

Planning Board Meeting Minutes

5/17/2021

Board Members

Present: Casey Campetti, Chuck Walkovich, Jennifer Gingras, Joyce Morrow, Paul Lonergan, Al Patenaude

Staff: Lisa Davis, Planning Consultant, Cheryl Lutcza, Administrative Assistant

Guests: Wes Ritchie and Ture Turnbull, NECC; Paula Terrasi; Margaret Scarsdale, Anthony Beattie, Mark Matthews Select Board; Deb Fountain, MPIT; Ian Ainslie, UMA Flowers; Mark Walsh

1) Call to Order

The meeting was called to order by Chair Campetti at 7:00PM

2) Acceptance of Minutes

- a. **May 3, 2021** – The minutes were accepted as written by a motion from Ms. Morrow; seconded by Mr. Patenaude. All in favor.

6d) DLTA Funding request was discussed during this timeslot

Ms. Davis reported that an application was submitted, and the Town was awarded the an age-related/dementia best practices grant from NMCOG that will be helpful for Seniors.

ANNOUNCEMENT – Ms. Davis announced that Ms. Lutcza would be the permanent Planning Board Assistant, along with her current position of Assistant to the Zoning Board of Appeals. Congratulations from all the Board members and they are lucky to have her!

3) 7:05PM – Public Hearing on Special Permit Application Regarding Signage at 66 Hollis Street (Joanne Smith for PACH Outreach)

Mr. Patenaude announced that he needed to be recused from the PACH hearing as a Planning Board member but will ask questions as a resident and abutter.

Mx. Campetti asked Ms. Gingras, in Mr. Patenaude's absence, to act as a full voting member for this Public Hearing. She would also act as Clerk, and read the Notice of Public Hearing into the record.

Mx. Campetti asked Ms. Gingras to read comments from other Boards/Departments or Committees/Ms. Davis into the record. There were no comments from the Boards/Departments or Committees. She then read Ms. Davis' memo dated May 11, 2021 that included comments on the dimensions of the sign, placement, lighting, set back from the road, and concluded that the applicant met the specifications in the Zoning Bylaw, however she would like the applicant to explain the set up for the lighting in more detail.

Ms. Smith then provided a shared screen with a set of photos of what the sign and LED lighting fixture would look like. According to Ms. Smith, the sign would stand 8ft x 4 ft and would be double-sided with interchangeable panels. It will be set back 25 ft from the road and will have a solar lighting fixture at the top of the sign.

A lengthy discussion took place regarding the size of the sign, placement of lights, shielding of lights to avoid distraction to abutters and drivers on the road, type of lighting such as LED warm or cool color, length of time the lighting would be turned on and off, the close proximity of the sign in a residential area. The Board recommended the lights be turned off by 9:00PM and/or shut off lights within an hour of when personnel were no longer on site. Ms. Smith commented that the lights are not placed for safety but rather to let residents know where the PACH location is and that personnel are working in the building. She also read the specs for the lighting. At the end of the discussion it was decided to restrict lighting to 2000-3000 kelvins, that the placement of the sign is fine, removal of old signpost, and to have the Building Dept review the final product.

The discussion was open to the public for comment. Mr. Patenaude, 12 Village Road noted that the size of the sign does not meet the current Zoning Bylaw of 6 sq. ft. He noted that the proposed sign is 32 sq. ft which is substantially larger than the Bylaw allows. Mr. Patenaude also spoke to the hours of operation for the lighting and reiterated that the size of the sign is a big concern to him.

Mr. Patenaude asked Ms. Davis if she could clarify the size requirements for signs under the current Zoning Bylaw. Ms. Davis noted that 6 sq. ft was the regulation and Mr. Patenaude followed up by commenting that this sign would be larger than any other signs in Pepperell and that the lighting would then be even broader due to the height. He stated that PACH needs to come through the Planning Board for approval because their business is not "in kind" to what was located in the building prior to their purchase. Ms. Davis clarified that the Planning Board was not the enforcement office and if the Building Department felt this met the regulations, it would not go to the Planning Board for approval.

Mr. Beattie, 36 Oak Hill Street, asked why the sign is not smaller? He also wanted to know if there will be a solar array and where would it be placed.

Mr. Walsh, 53 Shattuck Street, commented that the size of the sign is a little bit over the top.

Mx. Campetti asked the applicant to address these comments. Ms. Smith stated she did not know where the solar array would be placed, but that according to the drawing, it appears to be located on top of the sign. Mr. Walkovich noted that it rests on top of the lights on top of the sign. Ms. Smith commented that the size of the sign is what the sign company came back with and that PACH did not request this size.

Mx. Campetti asked if there were any waivers requested in the Special Permit. Mr. Walkovich noted there were none included, but Ms. Davis noted there were some waivers requested from the hand drawn site plans, which is pretty standard but should be included in the decision.

Mx. Campetti asked if the Board members had any questions or comments.

Mx. Gingras wondered if there was a way to make the sign smaller (at least height-wise)

Mx. Campetti commented that since the sign is set back 25 ft from the road, would a change in height or size be okay. Ms. Smith stated that they would do whatever they could do to get approval.

Ms. Morrow asked if the signage could be attached to the building with lighting shining down from the eaves of the building onto the sign?

Mx. Campetti noted that the building is set back far from the road and the sign may need to be even larger to be readable from that distance.

Ms. Davis commented that it might be more appropriate to restrict the height of the sign, maybe 8 ft in height. Ms. Gingras noted, maybe 8 ft from grade and Ms. Davis concurred that that was a good height – to the top of the post.

Ms. Gingras noted that a sign definitely needs to be there but she felt a large sign would make it look too commercial and that this location is considered a residential area.

A motion was made by Ms. Morrow to close the Public Hearing; second by Mr. Walkovich. All in favor. Mr. Lonergan abstained.

The Planning Board now began a brief deliberation about the dimensions of the sign, color, angle and shielding of lights, hours of operation of the lights, frequency of lights being on depending upon hours of operation of the Center. It was decided to include the following conditions:

- Lights off by 9pm
- 2700 Kelvin max
- Limit overall structure to height of 8ft in total from grade including any attachments or appurtenances
- Lights must be fully shielded and top mounted.

Mx. Campetti asked if there were any other potential conditions or comments. As there were none, Mx. Campetti asked for a motion to grant the Special Permit to PACH with conditions as noted above. Ms. Morrow moved to approve the Special Permit for Signage at 66 Hollis Street; seconded by Ms. Gingras. All in favor.

Ms. Davis then gave the applicant insight into the decision process which takes approximately one month from recording the deed to the awarding of the permit.

4) **Plan Endorsement**

a. 2 Tarbell Street (UMA Flowers) - Minor Site Plan Modification Due to Relocation of HVAC

Mx. Campetti recuses herself in this discussion and appoints Mr. Walkovich as Interim Chair. Mr. Patenaude asked the Chair if he can re-join the Board for this discussion. Mr. Walkovich asks for a brief over view of the modifications. Ms. Davis provides the overview and Mr. Ainslie, Engineer for UMA Flowers, shares a revised site plan on the screen for the Board to review. The original plan is indicated in black and the modifications are shown in red. Mr. Ainslie explains that the HVAC needed to be relocated, which would necessitate the handicapped space and access to be in front of the UMA Flowers business. Parking spaces to the rear of the building would be reduced from 9ft to 8.5ft to accommodate a much larger HVAC unit that is required for Cannabis ventilation. Mr. Lonergan wanted to ensure that the van space meets all ADA requirements and it does. Mr. Patenaude wanted to know if the van would require a modification to the concrete walkway and it does not need that change.

Mr. Walkovich asks for a motion to accept the Minor Site Plan Modifications as discussed. Mr. Patenaude moved to accept the changes; Mr. Lonergan seconded. All in favor.

5) Action Items – The Board decided to take the action items out of order this evening

a. Modification of Robinson Hollow Decision

Ms. Davis introduced the discussion on the Robinson Hollow Decision. When the applicant was recording the deed, Fish and Wildlife noted that there were minor errors in assigning parcels, which were part of the entire property. Open space Parcel A was to be deeded to Massachusetts Fish & Wildlife and Parcels B & C were to be deeded to Pepperell and managed by Conservation. The unbuildable lots 1& 2 were to be reserved as open space and needed to be deeded to Pepperell, not Conservation. The modification of the Decision is to make the language of the Decision consistent to the Site Plan.

As there were no additional questions or comments after the explanation, Mx. Campetti asked for a motion to Amend the Decision language to reflect the Site Plan. Ms. Morrow moved to amend the Decision; Mr. Walkovich second. All in favor.

b. Minor Changes to Master Plan Recommended by MPIT

Ms. Fountain detailed requested changes to the Master Plan Recommendations list regarding the Invasive Plant Committee. There are 4 recommendations on the list that were assigned to the Planning Board, however, the newly created Invasive Plant Committee has these items as part of their mission and scope of work. That said, they would like to take part in any activities in these four items.

They are as follows:

- 2.8 – Residential and open space
- 7.15 - Tree Retention Bylaw
- 2.1 – Updating Town of Pepperell Bylaws
- 2.12 – Design standards

Ms. Fountain also requested a change in the reporting to Semi-Annual for formal presentations to the Town.

Mx. Campetti asks for a motion to add Invasive Plant Committee to the Master Plan Recommendations list and to change the reporting out to Semi-Annual reporting. Mr. Walkovich so moves; Ms. Morrow seconded. All in favor.

c. Requested Outside Legal Opinion On Interpretation of Recreational Marijuana Bylaw

Mx. Campetti recuses herself from this discussion and appoints Mr. Walkovich as Interim Chair. Mr. Walkovich asked if the Legal Opinion on Interpretation of the Recreational Marijuana Bylaw needed to be read into the record. Ms. Davis commented that this Second Opinion was received late on Friday and was not shared with the Planning Board members nor anyone from NECC, so she felt it should be read into the record.

Ms. Morrow read the letter – 2nd Legal Opinion – into the record from Brian R. Falk of Mirrick O’Connell. Ms. Davis has not yet reached out to the Town Counsel. Mr. MacLean sent a copy to them but did not receive a response from them.

d. New England Craft Cultivators (NECC) – Deliberation

Mr. Walkovich asks if the Planning Board members have any comments. A very lengthy discussion on the interpretation of the Bylaw ensued. Ms. Morrow thanked NECC for their patience and continued optimism. Mr. Lonergan commented that the intent of the original Bylaw was clear, and Mr. Patenaude concurred. Ms. Gingras noted that she felt the original

bylaw was unclear. Mr. Walkovich asked the Board members where they were leaning in their decision on the interpretation. Ms. Davis commented that since all 4 members must vote in the affirmative, and it seemed pretty clear during the discussion which way everyone was leaning, they should just begin the deliberation at this point.

Mr. Ritchie thanked everyone for their time, and noted that all the information during the deliberation is new to them and they would like an extension to absorb it and sort it all out.

The Board agrees an extension would be in everyone's best interests so Mr. Patenaude moved to grant an extension for the Special Permit to June 21, 2021. All in favor.

Mr. Walsh asks for clarification as to what the extension was for. Ms. Davis commented that it was an extension to render a decision.

Mx. Campetti returns to the meeting at 9:06PM

e. Reports/Correspondence/Discussion

Matters may arise that the chair didn't reasonably anticipate)

a. Stormwater Bylaw/Proposed Rules and Regulations

Ms. Davis explains that the Planning Board needs to make a recommendation on the Stormwater Bylaw so it can be on the Warrant at the upcoming June Town Meeting. A brief discussion of the document for the Stormwater Bylaw took place. Mx. Campetti asks for a motion to accept the Bylaw as written and to support it at the upcoming Town Meeting. Mr. Walkovich so moves; second by Mr. Lonergan. All in favor.

b. Local Resource Recovery Planning Grant

No discussion

c. Master Plan Implementation Team Update

Ms. Fountain addresses the Board and shared her Power Point presentation. She provided the Board with a Status Report Summary of 121 Master Plan Recommendations and two additional sets of Recommendations. One was the Open Space and Recreation (OSRP) – 62 recommendations and, two as Toward a more Resilient and Sustainable Pepperell – 14 Recommendations. Many recommendations are assigned to multiple committees and boards. The details of this Presentation will be on the Town of Pepperell website under Master Plan once the Planning Board approves the Presentation tonight. This Committee would also like the permission of the Board to present their recommendations to the Select Board and at Town Meeting in June.

Mx. Campetti thanked Deb and asked for any comments from the Board. Mr. Walkovich noted that Mark Matthews, Deb Fountain and Team met once a week and also participated in a number of departmental meetings. Deb was thanked for her significant efforts in data collection and the presentation. Mx. Campetti made one correction on 2.17, noting that the Planning Board did not work on this item, but the Town Planner, Ms. Davis, did.

After many thanks from the Planning Board members, Mx. Campetti asked for a motion to approve the presentation on MPIT with the edit to 2.17 changing it from Planning Board to Town Planner. So moved by Ms. Morrow; seconded by Mr. Walkovich. All in favor.

d. NMCOG Update/DLTA Funding Request

Moved to 7:02 timeslot in agenda

e. One Stop for Community Growth Expression of Interest

Ms. Davis gave a brief overview of what Margaret Scarsdale has been doing for this committee:

- She has spearheaded the effort
- Creates a second draft of the application
- Has had many meetings with the team
- Working on a grant to prepare an overlay from Railroad Square to the Rotary, including Peter Fitz and the Mill Site.
- Application is due in early June

Thanks all around to Margaret Scarsdale, Selectwoman for her work on this project.

Future Meeting(s)

a. June 7, 2021

b. June 21, 2021

The meeting was adjourned at 9:30PM by motion from Mr. Walkovich, seconded by Ms. Morrow. All in favor

Respectfully submitted by Joan Ladik