

Regular Meeting Minutes
April 20, 2023

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

Members absent: *None.*

Also present: Rob Oliva-City-Engineer, Christine Fucile-Adm. Asst., Laural Adams-Harbor Classic Homes, Ronald Koivu-Harbor Classic Homes, Wes Flis-Haley & Ward, Peter Campobasso-Attorney for Harbor Classic Homes, Jo-Anne Crystoff-North County Land Trust, Martin Gray, Mark Bowers, and Gerald Poirier-Gardner Residents.

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 4:35 p.m.

1. APPROVAL OF MINUTES:

- ✓ *March 22, 2023*
- ✓ *March 29, 2023*

Motion to approve minutes as presented.

S. Cormier/P. Cormier

Vote: 5 – 0

All in Favor.

2. NEW BUSINESS:

2.1 Pre-Application Site Visit / 3:00 p.m.

A Site Walk was conducted by the Planning Board members as well as representatives for Harbor Classic Homes, Peter Campobasso-Attorney, Wes Flis-Haley & Ward, and Jo-Anne Crystoff of North County Land Trust. Also, in attendance were Jessica DeRoy-Economic Development for City of Gardner and Sophie Dorow-Conservation Agent for City of Gardner. After the Site Walk a design criteria discussion was held at City of Gardner, 115 Pleasant Street, Room 203, Hubbard Conference Room at 4:30 p.m.

2.2 Pre-Application Discussion / 4:30 p.m.

Mr. Scahfron noted himself and the Planning Board just returned from a Site Walk for the proposed Concord Crossing Open Space Residential Development, and now will hold a discussion with regard to the pre-application process.

Attorney Campobasso spoke first and said what they are trying to do is understand the process for the application and submittal based on the procedures and criteria that are set out in the open space residential development regulations, and hope to accomplish today obtaining some

direction from the Planning Board in order to present a preliminary plan to continue to get information and understand issues needed to be addressed, but more importantly hoping to develop a sense as to the number of lots they are proposing and what the Planning Board is comfortable with based on what can be done by right in a traditional plan and what can be proposed based under the open space regulations in order to be in a position to take the next step and actually propose the preliminary plan to bring it back for further discussion. Mr. Schafron asked if they have considered any amenities within the development as noted in **Zoning Article VIII**, Open Space Development regulations. Mr. Flis replied they have not yet and spoke of two years ago there was some talk about walking trails, but thought it might be best to move along in this process and wait to see what kind of amenities should be included, and does know there is an outline in the regulations on what kind of amenities are allowed but have not reached that point yet.

T. Beauregard noted they have not talked about the site context map, the existing conditions and site analysis map that is outlined in the zoning. Further, after walking the site today noticed a lot of natural features that would be helpful to have on those plans, just delineated so there is a better understanding of where those features are as well as any existing roadways on the site and any larger pockets of mature vegetation. Mr. Flis stated he believes he is trying to work in everything heard from the Zoning Board a few years back as well as the abutters concerns into a concept plan ready to bring to the Planning Board and at least start the conversation with regard to number of lots and the layout of the development.

Mr. Flis looked at the following:

- Wetlands: Where they are located and where they are located closer to the open space the City of Gardner owns. Mr. Flis noted the City of Gardner open space ties into the land trust property also.
- Water Overlay Protection District.
- Mature Trees: Mentioned the site was already thinned out in the past.
- Steep Slopes: Noted there are not a lot of steeper slopes out there, and there are a couple of areas that are steeper and when laying out the project, tried to stay in the areas that are not as steep.
- No Touch/No Build Zone: Paid attention to respect these areas as well.

T. Beauregard stated the steps for the special permit are under # (5) [2]-a-b-c-d, what the existing site conditions are, conceptualizing the positioning of the houses as well as roadways, and asked if Mr. Flis is able to go through this process in this meeting. Mr. Flis replied yes and provided larger plans for the Planning Board to look over. T. Beauregard commented the only concern he has is he does not see everything existing on the site with the plan he was given such as cart/logging roads and thinks this is important to have on the plans to go through the process. Mr. Flis noted he created a 100 foot buffer of natural growth between the residents on Century Way and the new development. Further, Mr. Flis explained for many reasons they chose small lot sizes (80 wide/100 feet deep) to minimize the footprint of the development and believes the layout works best for all parties involved. Mr. Flis also noted the biggest complaint received at the ZBA (*Zoning Board of Appeals*) meeting was traffic and already has a “draft” traffic study completed and once they get through the preliminary plan and special permit application he will have that report for the Planning Board to look at, however the traffic report gets finalized when a number of units get finalized. Attorney Campobasso added he believes they have a majority of the information the Planning Board needs as far as # (5) [2]-a-b-c-d is concerned since some of

the preliminary identification of the wetland areas and a lot of the conservation areas are primarily identified. Further, the idea was to at least have the Planning Board be able to visualize the area proposed to actually develop and if they can get a good sense from today's meeting then they can start to add other things on the plan that was referenced. T. Beauregard spoke of the site context map and the existing conditions site analysis map which are two things that need to be worked on to identify the existing site conditions that were out there on the site walk today and beyond the open space development area so the Planning Board and the Public has a better idea of what is out there as well as to help better understand how they backed into this development. Attorney Campobasso commented it is important to distinguish between the logging roads versus maybe a walking trail or some type of integrated trail that might have actually existed way up in the back of the property. T. Beauregard said yes and there was more than a logging road down there. Mr. Flis said yes, it takes a turn into the development and does show on the old land plans. T. Beauregard noted he would like to see that superimposed onto the site context map.

Mr. Flis said he used the calculations from the City's zoning within the open space of what the maximum density is and where they got to that number of 76.

Mr. Schafron stated he has no problem with 76 lots at this time and asked if the Planning Board members have any questions. Attorney Campobasso added one more point and said based on how many lots could be obtained on a traditional plan it is only a 10 lot difference.

Questions/Comments/Concerns:

P. Cormier commented on the traffic and how it will all be going in one direction creating a bottleneck with 76 lots times two vehicles per unit which is the rule of thumb. Mr. Flis added he believes it is either 10 to 12 trips per day. P. Cormier noted the direction will all be from the left, not a right.

P. Cormier also commented on the 8,000 square foot lots and thought it is kind of jamming these houses in and would think it would be a nicer development spread out but does like the concept, however, would like to see more space in between, and suggested possibly 10,000 square feet, with less lots. T. Beauregard added possibly increase the frontage and keep the lots with the same layout.. Also, said maybe not look at the whole site in that aspect, but maybe look at the part of the area that backs up to the open space. Mr. Flis said if they were to change the frontage of 100 feet, they would lose a quarter of the lots and believes the applicants would not want to lose lots. T. Beauregard repeated maybe not the whole development but maybe a portion of the development.

P. Cormier added the residents are not in favor of 76 lots and it is going to be hard to push this and trying to be fair to the residents that live on Clark Street, Century Way and Brookside Drive as well as the people on Leo Drive. Mr. Flis stated they are creating a bit more buffer.

Mr. Schafron pointed out this is private property. T. Beauregard noted traffic concerns and stated there will be a "third party reviewer" as well as for stormwater and maybe the aspects of meeting the open space residential development guidelines, which is something the Planning Board will be asking the Developer to provide to them. T. Beauregard noted the City has third-party on-call Engineers under contract to make any recommendations they feel are in the best interest of the City and the Planning Board.

Mr. Schafron said he highly recommends a landscape architect to their team.

S. Cormier questioned the Lots D through J on the front, and how they are accessed. Mr. Flis replied they will be tied to the Century Way abutters and the intent is to give these parcels to the people on Century Way to block off their property. Attorney Campobasso explained some of the issues came from the Zoning Board meeting, especially regarding the Chicoine property and the right of way issue, so it was suggested it would make sense the land would go to the abutter to use, so it is something the applicant would consider, and it works well for the area.

R. Swartz commented he likes the concept but thinks it is too crowded.

T. Beauregard suggested adding some “common open space” within the development for the residents with possibly some park-type space, and if a landscape architect is involved could create some usable common open space within the development for recreation on the site as well as some neighborhood functions.

T. Beauregard also suggested possibly linking the development to neighboring sites with trail systems as well as a small parking area, or a pavilion. T. Beauregard explained creating common open space areas increases their overall open space, and again, there is a balance because the Planning Board is suggesting different things.

P. Cormier asked Mr. Flis if 76 lots is definite. Attorney Campobasso joined in and said it hard to have a discussion about the number of lots without taking into consideration other sensitive areas but thought this was a good balance between keeping the open space with having other things come into consideration but still making development economically viable for all parties involved.

T. Beauregard asked Mr. Flis what the percentage of open space at this point in time on the site. Mr. Flis replied, “including wetlands?”. T. Beauregard said no, meeting the 50% criteria. Mr. Flis said they have 77,000 square feet more than they need to meet that number and are at 52%. T. Beauregard asked how many more units they will be able to fit on that extra 2% of property. Mr. Flis said they would change the lot lines and instead of single family would make duplexes since talking units, not lots. T. Beauregard commented if they came back with two family homes on the lots, they would most likely not get support for the special permit. Mr. Flis said the preferred option is single family homes.

Jo-Anne Crystoff, who is Director of land protection for North County Land Trust which is the land trust that covers Gardner and are an abutter to this project questioned whether the 50 percent open space calculation includes the 100 foot buffer strip. Mr. Flis replied yes. Ms. Crystoff said on behalf of the land trust she sees no benefit of that to their organization. Ms. Crystoff stated she just wanted to make sure if it is in the calculation it changes how she thinks about the 50 percent.

Ms. Crystoff continued to say the open space residential development ordinance the City has is a great thing for Gardner, it is a great thing for developing housing that is very much needed everywhere in Massachusetts right now, and it is a great thing for protecting open space especially open space that abuts already protected open space over the City forest and North County Land Trust’s Rome Conservation area. It is all a balancing act developing housing and providing ecologically viable open land that makes life on this planet possible. She does think the engineering is jumping the gun a little bit even though coming back with preliminary subdivision plans and understands the Open Space Residential process is really counter-intuitive to many engineers who start with roads and then fill in the house lots, and this process asks it to be done completely backwards as Trevor said existing conditions, site conditions, mature trees,

the network of cart roads, logging roads and woods roads, the wetlands that are shown on the plans but have not yet been submitted to the Conservation Commission. Ms. Crystoff noted she has been through Open Space Residential Developments many times in the town of Ayer and have yet to find an engineering firm that follows stepwise plans that is so carefully laid out in the bylaws or ordinance.

Ms. Crystoff commented on the 100 foot buffer strip there and said it is disconnected from the other open space by roadways, so it has really next to no ecological value, but understands it has social value to the abutters and that is not to be completely discounted. North County Land Trust would very much like to acquire fee interest in the open space and would then probably put a conservation restriction on it, so it is just doubly protected from ever being developed. Her last point is the houses in the middle of the loop have no access to the open space so she would love to see at least two, possibly three deeded “sort of fingers” that come to the roadway, so they are not walking over somebody else’s yard to get to the open space which she believes T. Beauregard was also interested in doing. Ms. Crystoff explained she understands they come to a meeting like this asking for the moon and work backwards from there so that is reasonable and in balance and gives the developer the ability to develop the property but also makes for a livable neighborhood. Ms. Crystoff commented the value to the outside houses backing up to protected open space results in higher prices for those houses. Mass Audubon has all kinds of statistics a house that abuts protected open space has more value than the houses in the middle and yet in an Open Space Residential Development, the houses in the middle should be able to get into the open space across a deeded access way. Mr. Schafron commented he believes that is where a landscape architect would be invaluable.

Mr. Schafron cannot envision how the open space cluster in the middle would work. Mr. Flis said there are a couple of ways they can do it. One way is to shrink (*pointed to plan*) to 50 feet, take some of the open space and put it in there and move the road closer to Century Way to create that opening or take some of the open space in the back and push out that way (*pointed to plan*).

Mr. Schafron asked about access trails, the woods, and the fields. Mr. Flis said he did leave a 100 foot buffer between two parcels (*pointed to plan*) just to make it uniform and did look at a parcel here (*pointed out on plan*) and getting rid of a parcel back there (*pointed to plan*) and splitting up that access so would have a 20-foot strip and put strips along the way there to get some fingers in there to provide that access. Mr. Schafron said that appeals to him where you can get a little elbow room and still maintain a decent amount of lots for an economically viable project and having the corridors out into the open space. Attorney Campobasso said it was always his understanding the City was very much wanting this property (*pointed out on plan*) so they viewed it as blocking it off if the City wanted to protect that area, but based on his conversation with T. Beauregard and comments from today’s meeting, there is a little more integration of open space and areas they are looking for. T. Beauregard believes it is the City’s priority, whether the City owns it or not, to set aside that property for open space because of its close proximity to the backup water supply and thinks the challenge comes in if the City owns it as open space, the City is required to submit reports to the State every year, however, the City does not have capacity for that. Further, T. Beauregard explained North County Land Trust, the City’s partner, does have staff and capacity to do that, which is why the City brings them in as a partner, they are good stewards.

Mr. Schafron stated approaching those “fingers” as they are called, it might cost a couple of lots, and suggested to give it a shot.

Mr. Flis asked what the next step is. Attorney Campobasso thought they would submit a preliminary subdivision plan first with what was discussed today and then move to the open space special permit application. T. Beauregard added also needed is the site concept plans produced by a landscape architect so the next time they meet they can go through the process that is outlined in the zoning under (5) [2]-a-b-c-d. Mr. Flis asked in regard to the landscape architect, will it be their own plan or working together. T. Beauregard stated being an open space residential development he thinks it is important to have that professional insight at an early stage. Mr. Schafron added he thinks it would be characterized as working in consultation with him.

T. Beauregard noted the 100-foot buffer is a possibility to put a walking trail through there, possibly a paved trail for the use of the residents, maybe somewhere through the middle of it which would make it a little bit more practical as an open space area. Ms. Crystoff commented as an amenity really. T. Beauregard noted they can maintain a buffer between the rear yards and the path back there, and added there are absolutely no amenities on this site for the residents there, so keep that in mind as they go back to the drawing board.

Ms. Crystoff commented the landscape architect is trained to shape space using buildings, planting materials and walls, and what they really do is connect people to their environment and feels it is a great line in the OSRD plan to require a landscape architect. Further at the end of the day, it needs to be somewhere people want to live.

Mr. Flis asked how long in advance do they need to submit a preliminary plan. T. Beauregard said there has to be an Ad in the newspaper seven (7) days in advance, but needs a review period with staff internal so probably will not be able to make the May 9 meeting. The next meeting is June 13, 2023 at 6:30 p.m.

3. ANNOUNCEMENTS~~NEWS~~ARTICLES~~EVENTS:

Next Meeting: *Tuesday, May 09, 2023*

Adjournment

Motion to adjourn.

R. Bettez/S. Cormier.

Vote: 5 – 0

All in Favor.

The meeting adjourned at 5:54 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.