

May 2, 2012

Meeting Minutes

The meeting was called to order at 7:10 PM.

1. Roll Call

In attendance: Dan Bowie, Henry Coe, Paul Dahn, Anne Gardner, Noah Luskin, Jim McCarthy, Bonnie Sontag and Don Walters

Absent: Sue Grolnic

Andrew Port of the Planning Office was also present.

2. General Business

a) Approval of the Minutes

Minutes of April 4, 2012 Meeting

Henry Coe made a motion to approve the minutes as amended. Bonnie Sontag seconded the motion. Minutes approved as amended.

The motion passed unanimously.

Motion Approved.

3. Old Business

a) Springwell Investment LLC

Oleo Woods OSRD Definitive Subdivision

Request to Amend Condition of Approved OSRD Special Permit and Definitive Subdivision Plan Approval and Abandon Section VI-C Special Permit (Lot 18)

Continued at the request of the applicant.

A member considered the request related to the applicant's continued work on a sketch of the plan for Lot 18 because the sketch represented significant changes to what the Planning Board approved. The applicant's absence was regretted and a request to review the original plan at the next meeting was made.

It was hoped that the low-income units would not be too obvious when driving through the subdivision. Andrew Port, Planning Office, and Chairman Bowie both said this is the third variation on those units and also requested to review the original plans at the next meeting.

Anne Gardner made a motion to continue the hearing to Abandon Section VI-C Special Permit (Lot 18). Jim McCarthy seconded the motion. The motion passed unanimously.

May 2, 2012

Motion approved.

Votes Cast:

Dan Bowie: approve

Henry Coe: approve

Paul Dahn: approve

Anne Gardner: approve

Bonnie Sontag: approve

Don Walters: approve

Noah Luskin: approve

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.

4. Old Business

- a) **Timberline Enterprises, LLC**
c/o Blatman, Bobrowski, & Mead LLC
23 Low Street
Pre-Application Hearing
Site Plan Review Application Completeness Vote

Adam Costa, attorney and associate of Lisa Mead, Blatman, Bobrowski & Mead, represents the applicant for a reuse of the site with a number of modifications.

Proposed is a wholesale lumber operation, a permitted use. The applicant was also seeking a special permit from Zoning Board of Appeals for incidental retail sales defined as such because it involved only lumber accessories, allowed by special permit. The applicant did not have full site plans and did not intend to make a formal presentation at this meeting.

Proposed are four new structures on the lot. Three structures currently exist on the lot. The applicant wants to raze one building and preserve the other two, one to be a gatehouse and one for the incidental retail. The proposal includes four new buildings – long and narrow to accommodate drive-through access by full size, 40-50 foot long delivery and pick-up trucks for loading and unloading lumber. The truck would enter and leave the building from the internal roadway on the lot, Overland Drive. Two additional buildings will be three-sided with no drive-through access to store machinery and materials. The applicant has met all requirements of a major site plan review.

Christiansen and Sergi have not yet reviewed traffic or drainage reports. The applicant just today received comments from Christiansen & Sergi on other aspects of the plan, but has not yet reviewed them. Lighting for the site will be directed down for safety purposes, therefore no photometric review is planned. There will be limited landscaping and no landscaping plan

May 2, 2012

created by a landscape professional. At the request of the Conservation Commission, there will be a landscaping plan. Overland Drive traverses the site in two directions. Landscaping cannot be significant due to forklifts moving to and from the various buildings.

Chairman Bowie asked about the status of Overland Drive. The road was never accepted as a public roadway. It's arguably a private roadway, more of a driveway. It could also be seen as a separate lot. Mr. Costa described the site as having been made into condos after it was subdivided into two or three lots outside the circular roadway. The interior oval is a parcel also. Approval was then received for boat storage. We are disposing of that earlier plan because we do not intend to use the property as separate lots.

Chairman Bowie asked if any individuals in the condominiums have an interest? Mr. Costa responded in the affirmative. There are units, common areas, and limited, exclusive-use common areas, such as backyards. The boat slips are individual, exclusive-use areas that were sold to condo owners. We included the signatures of individual owners of the slips on the submissions. One unit owner in particular has raised an issue concerning the development of the site and objects to the project. Mr. Costa said his client is committed to working with the condo owner. It is hoped all can be amicably resolved before a plan is submitted.

Chairman Bowie said the site plan review process requires the inclusion of approval by the owner in the site plan review. Mr. Costa said the condo association has already signed-off on the plan. Chairman Bowie said every owner needed to be on board. Mr. Costa said there are a number of units that have not been acquired, but the remaining unit owners are onboard.

Mr. Costa said title issues exist that will affect development. The assessor's records are outdated and don't accurately represent current ownership of subdivided lots within lots.

Chairman Bowie asked for details of the Order of Conditions from the Conservation Commission. Mr. Costa said the Conservation Commission voted unanimously for three conditions. Landscaping was requested to address erosion control concerns from water sheeting off the roofs of the additional buildings. The Conservation Commission wants additional trees for storm water management purposes. The applicant has relocated the curvature of the roadway to provide for additional green space and added five trees for screening. They will relocate trees to the rear of the site to create a visual buffer from the adjacent buildings, even though it is an industrial site. Also addressed were concerns about removing and storing snow on the site so not to adversely affect the trees. We'll be loaming and seeding around the buildings, which are not guttered. A drip edge was recommended instead of loaming and seeding up to the edge of the buildings. Other than that they had questions for the engineer, Thomas Mannelta, president of Thomas Mannelta Inc. He is working on the project and some abutter's issues that need to be addressed.

Andrew Port, Planning Office, asked if there was any conversation about trees along the drip line? Additional screening for the Bike Trail would be helpful also.

Chairman Bowie commented on the request of a waiver for a landscape architect with respect to the hard pack gravel. How would trees be able grow in hard pack that is harder than

May 2, 2012

pavement? Soil prep for the trees will not be typical. How will you manage that without a landscape architect? Everyone wants the trees to be there 50 years from now. Mr. Costa asked if he could give the board a narrative that describes how the tree planting will be done. Chairman Bowie agreed. A member added that, historically, industrial sites might not require the degree of planting that other sites require, but the screening is very important to the Rail Trail because these buildings are going to be significant. The board is not concerned with the licensing of the individuals who will do the work, but wants assurance that the screen will survive and do the job it's intended to do. Mr. Costa said he would provide a detailed narrative. Another member added that evergreens are needed as visual buffers and should be included because most everything out there is deciduous.

A member asked about the hours of operation with respect to beepers on backing-up trucks bothering residents in neighboring Back Bay. Mr. Costa will give more specifics at the public hearing, but said operations will start very early in the day, often before 7 AM, and end early in the day. Saturday is typically a half-day with no truck deliveries, only individual contractors coming to the site.

Chairman Bowie said to pay attention to some up front screening as well for the two residents at the front of the site. The more detail provided at the public hearing the better.

A member spoke about plantings done with the intention of screening the buildings from the Rail Trail. Over time, we don't want it to look like we bookended the industrial area only to expose the Rail Trail to the traffic on Route One. Andrew Port, Planning Office, added that the higher elevation of the Rail Trail provides a view across the whole site.

Another member said it might be advisable to have a photometric review in case an abutter has an issue and complains about the lights. Never underestimate the visual impact from the Rail Trail.

A member said that use of boat storage versus peak, site-specific traffic could be an issue. The business will generate a measurable increase in traffic. Mr. Costa said that most traffic would be coming from Interstate 95.

Another member asked if Christiansen and Sergi or anyone else brought up the subject of utilities viewed from the Rail Trail and whether they should be underground? Also, the wide-area lighting shown on the plans will broadcast light, affecting the neighborhood. It would be good to find a fixture that takes care of this and to know where the fixtures are, too. Mr. Costa said he would speak with his client about safety versus glare of lighting. In addition, the member said the new signs requested needed to address the safety issues of the dangerous intersection and consider the signs that are already there.

Don Walters made a motion to approve the Site Plan Review Application Completeness. Paul Dahn seconded the motion. The motion passed unanimously.

Motion approved.

May 2, 2012

Votes Cast:

Dan Bowie: approve
Henry Coe: approve
Paul Dahn: approve
Anne Gardner: approve
Noah Luskin: approve
Bonnie Sontag: approve
Don Walters: approve

Chairman Bowie said the public hearing on this matter will be May 16.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.

5. Planning Office/Subcommittees/Discussion

a) Local Historic District Study Committee Discussion

Sarah White, Margaret Welch and Doug Bolick, LHD Study Committee

Sarah White said the LHD Study Committee has delivered their preliminary study report and provided significant updates to the ordinance and guidelines in that report. The committee presented its fifth iteration since the study was completed and tonight they want to know what the board thinks of it.

A member asked what their ideal outcome from this board would be. Sarah White said they're here to explain the parameters under which an LHD can function. The committee wants the board to have a thorough understanding of what the LHD is attempting to do in order to avoid any areas of crossover responsibility with the Planning Board. The Study Committee was tasked with devising a plan to provide a mechanism for preserving the core of the historical structures in town, particularly along High Street. They believe there are more areas that need protecting, but High Street is experiencing development pressures.

The boundaries of the LHD have been a moving target over the last five years. The ordinance and guidelines, as the mechanism by which each application will be measured, potentially enables a commission to vote to change the guidelines without going through City Council. The committee proposed to move the guidelines into the ordinance itself so that any change to those guidelines would need a two-thirds vote from the City Council.

Doug Bolick said that another overarching thrust is a balance between having strong enough ordinance and guidelines to get the job done without being a burden on the city and its homeowners. The committee has made a number of changes with public input.

A member asked to be walked through the proposed applicant process to hear how the committee sees the division of responsibilities.

May 2, 2012

Sarah White said it's not just any exterior change that would bring you before the commission, but a specific change, visible from a public way in the district that requires a homeowner to submit an application to the Commission. Margaret Welch said exempt from review are back windows, back doors, and backyards. A member asked if a backyard can be viewed from a public way in the district is there something in the guidelines that says it's not eligible for review? Margaret said that was a good upgrade to include. Sarah White said a list of things excluded from review starts on page two; there are about 19 items in all and most commissions do review them but we are limiting our concern to the core, original structure. Masonry and front fences will be looked at separately.

Returning to the process, Sarah continued, if you were to restore a house, you go to the building inspector to get a permit. You'd look at a list of streets in his office. If your house was in district and any area of restoration was viewable by a public way, you'd fill out an application in the Planning Office, reviewed by a delegate of the district commission in that office. After notification of abutters if nothing comes back from the abutters, in the next scheduled meeting of the commission your application could be ok'd and no hearing is needed. An example of a minor issue that could go that way is replacement of siding with the same material.

An example of a major issue is a building in tough shape and the owner wants a full demolition. There would have to be a public hearing and replacing it might require a special permit for the Planning Board. The applicant would be invited in for a work session with the commission. Everyone has a chance to contribute and get thoughts down on public record. The commission urges the applicant not to demolish. The Planning Board considers this in its deliberations. If the applicant persists, the matter goes to a public hearing and the applicant would be asked to have an independent engineer make a review and recommendation.

Technically, it's not illegal for an applicant to go through a special permit application before coming to the commission. The commission would tell them not to because it's helpful to have the commission's input before the Planning Board makes a decision. The commission would have a working session instead of going through the entire process. The commission would send a recommendation to the Planning Board in a letter or minutes. Then, the applicant would have a formal public hearing on their request.

In an effort to avoid flipping back and forth between commissions and boards a member suggested a streamlined process that requires applicants to go before the district commission first, before coming to the Planning Board. Sarah White had seen applicants before the Zoning Board of Appeals who should have gone before the Historical Commission first. The member said people should know that, procedurally, after the Building Commission, they go to the district commission first.

Sarah White said there are no application fees for a working session. A resident would not be wasting money at the forefront of the process. Margaret Welch said the Planning Office has an important role in helping people understand the process. Doug Bolick said a district commission would not impose the process, but rather recommend and encourage through the Planning Office.

A member proposed a scenario: if after securing a building permit, a resident then decides they also need to replace the window on the stairs, how will you know about it? The member suggested that a district commission should know about every house being worked on in the district. Sarah White said it would be about establishing a rapport with people in the district. A district commission is going to have to be proactive to learn about building permits, and will have to have its own mechanism. The member said building permits are published in the paper a month after they are issued and that doesn't help. A commission needs to know about every permit issued in the district; it should be an established process of notification.

A member asked if a commission would have the power to stop something an applicant does if the commission disagrees with it? Margaret Welch proposed a scenario: the building commissioner said a porch was removed. The district commission would work out how best to replace that porch. We want to work with the owners to get things resolved. Chairman Bowie found that section confusing. A district commission can issue enforcement orders, then it says the building commissioner enforces, and then it says you can always take them to court, too. Sarah White asked if the lack of flow was jurisdictional? Chairman Bowie asked about the sequence of events and where the initial enforcement comes from?

Sarah White said the goal is never to get to the point where a fine is actually imposed. There's a 120-day period to work things out. Chairman Bowie said page seven mentions waiving the public hearing. Do you envision the Planning Department being involved in determining if there's a public hearing? Margaret Welch said there has to be some communication between the Planning Office and the applicant.

Chairman Bowie thought the term 'minor project' was vague. When people know about a project, the project can be nothing, but when they don't know about it, the project can seem big. A member said 10 days can lapse after abutter's notices and before the process moves forward. It's not in the ordinance, but in the process. Sarah White said the LHD Study Committee subsumes its jurisdiction to the Historical Commission unless there is an extremely overwhelming public benefit or it is beyond repair, but there can be no demolition. Demolition can occur without a bulldozer, which is what happened with a Pine Street house whose application called for removing the mansard roof. The clapboarding was removed, then the brick, and ultimately the whole thing, piece by piece. The Historical Commission doesn't have purview; it's more of an advisory commission than the district commission would be. There is no authority on a statutory level to protect a structure like that, nor does the Planning Board have that authority. An LHD is the only mechanism to do that.

Margaret Welch said two examples of a social hardship are handicap access and stair lifts. They are not historic in nature but people have to have them. The commission would review them a little more closely because they have to be at the front entrance. In another hardship case a beautiful hand carved balcony fell off. It couldn't be repaired and the owner didn't have the financial means to replicate it. The commission would say that is a financial hardship. Mitigation efforts would be made.

May 2, 2012

A member asked how insurance problems would be handled if a fire burned a house in the LHD and the insurance won't pay for replication. Margaret said that's clearly a hardship. The member said affording to rebuild an entire building is out of reach for most residents. Sarah White said it's a question of the insurance adjuster informing you in advance that if you want to replace the home exactly as it stands you'll need to go to the next level of insurance premium. Your insurance company cannot force you to do that; you make the decision. The member said if the ordinance were more specific about this, then perhaps the homeowner would be better informed about the insurance policy they would need to purchase. If a homeowner buys plain vanilla insurance, there's no guarantee in the ordinance that he can build only to the dollars he's got. The commission could say we want you to come closer to what you lost. All agreed the commission would allow something less ornate to be built.

Another member asked if banks would refuse financing if a buyer was having a hard time finding an insurance company that would insure a home to the level it needed to be insured because the home was so ornate. The member requested something in the ordinance that makes this scenario less of a burden.

Doug Bolick asked if the question was 'is there anything in this ordinance that will compel people to buy replication insurance.' A member said the main thing in case of fire is the footprint. If the footprint is bigger, it affects the massing. The ordinance needs to address that. Margaret Welch said that was addressed in the guidelines for new construction.

A member requested they speak with someone like the president of the Provident Bank to find out if the LHD is financeable. Another member said the bottom line is you can always file for a hardship. The member was less concerned with the hardship argument than if the house burns to the ground or if those elements of a house that are of most interest to the commission are damaged.

Is everyone being exposed to higher insurance premiums as a result of being in the LHD? What about insurance carriers that decline to cover? That's a large number of people to burden with higher insurance premiums. Doug Bolick said the five-year old Fruit Street District is a much more restrictive ordinance and has had no issues with insurance. The member pointed out that it is a smaller group of people. Andrew Port, Planning Office, requested a study of their insurance rates. Chairman Bowie asked if everyone on the board was clear what the Planning Board role is on this.

Andrew Port said the state statute asks the board to give their comments on the LHD report within 60 days. There is no affirmative requirement to give recommendations and there is no requirement for the LHD Study Committee to consider any recommendations.

Sarah White was pleased with the initial feedback but requested another round with the board after Planning Board comments were digested and the board has had adequate time to process the committee's revised ordinance & guidelines. It's a changing document and process. The public hearing is June 21st.

May 2, 2012

b) Notice of Chapter 91 Waterways Application for Mass DOT – Highway Division to Replace the Interstate 95/Whittier Bridge

Andrew Port said this is an opportunity to comment on the Chapter 91 application. We've talked and made sure there is an east-west connection. We'll try to get money to do this. They're creating a gravel access road under the abutment, anyway, but they won't construct a trail. I wanted to make sure we were not chasing them later on for public access underneath the abutment. I'd like to get something in writing now that requires Mass DOT to give a license or easement for public access here, so it won't be an issue later on. The plans they submitted to DEP do not cover the area where the trail is, but the closest opportunity we have to act on a public access to the trail is now. Chairman Bowie asked if a license would be wise since it can be revoked? Andrew said Mass DOT does not like to give things of a permanent nature. They'll want something non-permanent, but it could be of some length. Andrew will draft something and send it to everyone.

Upcoming meetings include the Planning and Development Committee's vote on Storey Avenue on May 14 or the meeting after that. Introductions to Noah Luskin were made.

6. Adjournment

Don Walters made a motion to adjourn.

Henry Coe seconded the motion.

Motion approved unanimously.

Meeting adjourned at 9:30 PM.

Respectfully submitted, Linda Guthrie, Note Taker