

PLANNING BOARD
Regular Meeting Minutes
February 09, 2021 via Zoom

Members present: Mark Schafron/*Chairman*, Robert J. Swartz/*Vice Chairman*, Steve Cormier, Robert J. Bettez, Sr., and Paul A. Cormier/*Members*, and Trevor Beauregard/*Director-City Planner*.

Members absent: *None.*

Also present: Chris Coughlin-*Engineering*, Greg LaGoy-Fire Dept., Lyndsy Butler-*Conservation*, Roland Jean-Building Dept., Attorney Peter Campobasso, Ron-Harbor Classic Homes, Christine Fucile-*DCDP*, and Public (*copy of attendance on file*).

ANNOUNCEMENT - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the Chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All Documents referenced or used during the meeting must be submitted in duplicate to the Director of Community Development & Planning pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

Mr. Schafron called the meeting to order at 6:00 p.m.

1. APPROVAL OF MINUTES:

Regular Meeting of November 10, 2020

Motion to accept regular meeting minutes as presented.

R. Bettez/P. Cormier.

Vote - All in

favor.

Public Meeting/Seven Point of Massachusetts of November 10, 2020

Motion to accept public meeting minutes as presented.

R. Bettez/R. Swartz.

Vote - All in

favor.

Regular meeting/Zoning Overlay-525 Parker Street of November 24, 2020

Motion to accept regular meeting minutes as presented.

R. Bettez/R. Swartz.

Vote - All in

favor.

2. NEW BUSINESS:

2.1 Proposed Open Space Residential Development (Concord Crossing)

Mr. Schafron noted this meeting is a Pre-Application Conference for an open space residential development off Clark Street. Mr. Schafron welcomed the members of the Development Review Committee for joining in.

Mr. Schafron directed to T. Beauregard if there are any preliminaries. T. Beauregard said he received a request for this meeting for property off Lower Clark Street and Century Way for an

Open Space Residential Development consistent with the Zoning Code This meeting will act as a Pre-Submission Review with the Developer on a proposed plan for the site to basically get some input from the Planning Board, and the Development Review Committee. T. Beauregard further noted if the Developer does want to continue with the development, will be able to get some guidance, and at the same time can work on a preliminary schedule for permitting, the process, and timeline for moving forward. Mr. Schafron then directed to who will be presenting. Attorney Peter Campobasso spoke and explained he is presenting on behalf of Harbor Classic Homes, as well as Kent Oldfield, the project engineer.

Mr. Campobasso noted he has had some preliminary discussions with T. Beauregard regarding this particular site. The site itself is off of Clark Street in Gardner behind Century Way. The land is located in a RR2 District, and the proposal would be to request a Special Permit pursuant to Article VIII, Section 675-810, Open Space Residential Development. There are different requirements to propose, that it has to be in an RR-2 District, which it is, therefore, acquire the ability to move forward with this type of proposal. Attorney Campobasso commented the need to get some feedback from the board, therefore, no hard engineering has been completed yet. Prior proposals have been submitted to the City regarding this site, and believes the filing he has submitted includes a few different layouts including a site context map and existing conditions map, and noted page 3 of the filing would be the existing conditions, and the last page is a sort of topo aerial view of the site.

Attorney Campobasso further explained the applicant proposes is to come in with an open space development similar to what is seen on the page four (proposed conceptual plan) consisting of new roadway on reduced size lots based on the requirements on the Open Space Residential Development section of the regulations. Most of the area in there is basically wetlands, with no riverfronts, or anything along those lines, as well as no flood plains in the site. From a conservation standpoint, the wetland areas are preliminarily delineated on the existing conditions plan.

Mr. Oldfield displayed plans of the entire site and pointed out the roadways off Century Way, and offered to go over the proposed program. Mr. Oldfield spoke of the roadways coming off Century Way and said the regulations state the maximum density should be 40,000 square feet for the entire area and pointed out the area. The area must have 50% open space exclusive of wetland area. M Mr. Oldfield pointed out on the plan a red line which shows the 30 foot buffer as required by the Conservation Commission as offset of a no build zone. Mr. Oldfield mentioned the roadway and commented as it is designed, it does have some variations that can be pushed forward. There are two major open spaces which Mr. Oldfield pointed out on the plan. Mr. Oldfield explained the major roadway they propose has more of a country setting versus a straight road, therefore, the main road will be twisty twirly with a few spin offs.

Mr. Oldfield further explained each lot, under the bylaws, require 8,000 square feet minimum, therefore, designed each lot to be a minimum of 8,000. There are a lot of lots that are 12-15,000 square feet that can be reduced to gain a little more open space. The total number of units is 96 which is the maximum, based on the 40,000 square foot per the total area of the site. The whole site is entirely wooded, but will leave enough space to have a trail system, as well as gain access to the reservoir. Mr. Oldfield pointed out the only open space that is landlocked which is a small, isolated wetland. In addition, there are no real steep slopes, the area is pretty flat. Water and Sewer is available. Also noted, some of the lots closer to the wetlands can be moved a little further away.

Attorney Campobasso noted, for further clarification regarding the lots, to look at sheet 2 of the proposed open space residential development under “Land Use & Project Data” which is a comparison of what is allowed by right, the dimensional requirements for the RR-2 and OSRD, in order to come up with what can be proposed, and be in line with the open space provision. Mr. Oldfield went over the table and explained the open space requirement is 50%, the open space provided is 68%, and drops down to 51.1% because of the exclusive use of the wetland area. In addition, have 4,600 linear feet of total roadway, and proposing a 50 foot right of way versus the 40 foot roadway, and keeping the 24 feet of pavement.

Mr. Schafron asked if there are any questions from the Planning Board or the Development Review Committee.

T. Beauregard stated the minimum amount of lots is not based on the total area of the site, but should be based on the total area minus areas prohibited from development by legally enforceable restrictions such as wetlands and road layouts. Mr. Oldfield noted he did take this out of the formula. T. Beauregard replied he thought his math showed the total area as 3,879,000 divided by 40,000, and back out the wetlands, the restricted areas, and roadways. T. Beauregard explained the final number should be used to divide by 40,000, rather than the whole number, therefore, the minimum amount of lots for the site will be reduced from the 96 lots proposed. Attorney Campobasso confirmed they back out the area that is covered by wetlands as well as the roadways. T. Beauregard replied yes, including the wetland detention basins, to get the final developable area which is then divided by 40,000 to get minimum amount of lots. T. Beauregard noted this is on page two of the Special Permit application which outlines the process. Attorney Campobasso mentioned under 675-810-F, states at least 50% of the parcel, exclusive of floodplains, wetlands or land set aside for buildings, roads and parking, shall be open land, and asked if T. Beauregard was referring to this. Mr. Oldfield commented 50% of the parcel, not open space. T. Beauregard answered, no he is referring to the way the minimum amount of lots a development can actually have, which is outlined on the Special Permit application on page two. T. Beauregard added he does not believe this is outlined specifically in the OSRD zoning chapter.

T. Beauregard noted the applicant needs to consider both entries into this development, actually going through GR-3 zoned land, therefore, will have to discuss the process for this. The larger piece of the site is RR-2 which the open space development is allowed, but the long narrow piece behind the Century Way properties is GR-3, and the access point off of Clark Street is GR-3 which does not allow OSRD. T. Beauregard stated he is fairly sure this will need some type of “zoning relief” in order to access the larger piece through that zone for this type of use. It was asked which entry way, and the response was, both of them because they are both zoned GR-3. It was then asked where the zoning line is in relation to the Century Way parcels. T. Beauregard noted on the sheet their property is in orange which is GR-3. Attorney Campobasso noted they abut the orange. T. Beauregard explained the larger parcel is RR (*Rural Residential*) which is fine, however, two other parcels in orange where the access roads are, is GR-3. Therefore, the larger piece is being accessed through the GR-3 zone in which the open space development is not allowed in that zone, so may need zoning relief there.

Mr. Schafron questioned if these are just preliminary drawings, because he noticed one of the larger lots is basically cutting right into a wetland. Attorney Campobasso replied correct, they just wanted to submit these conceptual plans to get feedback before starting to develop a more definitive layout in order to get ideas as to what they should be focusing on to prepare.

Mr. Schafron asked if there are any questions from the Planning Board and Development Review Committee.

C. Coughlin noted some of the lots on the eastern most side of the parcel may cross into our Surface Water Protection, Overlay Zone A, which has its own set of rules. C. Coughlin said he cannot quite tell from the drawing, but it looks like maybe two or three of the lots get clipped by that. Mr. Oldfield agreed. C. Coughlin added it is a 400 foot offset.

C. Coughlin suggested reaching out to himself, or the DPW to have a conversation regarding water and sewer demands.

P. Cormier commented he is in favor of this development, but has concerns regarding the size of the project, as well as traffic on Clark Street which will be going in one direction. With 96 lots, you are talking over 100 cars taking a left, therefore, will have to study the traffic. Another concern is the boundary lines for some of the proposed building lots. P. Cormier pointed out how Lots 1, 2, and 3 would affect the privacy in the backyards for some of the owners on Brookside Drive. In addition, Lots 79, 80, and 81, off Century Way, the backyard will be on the other peoples' backyards, as well as Off Clark Street, Lots 56, 57, 58. Also in back of the Chicoine and Poirier's residences.

P. Cormier spoke of an access road off Clark Street, between the Chicoine and Poirier's houses, which at one time was a trail that goes behind the residences at Century Way, and leads to the North County Land Trust, which is used for hiking, snowmobiles, snowshoeing, and hunting. Also, noted the recent vote a few months ago regarding Off Leo Drive the City purchased and received Grants for Phase 1 proposing a recreation walkway, and wonders why one area is proposed, and another area is shut off which makes no sense.

P. Cormier further spoke regarding a few years ago when the City of Gardner and the North County Land Trust made an offer to the late Chet Pultorak and his family for this land to be left as is. The Pultorak family refused it, and it was their right, therefore, the Planning Board needs to decide what is best for the residents on Clark Street, Century Way, and Brookside Drive.

P. Cormier ended commenting the way this plan is shown right now, he cannot support at this time. In addition, he knows this is preliminary drawing, however, a better drawing is needed in order to move forward. Mr. Schafron added this does need a lot of work.

R. Swartz said he is looking at the plan presented, and noticed the terrain is quite hilly, so wondering if the plan is to flatten the hills out, or build the houses on the side of the hills which is of a concern to him. Mr. Oldfield replied they are not leveling the hills since it would be counter-productive to site work, and stated they would be within the City's Rules & Regulations for minimum/maximum slopes for the roadway, and would prefer to be higher than lower because of the wetlands and waterways. Mr. Oldfield noted Mr. Cormier's comments, and acknowledged, yes, this is a concept plan, it is recognized, as far as trails, and as far as distances from abutters, as well as traffic which they will have a traffic consultant. P. Cormier asked about cutting of trees behind Century Way, behind Clark Street at the Chicoine and Poirier residences, and Brookside Drive. Mr. Oldfield pointed out the area where the trees will be maintained. P. Cormier commented living on Leo Drive, all that will be seen is rooftops instead of a nice forest. Mr. Oldfield also pointed out where the trees will remain.

L. Butler said to note there is 100 foot buffer, although there is a 30 foot no disturb. There is significant development within the 100 foot buffer, and there is a lot of encroachment within the

30 foot buffer as well, so, the more than can be pulled out of the 30 foot would be in their best interest. Mr. Oldfield said absolutely.

Mr. Schafron indicated the need to continue consultations with the Planning Office, the Building Department, the City Engineer, Conservation, and so on. Mr. Schafron also suggested a site visit when weather permits.

T. Beauregard asked if there are any more questions. R. Jean had nothing at this time.

T. Beauregard commented if there are any existing trails on the site, it would be great to keep them on site, and keep the linkage there, even if it means eliminating a few housing lots to keep the linkage, as well as create additional trails. Mr. Oldfield inquired if the City has any trail maps for the entire City. Mr. Cormier noted starting off Clark Street, the trails are pretty much there.

It was asked who the contact person is for North County Land Trust. T. Beauregard said he will make the connection, and has already spoken to the Land Trust about this.

T. Beauregard suggested discussing the permitting process now in order to get an understanding of what is required, and the timeline around it. T. Beauregard added there are two steps that would have to be taken care of if this project moves forward. One is the Subdivision approval, and the other is the Special Permit for the Open Space Residential Development, which both have their own processes, therefore, discussing will help to see what the best way is to combine them to expedite the process. Mr. Schafron agreed, and also noted the GR (general residential) issue for access roadways. Mr. Campobasso also agreed and said it would be helpful to know how the City would like them to follow, and assumed the Special Permit application and the Subdivision approval could be submitted to the Planning Board simultaneously in order to act on both. Obviously, the Special Permit would be first before acting on the Subdivision, which would propose the Open Space Development. T. Beauregard replied for the Subdivision submittal, the first step would be the pre submission which is being conducted tonight, and is very similar to the pre-application conference which is also tonight for the Special Permit. The next step is the preliminary plans submission, which the Planning Board would have to render a decision in 45 days, unless there is an extension agreed to by both parties. After this, a public meeting will be held as part of the process, which at that time, the Planning Board will have to render a decision to approve or disapprove the modifications to the preliminary plan. At that time, it is suggested to submit both the Special Permit Application and a Definitive Plan. In addition, both the Definitive Subdivision, and the Special Permit require public hearings.

Attorney Campobasso asked for clarification regarding Section 6 of the Open Space Regulation, makes reference to the different Boards, such as the Board of Health, the City Engineer, the Conservation Commission, and the Fire Department, and wondered if there are other Boards or Department Heads that need to be contacted. T. Beauregard replied the application and sets of plans need to be submitted to the Planning Board, and Public Health Department, after which he will coordinate with all the other Boards and Department Heads. Attorney Campobasso asked if this is based on submitting a “preliminary” subdivision plan. T. Beauregard answered yes.

Mr. Oldfield asked when the “preliminary” subdivision plan is submitted, should it be noted they are seeking relief, under the open space by-law. T. Beauregard replied relief for what? Mr. Oldfield said if they are not submitting the Special Permit application as part of the “Preliminary” application, and there are lots that do not conform to the current zoning. Attorney Campobasso noted he believes this is where they are getting into presenting a preliminary subdivision plan which shows a traditional grid preliminary plan compared with an open space

preliminary plan, therefore, could probably submit both. T. Beauregard said yes, this is a requirement for the Special Permit. T. Beauregard added, if the Planning Board approves the preliminary subdivision plan, it is not approval of an open space residential development. Mr. Oldfield said it is non-binding. T. Beauregard replied yes, it is the phase leading up to the Definitive Plan which will then trigger the Special Permit application. Attorney Campobasso confirmed he will follow up this week with T. Beauregard.

3. OLD BUSINESS:

None at this time.

4. ANNOUNCEMENTS~~NEWS~~ARTICLES~~EVENTS:

Next meeting schedule for Tuesday, March 09, 2021 at 6 p.m.

Adjournment

Motion to adjourn.

R. Swartz/S. Cormier.
favor.

Vote --All in

The meeting adjourned at 6:55 p.m.

All documents referenced or used during the meeting are part of the official record and are available in The Department of Community Development and Planning pursuant to the Open Meeting and Public Records Law