) regarding the formatting of the application form, etc., if the Board is interested in starting from scratch, she is fine with that. She does not know of any other towns that have a "great" process. Many towns are going electronic and changing what they are requiring. Discussion ensued.

Mr. Patenaude said that while he agrees there is a need for major overhauls, in many areas, if we reformat, we should try to make sure we have the ability to cross-reference from what we had to where we go. Discussion ensued between Mr. Patenaude and Ms. Gingras.

Ms. Morrow said we need to do a better job of version control of documents that are online. Having something in the footer of a document that notates the date is important.

Mx. Campetti agreed that is important, and she likes the idea of looking for opportunities to delegate some authority to the Planner for certain approvals. She would like the Planning Department to have some empowerment when dealing with people, although that wouldn't take away from the power of the Planning Board Members.

Ms. Morrow said that there needs to be consistency in the Planning Department of what documents need to be required with applications, and the documentation should be strong and straightforward.

Ms. James suggested that the wording in the document is not easy to follow. Ms. Gingras agreed.

Mx. Campetti asked if Ms. Gingras had a date in mind in which she would like to receive input from the Board. Mx. Gingras said she had requested that input be sent to her by May 20th. Ms. Gingras can then work together with Mr. Owen and Mr. Walkovich (who is also in the working group) to come up with an initial draft to present to the Board. The Board could then make comments and changes. Discussion ensued between Mx. Campetti and Ms. Gingras. Ms. Gingras asked for comments on the subdivision regulations by May 20th as well.

c. **Reorganization of Master Plan Implementation Team:**

Mx. Campetti said that she asked Mr. Walkovich to be here this evening, and other members of the MPIT Team asking for thoughts on this. Mx. Campetti asked Mr. Walkovich if the way things are set up are the way we should continue or if we should scale back. Mr. Walkovich suggested Mx. Campetti read Deb Fountains email with her thoughts on this. Mx. Campetti summarized Ms. Fountain's recommendations she provided in her email.

Mr. Walkovich said that a lot of the heavy lifting of reporting back to the Town has been done and the reporting function is more in a maintenance mode. Having a member of the Planning Board on MPIT would be sufficient, and the standing item on the agenda could be moved to a monthly basis. Ms. Gingras could also be involved.

Mx. Campetti said that was great feedback and she would like to know the thoughts of the other Planning Board Members and Ms. Gingras.

Ms. Gingras said that it will be big shoes to fill and the MPIT has done a tremendous job. It's not something she can do alone, so she does think it would be very helpful if a Planning Board Member could assist. Mx. Campetti said if there was a designated Planning Board Member that could work with Ms. Gingras, especially around reporting time, which would be ideal so that it is not overwhelming for either Ms. Gingras or the Planning Board Member.

Ms. Gingras asked how many meetings they envision. Mr. Walkovich said that most recently they are just meeting as needed. There were a couple of extra meetings getting ready to produce the report. Ms. Gingras asked if a quarterly meeting would work.

Discussion ensued about how much time all of the behind-the-scenes work takes.

Ms. James said that she would be willing to offer some assistance with this, wherever she would fit in.

Mx. Campetti said that if there is apprehension of one person stepping up to take all of this on, maybe we could have a different approach, so that one person doesn't have to be burdened with all of this. Discussion ensued regarding the possibility of setting up an electronic drop box. Ms. Gingras to speak with Martin Cadek (IT Director) regarding this.

Mx. Campetti proposed that she could volunteer to spend a little more time with MPIT and Ms. Fountain to come up with a proposal to bring back to the Board for discussion on how to move forward with this. Mr. Walkovich said that both he and Mark Matthews are available for a year. Discussion ensued.

d. **Staff Updates:**

- Ms. Gingras said that the next MUOD Working Group Meeting is scheduled for May 25, 2022, and it will be a hybrid meeting.
- Ms. Campetti said the Board received another Citizen's Activity Application, and she will be reaching out to that person, however she is leaning towards recommending we go with the applicants that had previously come forward.
- Mx. Campetti would like to put discussion on Planning Board Reorganization on the June 6th agenda.

5. Future Meetings:

- a. Joint Meeting with Selectboard (potentially May 23, 2022)
- b. June 6, 2022
- c. June 21, 2022 (Tuesday)

6. Adjournment:

Mx. Campetti asked for a motion to adjourn the meeting. So moved by Ms. Morrow, seconded by Mr. Ganong. All in favor. Meeting adjourned at 9:18 p.m.

Planning Board Meeting Minutes of May 16, 2022, respectfully submitted by Cheryl Lutzca