

PLANNING BOARD PUBLIC MEETING MINUTES  
DEFINITIVE SITE PLAN FOR PRIVATEOVERSIGHT, LLC  
OCTOBER 10, 2023 - 7:00 p.m.

Members present: Mark M. Schafron/*Chairman*, Paul A. Cormier, Stephen Cormier/*Members*, and Trevor Beauregard/*Director-City Planner*.

Absent: Robert Swartz/*Vice-Chairman*, Robert J. Bettez, Sr./*Member*.

Also present: Rob Oliva-City Engineer, Mike Leger/Trevor Fletcher/Joanne Tavano/Christine Tree-Representing PrivateOversight, LLC, and Christine Martines Fucile-DCDP.

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, Chairman called the Public Meeting to order at 7:00 p.m.***

***Mr. Schafron read aloud the Public Meeting notice.***

T. Beauregard briefly explained this project came before the City in July of this year with a Development Review Committee meeting that provided comments back to the Applicant who then submitted another reviewed Preliminary Plan followed by another working session in late August before submitting their Definitive Plan which is in front of the Planning Board tonight.

Trevor Fletcher of Graz Engineering, LLC, explained this is a multi-family townhouse style apartment dwelling type development which is going to consist of 52 units. Mr. Fletcher displayed the plan showing where the buildings are located, as well as the access off West Broadway. Mr. Fletcher noted there will be *8 buildings in total* as well as a small office building to control rentals, etc. This project will consist of four (4) phases. Mr. Fletcher also pointed out the turnaround at the end and noted it is sized per subdivision regulations for a dead end road so any vehicle can turnaround including fire apparatus. The access on West Broadway was reviewed by Fuss & O'Neill who determined the access is not going to over inundate the intersection and should not cause any significant impact to the roadway or any existing dwellings in the area. The development is going to be serviced by public water and sewer. The stormwater system is designed to minimize and treat stormwater prior to discharging off site which is generally down to the Deerhill Road side into West Broadway including a couple other evaluation points (*shown on plan*) that end up going down into the swamp right behind the PACC (*Polish American Citizens Club*) so this is the area that the drainage is going to. Mr. Fletcher stated R. Oliva provided his comments about the stormwater system and he read through these comments and it seems like all of them can be remedied through some small alterations to the stormwater but does not feel there would be any large changes from this plan.

Mr. Fletcher continued with saying each of the main structures will have to be serviced by a sprinkler system per the Fire Department and will be designed when the time comes. At the beginning of the Site, there will be a mailbox area as well as a dumpster area and is proposed to be four five-cubic yard dumpsters. Mr. Fletcher noted the Board of Health issued some comments about the typical generation of a development this size and informed there would be about 16.6 cubic yards of garbage per week. The dumpsters are provided so everybody in the development can have access to them and will be available during the first

phase, which is going to be two buildings (*pointed out on plan*). The dumpster and everything like that is all screened from Abutters and from the main roadway.

Throughout the development the goal is to keep the speed limit to 10-15 m.p.h. which is done in a variety of ways such as having a curved design as well as implementing raised crosswalks wherever there is a main crosswalk where pedestrians would walk.

Parking throughout the entire development will consist of 125 spaces with some of the spaces in front of the units and is limited to eight (8) spaces in front of each unit. Other areas are off to the sides of the units which consist of the other half of the parking with some down behind the apartment building and the whole goal behind all the parking on site was to keep all the parking within relative walking distance for each unit because they did not want any units in the middle of the large 10-unit buildings to have to walk too far.

Mr. Fletcher displayed the Site Plan as per T. Beauregard and pointed out the front of the development as well as showing the access road, proposed mailbox area and the dumpster area which will all be kept in the front. Also pointed out on the plan was the infiltration basins in which half of the site's stormwater is going to get treated and discharged out onto West Broadway and head towards a drainage culvert (*pointed out on plan*).

Mr. Fletcher pointed out the five and six-unit buildings which are all going to be part of phase one and showed some parking as well as parking with the eight spaces in front of each unit. Also pointed out was snow storage throughout. Further pointed out was a small three (3) unit building with just two spaces in front of each of those dwellings and directly next to that will be a large parking area. Also pointed out one ten-unit building and one nine-unit building right across from each other so there are 8 spaces in front of each of these. All parking as well as extra parking for visitors was pointed out on the plan. Other five unit and ten-unit buildings were pointed out on the plan as well as another infiltration basin.

Mr. Fletcher noted there were comments with a "kind of definition" of the way the eight spaces in front of a building could be approved by the Planning Board. Attorney Tree spoke and said she wanted to briefly address the questions that were raised from comments received this afternoon. One of the comments on the parking was about handicapped accessibility and whether there were spaces required. Attorney Tree explained she was able to go through the FHA and ADA requirements and the only requirement would be the office building should have accessible parking under those two statutes which are both Federal and this is because the interior of the units are multi-level so each unit has two floors and being a multi-unit/multi-level unit it does not fall under the FHA division of definition of a multi-story/multi-family building that would require that 2% of parking be handicapped accessible, however, was not able to go through the Massachusetts provisions so do not want to make a representation until having the opportunity to go through that as well. Attorney Tree continued noting there was also a question concerning parking that was raised with regard to the definitions in the ordinance as to what the Planning Board could do. The provision allows the Planning Board to locate not more than eight (8) spaces in front of the principal building in this development. The question raised was whether this could be done with multiple buildings where it says the "principal building" which the Zoning Ordinance does have a definition of that term and says a building in which is conducted the main or principal use of the lot on which said building is situated, that is every building. Perhaps with the exception of the office but the office is part of the principal use which is for multi-family dwelling purposes. So, there is no provision that says you can only have one principal building on a lot which would expect if that was the case nor could you really identify any one of the buildings and say this is one where it was principally conducted. So, multi-family use is in every building and every building is a principal building under the Ordinance.

Attorney Tree also noted there are some questions about EV (*Electric Vehicle*) parking. Also, had some questions about the "stretch code" and applying the stretch code and believe that the requirement under the stretch code is for 20% of the spaces to be EV ready spaces and the intent is to comply with that. Mr. Fletcher noted he spoke with someone in the building department and it was determined that it looked like 20% because there are two different stipulations, one is for R1 and R2, and all other R use dwellings and any other R use buildings is 20%. The building department felt they were going to be under that stipulation of it instead of the R1 or R2.

Mr. Fletcher went over the phasing of the project. All of Phase One was pointed out on the plan which includes one three (3) unit building, a five (5) and six (6) unit building, as well as where the stormwater runs down and once Phase One is complete the stormwater should be able to handle itself at that point. Phase Two is going to include parking area and a building (*pointed out on plan*), but then the swale is also going to be constructed in the infiltration out in back (*pointed out on plan*) because all the stormwater is going to backfill down and tie in (*pointed out on plan*), so at the end of Phase Two all the stormwater should be complete. Phase Three will be in Templeton lot once they get approval from them and Phase Four will finalize the last three (3) buildings and the turnaround and all the parking associated with that.

Mr. Fletcher noted there was a comment that a turnaround should be provided at the end of each Phase so he will work on developing some plans to show some interim turnarounds at the end of every Phase.

Mr. Fletcher displayed the Engineering Plans completed by the Electrical Engineer who went through what kind of lighting is going to be which all will be downcast with LED Lumineers to eliminate as much light pollution off-site as possible.

Mr. Fletcher displayed a landscaping design completed by Berkshire Design who went through and included different species in there that would be native to the site and added some screening in areas that would need screening as well as around the dumpsters and certain areas where the development gets close to the Abutters.

Mr. Fletcher asked if there are any questions.

#### QUESTIONS-COMMENTS-CONCERNS:

**T. Beauregard** asked if Mr. Fletcher could give a little more detail as to what is included in the lighting plan including street lights on poles including the parking areas. Mr. Fletcher pointed out L2 on the plan for the street lights and L3 lighting on the plans. Also pointed out on the plan were the regular light poles with downcast lighting. In addition, the B1 on the plan is going to be bollard type lighting for the people in the development with low ambient light for the sidewalks throughout the development. T. Beauregard asked if there will be any lighting on the back of the buildings. Mr. Fletcher was not sure architectural plans go into that much detail, but believes it would be a downcast light and will check with the lighting Engineer to make sure no lighting will cause any issues.

T. Beauregard spoke of the entrance off West Broadway and not allowing the lighting to bleed off the site and commented Mr. Fletcher did a good job doing that, however asked if he knew if there is a light on the street on West Broadway near the entrance so there is no dark entrance. Mr. Fletcher did not believe there is but does have a proposed sign with upper lighting. Mr. Fletcher stated he will look into this and maybe try to add a utility pole down there. T. Beauregard said it is something to consider.

**P. Cormier** inquired where the crosswalks with speed bumps are located in the development. Mr. Fletcher pointed out on the plan and said there are four (4).

**M. Schafron** asked why the bulk of the parking is located in the front of the buildings as opposed to the rear. Mr. Fletcher replied due to the nature of the development the front of development gives better access to the dwellings, so if there was parking in the rear, it would cause a lot more disturbance in the back. In addition, if parking is in the rear, would be adding a minimum 47 feet of impervious to create access in the back, even if it is a one-way disturbance. Mr. Fletcher stated he went through the whole regulation and even if it is a 45 degree angle in back of the buildings, it will be more of a parking lot than not and no yard in the back for the tenants.

Mr. Fletcher said they felt eight (8) parking spaces were a good fit and also eliminates the tenants from having to walk so far to the middle of the buildings and still keeping a lot of landscaped area to each side of the eight (8) spaces. Further, will condense the development and not impede on the Abutters even more than they already are, and will keep the excess stormwater that would develop because of the additional impervious which would be quite an increase.

Mr. Schafron commented he does not see 90-degree parking spaces backing out into their main drag as being particularly safe and does not see this as promoting a better site layout. Mr. Fletcher said the whole intent is trying to slow down traffic as much as possible. Mr. Fletcher spoke of picturing a supermarket parking lot with 24 foot aisles and 90 degree parking spaces and when backing out with some people flying down the parking lot at 20-25 miles per hour it's going to be very similar but safer because there will be speed bumps plus an additional six feet in that 24 foot aisle behind, so when backing out, the rear end isn't even at the edge of the road until someone is six (6) feet out which gives ample opportunity for people to see and slow down.

Mr. Schafron added another issue he has is under #675-770 of the Zoning Ordinance, the preferred design for parking would be at the sides and rear of the buildings, not in front. Mr. Fletcher noted this is where the stipulation for the Planning Board has the ability to grant eight (8) spaces in front of the primary structure. Attorney Tree believes the language in the ordinance was designed to allow a lot of flexibility to the Planning Board by saying it is "preferred" which may be acceptable. She does not see an absolute prohibition on any of that, since it is left that the ability to have the eight (8) spaces is to the discretion of the Planning Board. Attorney Tree also pointed out currently with this building (City Hall), and having all the parking out in front functions perfectly well here. Mr. Schafron noted this is not a residential building. Attorney Tree replied no it is not a residential, but it is one that is very frequently used with people in and out and it is a public way that goes a lot quicker than an interior access way in this development which also has a set-off of six (6) feet which is more than is provided out in front of this building.

Attorney Tree remarked these spaces will provide a lot of convenience to the residents when getting home with groceries and wanting to park right in front for better access to the front door to the extent it allows a better quality of life to the residents. Also, as far as the creation of additional impervious surfaces by moving all of the parking off the front this would be creating a potential for more drainage issues that was a major concern from prior meetings. Further, if there is more activity concentrated to the rear of the buildings there could be more potential for lights shining on to the surrounding properties as well, so when looking at the totality of the factors providing safety measures with the speed bumps, and having some signage as a warning for people backing out into the roadway. In the totality, having just that limited eight (8) spaces, which can be assigned to each resident or one per unit in most buildings, is going to be a greater overall quality of life and provide a better site plan design.

**S. Cormier** asked if there was ever diagonal or parallel parking considered. Mr. Fletcher stated it was but the whole nature of the development backing out onto a two-way street did not really want everything pitching "one way" and felt it was comfortable to put the 90-degree parking spots. With parallel parking there would be snow storage issues so with the eight (8) parking spots, snow storage areas will be on each side of the eight (8) parking spots.

T. Beauregard asked if they've considered putting in areas of parallel parking and keep the snow storage areas which is safer and allows to maintain additional landscaped areas in front of the structures. Attorney Tree commented on the parallel parking and said she does not believe the driving population has great skills with this type of parking and people just are not used to it. Attorney Tree believes parallel parking in front would create more problems with people backing in and out onto the roadway, and does not believe they could accommodate the number of spaces needed if they have so few in front of each building. If the objective is to have a better site plan design and provide some convenience to the residents, they are going to have residents fighting over very few parallel parking spaces. T. Beauregard expressed his disagreement with Attorney Tree and noted the amount of accidents in the Timpany Plaza parking lot with people backing in and out of 90 degree spaces and believes it is a larger danger than it is pulling in and out of a parallel parking space. Attorney Tree remarked of the process of pulling alongside another vehicle, then have to turn around, then back in and back into that space which some people have no trouble doing, but other people take several times and feels there are concerns both ways but does not think the switch to parallel parking will improve it. Also, a change of that magnitude would require re-examination of whether there will be sufficient parking, and whether it is close enough to each unit, which would then create a need for more parking that is not in front of the building in order to meet the ordinance and that again will go against

the goal of trying to cut down on the impervious area and trying to cut down on any kind of intrusion onto the Abutters. Attorney Tree noted the original plan and the Planning Board as well as Mr. Beauregard might remember they were trying to maintain approximately a 50-foot boundary between this lot and the Abutters; therefore, they have done a fairly good job of maintaining it and to make sure they continue to be able to enjoy their property and feel this version of the plan is really the preferable option.

Mr. Fletcher commented the only other thing mentioned is the landscaping in front and they do have the eight (8) spaces in front but it is met with quite a bit of landscaping on each side, so it is not completely impervious in the lack of landscaping in front of the units.

**S. Cormier** asked if there is a sidewalk in front of the buildings. Mr. Fletcher replied yes all the way across and around and pointed them out on the plan.

S. Cormier questioned what the building code is for Electric Vehicle Charging Stations and what they will be doing. Mr. Fletcher stated they have the recommended 20% but kept them further away because a lot of people do not have electric vehicles right now. Mr. Fletcher pointed out the locations for the charging stations. Mr. Schafron noted the Zoning Enforcement Officer advised that each dwelling or town home shall be provided with at least one EV ready space. Mr. Fletcher said he looked at that and then spoke to someone in the building department and he was told 20%, therefore, he will have to look through this again and come to a finalization. Attorney Tree added she did take some time to look at the “stretch code” and noted the table R404.4, 257 CMR22 that has the provision for one and two family dwellings in town homes as well as all other use buildings but it also has some exceptions which state R2 multi-family properties may elect to comply with the commercial EV ready requirements in C40513 which is 20%, therefore she believes this building has the option of going with one for every unit or the 20% of total.

**T. Beauregard** spoke and reiterated the City does not allow parking in front of a structure and is pretty clear in the zoning code. Further, T. Beauregard commented he agrees with the Building Commissioner’s interpretation of the code. The Planning Board does have the means of where they may grant permission during Site Plan Review to locate no more than eight (8) parking spaces in front of the principal building where such location promotes a better site layout. T. Beauregard stated he has been bringing this point up to the Applicant’s attention since the Development Review Committee meeting held in July and again in August at which time there were some improvements made on the site where they created four (4) parking lots off of the main access road but still maintained eight (8) spots in front of each structure. Five (5) structures with eight (8) spots in front is not consistent with how the City’s zoning reads. Since it does say the “principal” structure, believes current design is a real stretch, and again agrees with how the Zoning Enforcement Officer interprets the code. Mr. Schafron added where he is getting hung up is saying not wanting to build more parking lots and do not see that as a compelling reason to allow all that parking in front of those buildings. Mr. Fletcher stated he believes the number one concern is proximity of access and if parking is away from the structure the tenant would have to walk quite a ways especially with groceries, etc., so having spots in front of the structures provides a quality of life aspect for the residents in the development. Mr. Schafron indicated they could re-think their design.

**Mr. Schafron** pointed out he is leaning towards the advice from the Zoning Enforcement Officer for his recommendation that the design of the structures and parking match either the acceptable or preferred diagrams as illustrated in 675-770 , and stated he is leaning more towards the preferred design because he is still not hearing a compelling reason to have all that parking in front of those buildings other than they do not want to build parking lots. Attorney Tree responded it is not that they do not want to build parking lots, it is dealing with a design that is very, very common within the City and she thinks the move to put it behind the building has a place in some areas, but not this one because what they are trying to do is contain use on the property and separate it from the Abutters and if they put all of that parking on the back of every building, they are just moving all of that traffic, all of the lighting, all of the engine noise closer to the Abutters which is not accomplishing the goal of the ordinance that was to separate the residential uses from the traffic. Also, it will cause a substantial inconvenience to everyone who lives in the building forcing

them to have to go to the parking lots, as well as providing the likelihood of more light pollution to the rear of the buildings closer to the Abutters. T. Beauregard repeated this is up to the Zoning Enforcement Officer. Attorney Tree stated she would like to have a conversation with the Building Commissioner about the interpretation to see if they can discuss this a little further. Attorney Tree added her first comment she has in response to that is if it means the “principal building” then which building on the plan is the principal building. Mr. Schafron replied he believes it would be the office building. Attorney Tree remarked that building is not where the “use” is conducted at all. Further, the “use” is a multi-family dwelling and that is taking place in every one of those residential structures. Mr. Schafron commented as Board Members they tend to refer to the experts of the City such as the City Engineer, the Code Enforcement Officer, the City Planner, and these little nuances are their purview and their strength, not the Planning Board which is why he keeps hedging on the parking because he is reading what the Code Enforcement Officer says and looking at his interpretation, therefore they should have a discussion with the Zoning Enforcement Officer.

T. Beauregard stated he would even argue that clause in the Zoning is not even relevant to a project like this, and believes it was created more for Commercial/Industrial development where there is one principal building along a stretch of roadway whereas if the Planning Board does allow eight (8) spaces in front of that principal building then they are able to ask for a condition where they can actually extend that to the abutting property where the same “use” is occurring with the same type of parking area. Further, when looking around similar projects in the City you will not see parking in the front but on the side or in the rear. Attorney Tree stated they can take a look at some other buildings of similar size in the area. Mr. Schafron said his experience riding around the City this afternoon and looking at Ridgewood Arms, Musket Ridge, and Old English Village, none have parking like that in front. Attorney Tree spoke about the zoning ordinance which talks about the street and this is not a street, it is an access way and if they are talking about a building on a street on a public way, a road that is heavily travelled like West Broadway, she definitely sees the point in that, but this is a little access roadway and does not see a danger presented and believes it concentrates that use inward between the two buildings and away from the Abutters.

Mr. Schafron asked how many speed bumps/crosswalks. Mr. Fletcher answered four (4) which are separated by 400 or 500 feet. Mr. Schafron asked how long is the roadway. Mr. Fletcher said 1,050 feet to the end of the cul-de-sac. T. Beauregard asked how the speed bumps will be constructed? Mr. Fletcher said he believes they are going to be raised pavement.

Mr. Schafron recapped the Proponent will have a conversation with the Building Commissioner, therefore, the Public Meeting will be continued until next month on November 14, 2023.

The Public Meeting ended at 7:55 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.