



## Town of Reading Meeting Minutes

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### Board - Committee - Commission - Council:

#### Community Planning and Development Commission

Date: 2023-09-11

Time: 7:30 PM

Building: Town Hall

Location: Hybrid Meeting – Zoom and Select Board Meeting Room

Address: 16 Lowell Street

Session: Open Session

Purpose: Hybrid Meeting

Version: Draft

Attendees: **Members in person:** John Weston, Chair; Hillary Mateev; Tom Armstrong; Mark Wetzel; Heather Clish

**Members Remote:** Tony D'Arezzo, Vice Chair

**Members Not Present:** None

**Others Present in person:**

Community Development Director Andrew MacNichol, Senior Planner Mary Benedetto

**Remote Participants:** Phil Christiansen, Jackie McCarthy, Mark Delaney, Jocelyn Yanke, Marie

**Minutes Respectfully Submitted By:** Mary Benedetto

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### Topics of Discussion:

#### **MEETING HELD IN THE SELECT BOARD ROOM AND REMOTELY VIA ZOOM**

Mr. Weston called the meeting to order at 7:31 PM.

Mr. MacNichol gave an overview of the hybrid meeting set up and procedures.

#### **Continued Public Hearing, Preliminary Subdivision Application 45 Beacon Street, Angelo Salamone**

Mr. Phil Christiansen presented on Zoom on behalf of the applicant. He summarized the changes since the last meeting, primarily the shifting of the 60ft cul-de-sac bulb as requested. He did note that although the 60ft bulb had shifted, he had, for the time being left the paved portion where it was, as shifting it to be concentric within the 60ft bulb would subject the paved portion to much steeper grades on the site.

Mr. Weston brought up the point that the paved portion of the lot will not be centered within the larger cul-de-sac bulb and asked for additional information from staff as to if this is allowable and/or of concern. Mr. MacNichol indicated that after looking through the language that there isn't language requiring the paved portion be centered within the cul-de-sac. That language is primarily based on the utilities being through the centerline, not the paved portion roadway—so staff views it as allowable, if not necessarily desirable.

Mr. Wetzel asked about the portion of the paved roadway that is proposed to be right up against the neighbor's property line and made the point that there is nowhere to push snow without going into the neighbor's lot. He noted that if the retaining walls are needed for



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construction they are proposed to be right up against the neighbor's property line and therefore will need easements in order to construct. Mr. Christiansen indicated that they had centered the extension on the existing paved roadway, not on the paper street, and that they could change that in the Definitive Plan and move it further over if the members viewed that as an issue.

Mr. Wetzel asked if there was intended to be a stop sign at Beacon St, as there would be issues with the slope of the roadway if they intended to have a stop sign as they can't have a stop sign at a 10% grade slope. Mr. Christiansen indicated that they could also change that in the Definitive. Mr. Christiansen clarified that as someone leaves the cul-de-sac they are headed up the hill to Beacon St. The Commission members discussed the roadway design and that ultimately this would be solved in the Definitive Plan design.

Mr. Weston asked about drainage and that there isn't anything approved. Mr. Christiansen stated that drainage wouldn't be included in a Preliminary Plan. Mr. Armstrong asked about the underground gallery shown on the plan and if there would be any backup if that one failed and Mr. Christiansen said no, but again, that these designs will be finalized in a Definitive Plan. Mr. Armstrong added that he thought drainage going offsite would be the biggest issue in the final design.

Mr. Weston asked about other open issues from the prior meeting. Mr. MacNichol summarized that staff had discussed with Engineering if there were any concerns about the 3% vs 5% grade and that Engineering had indicated that conceptually they don't have concerns but that they would be unable to offer a definitive opinion without the detail that is required in a Definitive Plan.

Ms. Clish asked who would be responsible for maintaining the proposed retaining walls going forward and Mr. MacNichol indicated it would be the future HOA. Mr. Armstrong asked if the HOA would be 2 or 3 homeowners and Mr. Christiansen indicated it would be the 3 homeowners. Mr. Christiansen noted that if the roadway was accepted as a public roadway the Town would own it and maintain it. Mr. MacNichol indicated that Beacon is a private roadway and the intention would be for the extension to remain private. Ms. Clish and Ms. Mateev commented that there are a lot of retaining walls proposed and it would be very expensive to maintain.

Mr. D'Arezzo asked about the restriction on this property and if the abutters had discussed it. Mr. MacNichol provided an overview of the 1995 ZBA decision 95-16 that granted a Variance for required frontage for this property at 45 Beacon. The takeaway from Counsel's review of the Decision was that the conditions of that decision do not restrict a future subdivision of the lot, like what is proposed.

Mr. Wetzel asked about restrictions on the other right of way noted on the plans and Mr. MacNichol stated that there were none that staff has found. Mr. MacNichol indicated that he wants to put in a condition on the other paper right of way indicated on the plans that they aren't blocking access to abutters' use of the right of way by building the proposed wall along that secondary right of way.

Mr. D'Arezzo noted that he did find an original deed restriction for this property for a fence no higher than 4-feet.

Mr. Armstrong asked what type of information will be included in the Definitive Plan and the Commission discussed the stormwater/drainage report and stormwater permit that will be part of the application.



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Mr. MacNichol reviewed the Draft Decision with the Commission. Ms. Clish asked if there was a place to add a Finding that there was a prior ZBA decision and that legal counsel had advised it was not a restriction to this proposed preliminary plan. The Commission members discussed that they were not in the business of making legal decisions, but with appropriate wording that they should and would prefer to include a finding related to the idea that the prior ZBA decision does not limit them. Mr. Weston indicated that the Commission members believe that they can't comment on whether the previous variance was accurate or not, only that the condition of that variance doesn't restrict the subdivision. A Finding was added to the Decision on this point.

Mr. MacNichol reiterated that the concept plan was only necessary for the cul-de-sac bulb, not the road, since the extension is an improvement of an existing paper street.

Mr. MacNichol went over the waivers requested. Mr. Weston asked for more information on the waivers themselves and made the point that the waivers in the Decision are written as if the CPDC has more information than they do as some of the information needed to grant these waivers wouldn't be provided until the Definitive Plan. Mr. MacNichol clarified that waivers in a Preliminary Application are non-binding and he added language to that point.

Mr. D'Arezzo asked about if the waiver for the cross-section language needs to be more specific than 7.1.3, and if it should be 7.1.3(a). Mr. MacNichol indicated that staff usually write it to be broader since the cross-section and the figure are mentioned in a different point than "a". The Commission members indicated they would prefer to be written as 7.1.3(a) and it was revised.

Mr. Armstrong brought up that he had issues with the waiver to use bituminous concrete in lieu of granite, particularly where the curbing is used as part of the drainage plan. Mr. Weston stated that the CPDC is against partial replacement of vertical granite curbing. Ms. Clish asked if they could pass on the issue for now since the applicant would come back with it in the Definitive Plan. Mr. MacNichol advised that it was preferable to vote on it now or to provide guidance to the applicant at the very least.

Commission members discussed the sidewalk waiver request. Mr. Wetzel asked if the Town has considered charging fees to developers who are receiving waivers for sidewalks and other elements that save them money, to be able to capture and use the fees for improvements elsewhere. Mr. MacNichol stated it was a good idea but the Commission members discussed that it may not be legally permissible in Massachusetts.

It was opened up for public comment and there was none.

The Commission continued discussing the Decision conditions. Mr. MacNichol indicated that there is a standard condition included in it for a 7-month period for a Preliminary Subdivision application to return as a Definitive Plan. Given the length of time since this application was received, it is already past the 7-month date. However, as far as staff knew there isn't anything stopping them from coming back later. Mr. Weston asked if Preliminary Plans expire in the same way that Definitive Plans do and Mr. MacNichol advised that they do not.

Mr. D'Arezzo asked if a plan came back in the future as a Definitive, if it would be subject to the subdivision laws at the time of the Preliminary Plan or the Definitive Plan. Mr. MacNichol indicated that he was unsure of the answer to that question, and would investigate it within the subdivision laws.



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**Mr. Wetzel made a motion to close the public hearing for the Preliminary Subdivision Application for 45 Beacon St. Ms. Clish seconded the motion and it was approved 5-0-0.**

**Ms. Clish made a motion to approve the waiver request from Section 7.1.1 in order to reduce the right of way width from the required 60ft down to 40ft. Mr. Wetzel seconded and it was approved 5-0-0.**

**Ms. Clish made a motion to approve the waiver request from Section 7.1.3 to reduce the paved right of way width from 30ft down to 24ft paved. Mr. Wetzel seconded and it was approved 4-1-0 with Mr. D'Arezzo voting against.**

**Ms. Clish made a motion to approve the waiver request from Section 7.1.5(b) for the maximum slope of the cul-de-sac to exceed the required 3% maximum and to be constructed at a 5% slope. Mr. Wetzel seconded and it was approved 5-0-0.**

**Ms. Clish made a motion to approve the waiver request from Section 7.1.5(e) for the required landscaped island within the cul-de-sac. Ms. Mateev seconded and it was approved 5-0-0.**

Mr. Wetzel asked if the Town ever requires a landscaped island and the Commission discussed that it was an out-of-date requirement that persists due to the fact that the Subdivision Regulations haven't been taken up by the Commission to be updated in some time.

**Ms. Clish made a motion to approve the waiver request from Section 7.1.7 requiring vertical granite curbing to be installed. Mr. Weston seconded and it was denied 0-5-0 with all members voting against.**

**Ms. Clish made a motion to approve the waiver request from Section 7.2 requiring sidewalks. Ms. Mateev seconded and it was approved 5-0-0.**

**Ms. Clish made a motion to approve the Preliminary Subdivision Decision for 45 Beacon St, as amended. Mr. Wetzel seconded the motion and it was approved 5-0-0.**

There was a discussion on the McDonald's application that had been included on the agenda but had requested by the applicant to be continued to the next meeting date without opening the public hearing. Mr. D'Arezzo asked if this changed the application date and therefore changed the timeline. Staff indicated that they had filed and processed the application, including the required public notices, but that the dates are driven by the opening of the public hearing. Commission members asked if the new date would be re-noticed and staff indicated that typically it would not. The members indicated that since the hearing hadn't been opened they felt that the abutters should be re-noticed with the actual opening date of the public hearing. There was a bit more general discussion on what had been submitted and it was noted that the plans had been posted on the CPDC webpage due to public requests and interest and that many of the plans had already been publicly available as McDonald's had already gone through ZBA this spring/summer to receive a variance for the drive-thrus.



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### Other Business

#### **MBTA Communities Update –**

The Commission discussed the results of the recent Survey with staff. Mr. Weston asked if the images in the summary were at the same scale as they were presented in the survey and staff confirmed that they were similarly scaled in the survey. Mr. Armstrong asked if we have any data on commuting patterns, particularly of those who live downtown. Ms. Clish brought up that she remembered the HPP having data on commuting patterns. The Commission members discussed how train use and commuting in general is changing post-pandemic. Mr. MacNichol indicated that staff could investigate commuting patterns a bit more.

Ms. Clish asked if the survey respondents by age group were representative of the age groups in Reading and Ms. Benedetto answered that they could check on that point. Mr. Armstrong asked about survey respondents who were owners vs. renters and Ms. Benedetto stated that the survey respondents were a higher proportion of home-owners compared to the total in Reading, but that they had anticipated that given the difficulty of reaching renters.

The Commission members and Staff discussed ADUs and how they can't be used as a solution to the MBTA Communities compliance question, but that if staff continues to receive positive feedback about ADUs as part of the process then it could be a separate outcome in the following year to legalize all ADUs as by-right. The same point was made about Affordable housing, which is that there is support for it, but perhaps it won't be able to include it in the current process if the plan proceeds forward in the direction of gentle density.

Ms. Benedetto presented the proposed survey slides for the upcoming meeting on 9/19 so the CPDC members wouldn't be surprised by staff recommendations. Ms. Clish asked about the survey response of wanting multi-family to be located near commercial corridors and staff discussed the desire to keep commercial areas with business included, and having housing with no commercial component would not be in line with long-term goals for those corridors. Ms. Mateev asked about how many acres staff thinks will be needed to comply. Ms. Benedetto indicated that area and acres decisions will be made as a function of the other decisions about units, setbacks, parking, etc. Staff's goal is to discuss those aspects with the community before introducing decisions about any specific areas. No maps will be released until November at the earliest.

Mr. Armstrong asked about parking and if it would be revisited and Staff indicated they hope to keep the discussion around MBTA Communities pretty tight, and not introduce opportunities to revisit other aspects of the code.

Mr. D'Arezzo asked if all the Commission members could attend the meeting on Tuesday and Staff said they had made a note to post an agenda for the event so that any members that want to attend can attend.

**Walker's Brook Drive survey** – Mr. MacNichol reminded the Commission members that this survey and process has kicked off and encouraged them to take the survey.

**Other Member Topics** - Mr. Wetzel asked about plans to update Subdivision Regs. Mr. Weston asked about what is on the agenda for CPDC as this year it seems the zoning change capacity is going to be filled up by CPDC and staff and the members agreed. Ms. Clish brought up a list of things they had to work on including the prior Instructional motion from April Town Meeting to put together a budget and timeline for the Master Plan update.



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Mr. Wetzel inquired to staff about small HOAs and about the control of maintaining stormwater maintenance reports etc. Mr. MacNichol indicated that he and the Town Engineer have chatted about it. It is something that has evolved but hasn't found a solution. Mr. Wetzel proposed that the HOAs would pay the Town to have them maintain the stormwater infrastructure. Mr. Armstrong asked about sewers and if there are provisions about HOAs maintaining infrastructure. Mr. Armstrong indicated that if the Town is plowing private streets the Town should have no liability. The Commission discussed that the Town will fix asphalt potholes on private roads solely to keep them in service for emergency services. Mr. Wetzel asked about recouping cost for waiving items like how Conservation Commission does off-site mitigation.

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***The Commission reviewed the minutes for August 14, 2023, and made changes. Ms. Mateev made a motion to approve the minutes of 8/14/23, as amended. Mr. D'Arezzo seconded the motion and it was approved 3-0-2. Ms. Clish and Mr. Wetzel abstained as they were not in attendance at the meeting.***

### **Adjournment**

***Ms. Clish made a motion to adjourn at 9:35 PM. Mr. Wetzel seconded and it was approved 5-0-0.***

Documents Reviewed at the Meeting:

- Preliminary Subdivision Application, 45 Beacon
  - Plans, dated 9/7/23
  - Email of Waivers Requested, dated 8/3/23
  - Draft Decision, dated 9/11/23
- Draft Minutes: 8/14/23
- MBTA Communities Survey Draft Summary Report & Draft Slides for 9/19/23 event