

Town of North Andover
PLANNING BOARD

Approved 5-3-16

John Simons, Chairman
Lynne Rudnicki
Peter Boynton



David Kellogg
Lora McSherry
Regina Kean (Associate)

Tuesday April 19, 2016 @ 7 p.m. 566 Main Street-School Administration Building, North Andover, MA 01845

1 Present: J. Simons, L. Rudnicki, L. McSherry, D. Kellogg, P. Boynton

2 Absent: R. Kean

3 Staff Present: J. Enright, R. Oldham, B. Wolstromer

4
5 J. Simons, Chairman: The Planning Board meeting for Tuesday, April 19, 2016 was called to order at 7 p.m.

6
7 **DISCUSSION:**

8 **Article 24: Appropriation – Capital Improvement Plan for Fiscal Year 2017.** To see if the Town will vote to
9 fund the Capital Improvement Program as listed under the heading “Board of Selectmen/Finance
10 Committee/Town Manager Recommendations” and with the language included,
11 or to take any other action relative thereto.
12

FY17 CIP Recommendations		Board of Selectmen Finance Committee		Other Funding Sources		Retained Earnings/ Free Cash/CIP		Excess bond Proceeds		Authorized to Borrow under Chapter 44
Line #	Project Description	Town Manager Recommendations	(Grants, Chapter 90, CPA & Spec Rev)	Raise & Appropriated	Stabilization					
1	Municipal IT (FY17-FY21)	\$ 50,000							\$ 50,000	
2	Voting Equipment Replacement	\$ 62,800				\$ (62,800)			\$ -	
3	Building Maintenance (FY17-FY21)	\$ 225,000							\$ 225,000	
4	Sport Turf Field Surface Replacement	\$ 100,000				\$ (100,000)			\$ -	
5	School IT (FY17-FY21)	\$ 100,000							\$ 100,000	
6	Roadway (FY17-FY21)	\$ 1,230,000	\$ (820,000)						\$ 410,000	
7	Sidewalks (FY17-FY121)	\$ 75,000							\$ 75,000	
8	Equipment Sweeper	\$ 185,000							\$ 185,000	
9	Water & High St Intersection & Streetscape	\$ 325,000							\$ 325,000	
10	6 Wheel Dump Truck	\$ 180,000							\$ 180,000	
11	Replacement Mini Bus	\$ 52,000				\$ (52,000)			\$ -	
12	Facilities Master Plan	\$ 4,620,885							\$ 4,620,885	
13	Playground Improvements (townwide)	\$ 50,000							\$ 50,000	
14	Intergrated Public Safety Reporting System	\$ 208,875							\$ 208,875	
15	Replace Ambulance	\$ 268,197							\$ 268,197	
General Fund Total		\$ 7,732,767	\$ (820,000)	\$ -	\$ -	\$ (214,800)	\$ -	\$ -	\$ 6,697,967	
16	Ozone System	\$ 200,000	\$ -	\$ -	\$ -	\$ (200,000)	\$ -	\$ -	\$ -	
17	Chemical Storage Tank & Feed System Improv.	\$ 175,000				\$ (175,000)			\$ -	
18	Value & Hydrant Repalcement	\$ 100,000				\$ (100,000)			\$ -	
Water Enterprise Fund Total		\$ 476,000	\$ -	\$ -	\$ -	\$ (476,000)	\$ -	\$ -	\$ -	
19	Improvements to various Pump Stations	\$ 150,000	\$ -	\$ -	\$ -	\$ (150,000)	\$ -	\$ -	\$ -	
Sewer Enterprise Fund Total		\$ 160,000	\$ -	\$ -	\$ -	\$ (160,000)	\$ -	\$ -	\$ -	
20	Main House Improvements	\$ 110,000				\$ (110,000)			\$ -	
21	Streetscape Improvements	\$ 15,000				\$ (15,000)			\$ -	
Stevens Estate Fund Total		\$ 126,000	\$ -	\$ -	\$ -	\$ (126,000)	\$ -	\$ -	\$ -	
Total All Funds		\$ 8,482,767	\$ (820,000)	\$ -	\$ -	\$ (964,800)	\$ -	\$ -	\$ 6,697,967	

that to meet this appropriation:

- (1) The Treasurer with the approval of the Board of Selectmen is authorized to borrow \$6,697,957 under chapter 44 of the Massachusetts General Law or any other enabling authority;
- (2) The appropriations for items 2 and 11 above shall be funded with Free Cash in the amount of \$114,800
- (3) The appropriation for item 4 above shall be funded with a transfer from Capital Stabilization Fund in the amount of \$100,000
- (4) The appropriations for items 16, 17, 18 & 19 above shall be funded with Water Enterprise fund retained earnings in the amount of \$625,000
- (5) The appropriation for item 20 & 21 above shall be funded with Stevens Estate Enterprise fund retained earnings in the amount of \$125,000

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Town Manager

17
18
19 **Planning Board Recommendation:** L. Rudnicki made a motion for favorable action on Article 24
20 (Specifically, items 6-10 & 16-19). D. Kellogg seconded the motion. The vote was 5-0, unanimous in
21 favor.

22
23 **Vote Required:** Two-thirds (2/3) Vote
24

25 **EXPLANATION:** A Capital Improvement Plan (CIP) consists of projects that are major, non-
26 routine expenditures for new construction, major equipment purchase, or improvement to existing
27 buildings, facilities, land or infrastructure with an estimated useful life of five years or more, and a
28 cost of \$25,000 or more. Items in this plan are funded by debt; the Town will issue bonds of 10, 15
29 or 20 years (depending upon the project) and pay principal and interest payments over that term.
30 The bonds may be general obligation (funded by the general tax levy) or special obligation (funded
31 by water or sewer rates).

32
33 1755 Osgood Street, Kettle Pizza: Request for Waiver of Site Plan Review

34 J. Enright: This building is currently vacated and the Applicant, Kettle Pizza, would like to use the building for
35 light manufacturing. There is currently an unused curb cut on Route 125 that is blocked off and grass currently
36 covers the area. T. Willet has reviewed the curb cut and has stated the Applicant needs to go through MassDOT to
37 confirm the curb cut is still valid. The plan also calls to widen the entrance to Bradford Street for tractor trailer
38 traffic.

39 J. Simons: Is this use allowed under the current zoning?

40 J. Enright: No, not under the current zoning. The current zoning is CDD3. Previously, under the former tenant it
41 was I2. But this building was being used up until two months ago.

42 J. Simons: It's one thing to have a pre-existing non-conforming use, but there is no "use" there now and that
43 creates a technical problem.

44 Phil Christiansen, Applicant's Engineer: I did not receive a determination from G. Brown in writing. As I
45 understand it, if it's been abandoned for a year, you would look at it more closely, but this is a continuous use and
46 they have a lease.

47 J. Simons: The square footage requires how many parking spaces?

48 P. Christiansen: We have more than adequate parking.

49 J. Enright: The calculation is 1.5 per thousand sq. ft. of gross floor area. The building is approx. 11,000 sq. ft., so
50 approximately sixteen spaces are required. Currently, there are 25 spaces.

51 P. Christiansen: The access to Route 125 is a State Highway issue versus a North Andover issue. The trucks will
52 exit toward Bradford Street. However, turning becomes difficult so we have added pavement to the plans and
53 widened the access to enable the trucks to safely make their turns. They will typically enter via access from Route
54 125, drive past the loading dock and back in. The existing curb cut has never been abandoned; we will notify
55 MassDOT that it will be re-opened.

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56 J. Enright: The design standards for off street parking and loading is currently 25 ft width max. for two way traffic
57 in and out. It is currently at 62 ft., this adds another 32 ft. to the width of the curb cut; it's beyond the standards
58 now. Does the entrance require more organization for being so wide?

59 J. Simons: The issue here is using the roadway for the tractor trailers to turn around. I don't imagine the NAPD
60 would prefer this.

61 P. Christiansen: Correct, if you designed it today you would choose to do it differently.

62 L. Rudnicki: We don't allow 92 ft., we allow 25 ft.

63 J. Simons: We could eliminate a few parking spaces to allow for the turn.

64 D. Kellogg: How about moving the 62 ft. northward? This wouldn't change the existing width.

65 P. Christiansen: That could be done.

66 L. Rudnicki: Is this considered a waiver? We will need NAPD, NAFD and DPW review.

67 L. McSherry: We should also send notice to the neighbors.

68 J. Simons: The Applicant needs to determine how they would like to proceed in terms of the access on Bradford
69 Street and Planning Staff will gather feedback from the appropriate departments and address this issue at the next
70 meeting.

71

72 **PUBLIC HEARINGS:**

73 **CONTINUED PUBLIC HEARING: 2302 Turnpike Street- Earthworks, Inc. Danny Gill**: Applicant seeks a Site
74 Plan Review Special Permit in order to develop the property as a mixed-use retail and business office commercial
75 complex with accessory indoor storage and parking.

76 R. Oldham: We have sign offs from the BOH, DPW and NAFD. The stormwater review is complete and
77 Conservation has issued their Order of Conditions. We have drafted a Decision for your review.

78 **MOTION**: D. Kellogg made a motion to close the Public Hearing for Site Plan Review for 2302 Turnpike Street.

79 L. Rudnicki seconded the motion. The vote was 5-0, unanimous in favor.

80 **MOTION**: D. Kellogg made a motion to approve the Decision, as amended, for Site Plan Special Permit for 2302
81 Turnpike Street, Earthworks, Inc. L. Rudnicki seconded the motion. The vote was 5-0, unanimous in favor.

82

83 **NEW PUBLIC HEARING: 254 Great Pond Road, Tom and Nicole Friel**: Application for Watershed Special
84 Permit Modification. Applicant seeks to amend a Watershed Special Permit issued January 5, 2016 by adding a
85 small addition off of the existing garage within the 250 foot "Non- Disturbance" buffer zone and to extend the
86 existing porch to provide handicapped access.

87 R. Oldham: The applicant was last before the Board in January 2016. They were granted a Watershed Special
88 Permit. Recently, the applicant requested a Modification to that WSP to construct a 309 sq. ft. addition off the
89 existing garage, reconstruct the existing driveway and extend the existing porch on the front of the existing home
90 to provide handicapped access. L. Eggleston has reviewed the project and deemed the modifications nominal and
91 no further stormwater is required. The Town Engineer has signed off and reviewed the modification and instructed
92 the applicant to apply for a driveway permit. All other sign offs have been received.

93 Jack Sullivan, Project Engineer: I have added a second drywell to capture roof runoff from the garage extension
94 and provided a detailed grading plan showing no water moving toward Great Pond Road rather drained into the
95 grass swale on site. This is an improved drainage condition.

96 L. Rudnicki: Can you verify your net improvement calculations with the added roof?

97 J. Sullivan: There is a note to this effect on the drawing noting a net improvement of over 300 sq. ft. of roof area
98 being recharged. It's well in excess.

99 J. Simons: How many changes are you proposing?

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- 100 J. Sullivan: Three. The garage addition, porch extension and reconstruction of the driveway which will be graded
101 differently but the footprint stays the same.
102 L. Rudnicki: With the proposed first addition and the second addition they have not reached the 25-50% max GFA
103 increase?
104 J. Enright: The gross floor area is 925 sq. ft. with the proposed additions. The gross floor area is 2,236. All
105 additions meet the 25-50% requirement.
106 L. Rudnicki: We need to add a condition that any additional renovations shall not increase the GFA more than the
107 maximum allowed for the existing footprint, per Zoning Bylaw Sections 4.136 c.ii (7). This restriction should also
108 be noted on the deed for all future homeowners.
109 **MOTION**: L. Rudnicki made a motion to close the public hearing for Watershed Special Permit Modification for
110 254 Great Pond Rd. D. Kellogg seconded the motion. The vote was 5-0, unanimous in favor.
111 **MOTION**: L. Rudnicki made a motion to approve the WSP Modification for 254 Great Pond Rd., as amended. D.
112 Kellogg seconded the motion. The vote was 5-0, unanimous in favor.

113
114 CONTINUED PUBLIC HEARING: Annual Town Meeting Zoning Articles: Warrant Articles 9 and 11.
115

116 **Article 9: Amend Zoning Bylaw – Section 8: Supplementary Regulations.** To see if the Town will
117 vote to amend the Town of North Andover Zoning Bylaw, Section 8 – Supplementary Regulations, by
118 making the following amendments to Subsection 8.3 (by identifying text which is deleted as
119 strikethrough and text added as underlined), as follows:
120

121 **8.3 Site Plan Review**

122
123 **5. Information Required**

- 124 a) Special Permit Application Form, along with any fees as may be set by the Town Bylaw;
125 b) Drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as
126 approved in advance by the Town Planner. Revised plans shall contain a notation listing and
127 describing all revisions, additions, and deletions made to the originally submitted plans and
128 the date of each.
129 c) All site plans shall be prepared by a certified architect, landscape architect, and/or a civil
130 engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be
131 prepared by a certified landscape architect registered in the Commonwealth of Massachusetts.
132 All building elevations shall be prepared by a certified architect registered in the
133 Commonwealth of Massachusetts. All stormwater management plans and drainage
134 calculations must be submitted with the stamp and signature of a Professional Engineer
135 (PE) licensed to conduct such work in the Commonwealth of Massachusetts.
136 d) The times for submission of the site plans for review by the Planning Board are specified in
137 Section 10.3 of the Zoning Bylaws (Special Permit Regulations)
138 e) The following information must be submitted along with the application:

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- 139 i. NORTH ARROW/LOCATION MAP: A north arrow and a location map showing
140 surrounding roadways and land uses adjacent to the site (1"=1500'). Location Map should
141 show at least one intersection of two existing Town roadways.
- 142 ii. SURVEY OF LOT/PARCEL: A boundary survey conforming to the requirements of the
143 Essex County Registry of Deeds Office. The survey shall be dated and include any
144 revision made to the survey or site plan. Any change in the survey shall be recorded
145 before site plan approval may be granted.
- 146 iii. NAME/DESCRIPTION OF PROJECT: The name of the development and the names,
147 addresses and telephone numbers of the project listing tenants, land uses, development
148 phases, or other pertinent information necessary to evaluate the proposed development
149 plan.
- 150 iv. EASEMENTS/LEGAL CONDITIONS: Identification of easement(s) or legal
151 encumbrances(s) that are related to the sites physical development, and a listing of any
152 condition(s) placed upon the site by the Board of Appeals, Planning Board, Conservation
153 Commission, or any public body or agency, with the authority to place conditions on the
154 sites development.
- 155 v. TOPOGRAPHY: The present and proposed topography of the site, utilizing two foot (2')
156 contour intervals. The contours shall extend at least fifty (50') feet beyond the site
157 boundaries by estimation of the professional submitting the plan. Existing topography
158 fifty feet (50') beyond the perimeter of the parcel as it appears on the most current Town
159 of North Andover topographic mapping shall also be shown.
- 160 vi. ZONING INFORMATION: All applicable Zoning Bylaw information shall be provided
161 regarding the site's development. This information shall be placed in a table and list all
162 parking, setbacks, percent of lot coverage, floor-area-ratio, number of dwelling units, total
163 amount of square feet, size of signs and any other applicable zoning information
164 necessary for the proper review of the site plan by the Town Planner and Planning Board.
- 165 vii. DRAINAGE AREA MAP: A drainage area map showing pre and post construction
166 watersheds, subwatersheds and stormwater flow paths, including municipal drainage
167 system flows;
- 168 viii. STORMWATER MANAGEMENT PLAN: All applications for Site Plan Review shall
169 include the submittal of a Stormwater Management Plan prepared in accordance with the
170 latest version of the Massachusetts Stormwater Handbook and additional criteria
171 established herein and demonstrating full compliance with the **Massachusetts**
172 **Stormwater Standards** and the North Andover Stormwater Management and Erosion
173 Control Regulations promulgated under Chapter 160 of the Town Bylaws (Stormwater
174 Management and Erosion Control Bylaw); All storm water drainage control facilities
175 utilized by the site shall be shown on the site plan. Storm water drainage calculations
176 which support the design of the control facilities shown the plan shall be submitted to the
177 Department of Public Works for review and approval. Calculations shall show a
178 mitigation of run-off to zero of the 2, 10, and 100 year storm event.

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- 179 ix. BUILDING LOCATION: Identification of all existing and proposed structure(s) located
180 on the site. The number of stories, overall height in feet and gross floor area in square feet
181 of all structure shall be indicated.
- 182 x. BUILDING ELEVATION: A drawing of the exterior of the building, as viewed from the
183 front (street view) must be submitted. The Planning Board may request side and rear
184 views if relevant to the Board's review. This drawing must be at least 8" x 11" in size.
- 185 xi. LOCATION OF PARKING/WALKWAYS: Identification of the location of all existing
186 and proposed parking and walkways areas, including curb cuts that will be used to access
187 the site from adjacent roadways, or access points.
- 188 xii. LOCATION OF WETLANDS/NOTICE OF INTENT: All resource areas as defined in
189 M.G.L. Chapter 131, Section 40 and/or the Town of North Andover Wetland Protection
190 Bylaw (Ch. 178), shall be shown on the site plan. If applicable, the applicant shall file a
191 Notice of Intent with NACC concurrently with the application to the Planning Board for
192 Site Plan Review.
- 193 xiii. LOCATION OF WALLS/SIGNS: Identification of the location, height and materials to
194 be used for all retaining walls and signs located on the site. Signs will be reviewed using
195 the guidelines set forth in Section 6.7 (H) of the Zoning Bylaw.
- 196 xiv. LOCATION OF ROADWAYS/DRIVES: Identification of all right-of-ways and
197 driveways including the type of curb and gutter to be used, and their dimensions.
198 Distances to all the nearest roadways and/or curb cuts shall be shown for both sides of any
199 streets which is adjacent to the site.
- 200 xv. OUTDOOR STORAGE/DISPLAY AREAS: Identification of the location and type of
201 outdoor storage and display areas on the site.
- 202 xvi. LANDSCAPING PLAN: The general outline of existing vegetation, wooded areas,
203 significant trees, unique species and tree clusters and the extent of all vegetation, wooded
204 areas, significant mature trees (> 12 inches DBH), unique species and/or tree clusters to
205 be removed and identification of the location and landscape schedule of all perimeter and
206 interior landscaping, including but not limited to proposed paving materials for walkways,
207 fences, stonewalls and all planting materials to be placed on the site. In addition, all
208 existing trees over 12 inches DBH, to be saved or removed shall be shown on the site
209 plan. Any landscaping required by the Town Bylaws shall be indicated on the site plan in
210 tabular form showing the amount required and the amount provided.
- 211 xvii. REFUSE AREAS: Identification of the location of each outdoor refuse storage area,
212 including the method of storage and screening. All refuse areas must be fully enclosed.
- 213 xviii. LIGHTING FACILITIES: Identification of the proposed illumination, indicating the
214 direction and the degree of illumination offered by the proposed lighting facilities,
215 including an example of the light fixture to be used.
- 216 xix. ~~DRAINAGE BASIN STUDY: A detailed hydrology study for the site. Included in this~~
217 ~~study is the proposed storm water run-off rates into the existing drainage system and its~~
218 ~~potential down-stream impact on the existing drainage system.~~

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- 219 xx. TRAFFIC IMPACT STUDY: Identification of existing traffic levels, along with the
220 expected traffic impacts to occur based upon the proposed project. Projects which access
221 state highways, a traffic impact study shall be filed with MEPA concurrently with the
222 Planning Board review. A copy of the MEPA study shall be filed with the application to
223 the Planning Board.
- 224 xxi. COMMONWEALTH REVIEW: Any information required and submitted to any agency
225 of the Commonwealth, shall be filed with the Planning Board upon the initial submission
226 of the project for Board review.
- 227 xxii. UTILITIES: All utilities, including water line locations, sewer line locations and profiles,
228 and storm drainage systems;
- 229 xxiii. FISCAL IMPACT: Projections of costs rising from increased demand for public services
230 and infrastructure; provisions of benefits from increased tax revenues, employment and
231 infrastructure improvements; and impacts on adjacent property values.
- 232 xxiv. COMMUNITY IMPACT: Analysis of the project's impact on the surrounding
233 neighborhood in terms of architectural consistency, pedestrian movement and overall
234 character; impacts on nearby historic structures or site; and an evaluation of the proposed
235 project's consistency and compatibility with existing local and regional plans.
- 236 f) If the site plan review application is for the construction of any new wireless service facility
237 on a previously permitted facility as set forth in Section 8.9(3)(a)9II) Wireless Service
238 Facilities Use Regulations, the information required by Section 8.9(5) must also be submitted.
239 The SPGA may grant a waiver from these submittal requirements if it finds that such
240 information is not needed for a thorough review of a proposed personal wireless service
241 facility (1998/38).
- 242
- 243 6. Review Criteria/Design Guidelines
- 244 a) The following criteria and design guidelines shall be used by the Planning Board in
245 evaluating the site plan review and all information submitted as part of the application.
- 246 i) General
- 247 a) Conformance with all appropriate provisions of the Zoning Bylaw.
- 248 b) Protection of abutting properties from detrimental site characteristics.
- 249 ii) Environmental
- 250 a) Protection of unique or important natural, historic or scenic features.
- 251 b) Adequacy of proposed methods of refuse disposal.
- 252 c) Ability of proposed sewage disposal and water supply systems within and adjacent to
253 the site to serve the proposed use.
- 254 d) Adequacy of the proposed drainage system to mitigate runoff increases and protect
255 water quality. within and adjacent to the site to handle the increased runoff resulting
256 from the development.

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- 257 e) Provision of adequate landscaping, including the screening of adjacent residential
258 uses, provision of street trees, landscape islands in the parking lot and a landscape
259 buffer along the street frontage.
- 260 f) Adequacy of the soil erosion plan and any plan for protection of steep slopes, both
261 during and after construction.
- 262 g) Protection of adjacent properties by minimizing the intrusion of lighting, Including
263 parking lot and building exterior lighting.
- 264 h) The proposed development must not present a demonstrable adverse impact on the
265 surrounding area resulting from excessive noise, dust, smoke, or vibration which are
266 higher than levels now experienced from uses permitted in the surrounding area.
- 267 iii) Design
- 268 a) Buildings shall be located with respect to setbacks placement of parking landscaping
269 and entrances and exits with surrounding buildings and development.
- 270 b) The buildings shall relate harmoniously to each other in architectural style, the
271 location and building exits and entrances.
- 272 c) Screening shall be provided for storage areas, loading docks, dumpsters, rooftop
273 equipment, utility buildings and similar features.
- 274 d) Electric, telephone, cable t.v., and other such lines and equipment must be placed
275 underground.
- 276 e) Demonstrate that the scale, massing and detailing of buildings are compatible with
277 those prevalent in the surrounding area.
- 278 iv) Traffic/Parking
- 279 a) The location and number of curb cuts shall be minimized to reduce turning
280 movements, and hazardous exits and entrances.
- 281 b) Provision for access to adjoining properties shall be provided as appropriate.
- 282 c) Driveways shall be located opposite each other wherever possible.
- 283 d) Joint access driveways between adjoining properties shall be encouraged.
- 284 e) Internal circulation and egress shall provide for traffic safety, and access to and
285 from minor streets servicing one family dwellings shall be minimized.
- 286 v) Stormwater Management
- 287 a) At a minimum all projects subject to Site Plan Review shall comply with the criteria,
288 specifications, and performance standards of the most recent version of Massachusetts
289 Stormwater Management Standards and accompanying Stormwater Management
290 Handbook. The Lake Cochichewick Watershed Area shall be considered a Critical
291 Area in terms of applicability of the standards.
- 292 b) Projects subject to the Bylaw shall also comply with the requirements and criteria
293 outlined in Sections 7.0 through 10.0 of the North Andover Stormwater Management
294 and Erosion Control Regulations promulgated under Chapter 160 of the Town Bylaws
295 (Stormwater Management and Erosion Control Bylaw).
- 296 vi) Landscape Design

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- 297 a) Landscape designs shall be developed based on soil, light and other site specific
298 conditions. Plant species shall be chosen for their ability to thrive in the post-
299 development soil, water and use conditions of the site without significant
300 supplemental water or fertilizer, once established.
301 b) Plant species shall be native to inland Essex County or shall be cultivars of these
302 native species.

303 **Planning Board**

304
305 **Planning Board Recommendation. L. McSherry recommended favorable action on Article 9. L.**
306 **Rudnicki seconded the motion. The vote was 5-0, unanimous in favor.**

307
308 **Vote Required: Two Thirds (2/3) Vote**
309

310 **EXPLANATION: This Article proposes to amend Section 8, Supplementary Regulations, to allow**
311 **for some minor modifications to text and to make the information required and review criteria for**
312 **Stormwater Management consistent with the requirements for other local, state and federal**
313 **regulations.**

314
315 **Article 11: Amend North Andover Zoning Bylaw – Section 16: Corridor Development District.** To
316 see if the Town will vote to amend the Town of North Andover Zoning Bylaw, Section 16 – Corridor
317 Development District, by making the following amendments to Subsection 16.4 in order to allow light
318 manufacturing as a permitted use within the Corridor Development District 3 (CDD3) and to
319 Subsection 16.5 in order to allow contractor yards, landscaping, lumber or other building materials,
320 including outdoor sales and outdoor storage of material, equipment, and supplies within the CDD3
321 subject to a Special Permit (by identifying text which is deleted as strikethrough and text added as
322 underlined) as follows:

323
324 **16.4 Corridor Development District 3 (CDD3) - Permitted Uses**

325 In the Corridor Development District 3, no building or structure shall be reconstructed, erected,
326 altered or used for any other purpose than the following:

- 327
328 1. Retail uses provided there is no outdoor sales or storage of materials and products. However,
329 auto sales and repair are not allowed.
330 2. Restaurants excluding drive-through facilities.
331 3. Personal service establishments.
332 4. Indoor recreation, fitness, and health care facility.
333 5. Indoor place of amusement or assembly.
334
335 6. Outdoor place of amusement or assembly.
336 7. Public building or use and Public Service Corporation.

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- 337 8. Professional offices including, but not limited to banks, real estate offices, insurance offices,
338 physician offices, dentists, attorneys, architects, engineers or accountants. One drive-through
339 facility shall be permitted every 500 linear feet of street or highway as measured along centerline.
340 9. Medical Center.
341 10. Research and Development Facility not to exceed 25,000 square feet.
342 11. Printing and Reproduction.
343 12. Warehousing and Wholesaling.
344 13. Motel and Hotel.
345 14. Art Gallery.
346 15. Cultural Center or Museum.
347 16. Place of worship.
348 17. Day Care Center.
349 18. Same-structure/On-site Mixed Use Developments:
350 a. Residential uses shall not be located on the first floor of a structure or building.
351 b. Apartments and condominiums shall be allowed where such use is not more than fifty percent
352 (50%) of the gross square feet for a two (2) story building and seventy-five percent (75%) of
353 the gross square feet for a three (3) story building.
354 19. Light manufacturing, including manufacturing, fabrication, processing, finishing, assembly,
355 packing or treatment of articles or merchandise provided such uses are conducted solely within a
356 building and further provided that such uses are not offensive, noxious, detrimental, or dangerous
357 to surrounding areas or the town by reason of dust, smoke, fumes, odor, noise, vibration, light or
358 other adverse environmental effect.
359
360 16.5 Uses Subject to a Special Permit
361
362 4. Contractor's yard, landscaping, lumber or other building materials, including outdoor sales and
363 outdoor storage of material, equipment, and supplies within the CDD3 District provided:
364 a. The products, material or goods displayed, stored or sold outdoors must not be visible
365 from any residential use
366 b. The goods, materials and products permissible for outdoor storage, display and sales
367 hereunder, shall explicitly exclude automobiles, motorcycles, or other wheeled vehicles
368 and include only goods, materials, and products, which are customarily stored, displayed,
369 or sold outdoors without the necessity for cover from the weather. Fertilizers and other
370 toxic, hazardous chemicals are also excluded herein.
371 c. The amount of area designated for outdoor storage shall be included in the dimensional
372 requirements for maximum lot coverage
373 d. The entire outdoor storage area shall be enclosed by a wall of solid opaque material such
374 as masonry or solid wood fencing which, in the opinion of the Planning Board, will not
375 derogate from the surrounding area. Sufficient landscaping shall be provided around the
376 perimeter of the storage area at the discretion of the Planning Board.

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- e. Only living plants can be higher than the surrounding vertical structural screening.

And further that the non-substantive changes to the numbering of this bylaw by the Town Clerk be permitted in order that it be in compliance with the numbering format of the Zoning Bylaws of the Town of North Andover.

Or to take any other action relative thereto.

Planning Board

Planning Board Recommendation: D. Kellogg recommended favorable action on Article 11. L. McSherry seconded the motion. The vote was 5-0, unanimous in favor.

Board Discussion: The map included with this article is incorrect, as it shows the subdivision Stanton Way in CDD3. During review, it was found that the line near 1679 Osgood Street may have been moved during the 2013 re-codification of the zoning map. The 2009 map correctly displays the zoning line. However, after confirmation from the Attorney General's office this zoning map change must be done at Town Meeting and cannot be done administratively.

Vote Required Two Thirds (2/3) Vote

EXPLANATION: This Article proposes to amend the Corridor Development District 3 (CDD3) to allow light manufacturing as a permitted use and to allow contractor yards, landscaping, lumber or other building materials, including outdoor sales and outdoor storage of material, equipment, and supplies subject to a Special Permit. Following is a map showing where the district is located.

NEW PUBLIC HEARING: Annual Town Meeting Zoning Article: Warrant Article 16:

Article 16: Citizen's Petition-Petition to the Town of North Andover-Amend Zoning Bylaw – Miscellaneous. To see if the Town will vote to amend the Town of North Andover Zoning Bylaw, by amending the following Sections as follow,

or to take any other action relative thereto.

Amend Zoning Bylaw, Section 4.127 (Business 2 Zoning District), Subsection 15, by inserting the term "...by the Planning Board." So that subsection 15 shall read as follows:

"15. Multi-family dwelling and town houses (with Special Permit by the Planning Board.)

Amend Section 7.4 (Building Heights), by inserting after subparagraph 5, a new sub-paragraph 6. So that Section 7.4 shall now read as follows:

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7.4. Building Heights

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Maximum heights of buildings and structures shall be as set forth in Table 2. The foregoing limitations of height in feet in the designated zoning districts shall not apply to:

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1. Farm buildings on farms of not less than ten (10) acres.

423

2. Nor shall they apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, processing towers, and other accessory structural features usually erected at a height greater than the main roofs of any buildings.

426

3. Nor to domes, bell towers, or spires of churches or other buildings, provided all features are in no way used for living purposes.

428

4. And further provided that no such structural feature of any non-manufacturing building shall exceed a height of sixty five (65) feet from the ground.

430

5. Nor of a manufacturing building a height of eighty five (85) feet from the ground, or pharmaceutical manufacturing silo having a height one hundred-fifteen (115) feet from the ground, or

433

6. A waiver of the maximum height provided under Table 2 when granted by the Planning Board, as Special Permit Granting Authority, after the Planning Board has made a determination, based upon consideration of site design, the neighborhood context, topography and/or other circumstances that such waiver shall not be substantially more detrimental to the neighborhood than existing conditions.

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Petition of John Smolak, et al

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Planning Board Recommendation: Postponed until the May 3, 2016 meeting.

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Vote Required: Two-thirds (2/3) Vote

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Brian Vaughan, on behalf of petitioner, Princeton Properties: We are here to propose amendments to what was initially drafted. The feedback from the informal discussion, that took place at the last Public Meeting on April 19th, was that the proposal was too broad. In order to address these concerns we made the following amendment: waivers could only be granted for the B2 Zoning District, on parcels of 5 acres or more, and only applicable to residential buildings, and the height waiver shall not permit a structure to exceed four stories in height.

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Andrew Chapin, Princeton Properties: We are trying to determine whether we can give the Planning Board the maximum flexibility to be able to review a project and discuss a project in a comprehensive form. We have been in business for 45 years. We are proud of our developments. We have looked at the feasibility under the existing zoning and our team is ready to utilize the site in the best way possible. We believe these changes give the Planning Board the modern planning tools in order to review this comprehensive project.

454

J. Simons: You are asking us for two things: for us to be the permitting authority, because we are the land use Board and that is what we do, and for height flexibility. You would still go through the regulatory process. Are there any public comments on this matter of granting this authority to the Planning Board?

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457 Justin Hayes, 219 French Farm Road, Abutter: I think two heads are better than one. I have concerns when there is
458 a request to streamline. I think it is a request to avoid scrutiny and oversight. They only want to deal with one
459 group. I think conflict can be good. It scares me when people come before you asking to eliminate another group.
460 Andrew McDevitt, 266 Barker Street, Abutter: I understand the Planning Board looks at the overall direction of
461 where the Town is going, but the ZBA is the tool and Board that scrutinizes how we do that with restrictions and
462 guidelines. They are being very specific about getting this approved for a specific project, which benefits them, yet
463 it has a broader implication for the rest of the Town. This is substantially more detrimental to the vacant lot, our
464 neighborhood and the community that exists now.
465 J. Simons: The role of the ZBA is to deal with equities, or “matters of fundamental fairness and issues”. If it is a
466 use allowed by right, there is no ZBA.
467 A. McDevitt: Do the two Boards collaborate?
468 J. Simons: No, they go first and make the decision and we go second. The applicant is saying the ZBA decision
469 could be so stringent, limiting the Planning Board in the Site Plan Review process. We cannot reject what has
470 already been determined.
471 Mahesh Gopalan, 172 Old Farm Road, Abutter: What does the ZBA oversee versus the Planning Board in terms of
472 details?
473 J. Simons: The ZBA deals with matters of broad equity and fairness. They meet once a month. They do 40B
474 projects. They don’t get into details; curb cuts, site distance, traffic patterns, etc. We are in the land use business.
475 We hire professional consultants all the time. We have more staff. They don’t get into the nuts and bolts unless
476 they get prescriptive in what they approve. It’s an open process, but there is risk about the integration between the
477 two. We want to do what is best for the Town. There are good arguments on either side. This is a hard decision for
478 this Board.
479 A. Chapin: The Planning Board didn’t ask for this, we brought this concept to the Planning Board.
480 Michael Schmitt, 111 French Farm Road, Abutter: Consolidating the process is avoiding scrutiny.
481 Bob Bohlen, Forgetta Property Owner: I’ve owned this property for 17 years. I have had the opportunity to sell
482 this property for potential 40B projects. I could have sold it for significantly more. But I agreed to sell to Princeton
483 Properties because of their plan: one and two bedrooms and no 40B. I believe it will be a significant benefit to the
484 community. That may not happen if the ZBA is involved. The number of school children living in 1-2 bedroom
485 units is dramatically less than if this development were a 40 B, with 3-4 bedroom units.
486 P. Boynton: Are there other jurisdictions in the Merrimack Valley that have faced this philosophical trend?
487 J. Simons: My hypothesis is that this is evolving more. The planning boards have the background and tools to
488 address projects of this scale.
489 J. Simons: We will likely vote on this at our next meeting.

DISCUSSIONS:

492 122 Foster Street, Varsity Wireless/AT&T: Wireless Facility Special Permit Pre-Application Conference.
493 R. Oldham: This is a wireless pre-application conference for an installation at 122 Foster Street.
494 Francis Parisi, Attorney, Varsity Wireless, Applicant & Brian Orlandi, Director Operations Varsity Wireless: We
495 develop and build structures for telecom facilities, AT&T, Verizon, T-Mobile. For three years, we have been
496 looking for a cell tower site in North Andover. This location addresses local gaps in coverage. We have located a
497 ten acre farm property with a substantial tree canopy providing a buffer. It doesn’t however meet 100% of your
498 zoning bylaw requirements. The parcel is deep and there’s an elevation change; a drop to the rear of the property.
499 The tower will be camouflaged as a faux pine tree in this forested area. We will advertise a balloon test, notify all

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500 abutters and we will simulate what it will look like with various photos. We will need dimensional variances. We
501 would need to go to the ZBA for this. Visibility and height will be the biggest issue.
502 F. Parisi: We suggest we open the process with the Planning Board before going to the ZBA. The other alternative
503 for efficiency is to coordinate a joint meeting with both Boards.
504 J. Simons: The notion of doing things parallel by meeting with us first, seems fine with this Board.
505 F. Parisi: They can hold a Special Meeting requiring notice and you can open both public meetings at once.
506 Scheduling is the difficulty, but it will prove more efficient.
507 J. Simons: Have you filed with us yet?
508 F. Parisi: No, your zoning bylaw requires me to do this first. I'll try to schedule you as the first hearing. One of the
509 requirements is that we put a balloon in the air have it up in the sky before the first public hearing. Do you prefer a
510 Saturday or weekday?
511 J. Enright: Requested a Saturday for the residents.

512
513 **Article 28: Report of the Community Preservation Committee – Appropriation from Community**
514 **Preservation Committee Fund.** To receive the report of the Community Preservation Committee and
515 to see if the Town will vote to raise, borrow, transfer and/or appropriate from the Community
516 Preservation Fund, in accordance with the provisions of Massachusetts General Laws Chapter 44B, a
517 sum of money to be spent under the direction of the Community Preservation Committee,
518
519 or to take any other action relative thereto.

520
521 **List of Approved Projects – Community Preservation Fund**

<u>Description</u>	<u>Amount</u>	<u>Category</u>
523 45 Milk Street Preservation	\$ 1,200,000	Open Space
524 Affordable Housing Trust	\$ 100,000	Affordable Housing
525 Bingham Way Senior/Disabled Housing	\$ 480,213	Affordable Housing
526 Leonard Farm Conservation Restriction	\$ 325,000	Open Space
527 Library Roof Repair	\$ 400,000	Historical Preservation
528 Parson Barnard Barn Structural Renovation	\$ 148,000	Historical Preservation
529 Playground Renovation-Kittredge School	\$ 100,000	Recreation
530 Ridgewood Cemetery Landscape	\$ 550,000	Historical Preservation
531		
532		
533 Administrative Costs	\$ 30,000	Administrative and
534		Operating expenses
535 Total for Requested Projects	\$ 3,333,213	

536 **Community Preservation Committee**

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538 **Board of Selectmen Recommendation: To be made at Town Meeting**

539 **Finance Committee Recommendation:**

540 **Planning Board Recommendation: Vote postponed until May 3, 2016 Planning Board meeting**

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541
542 **Vote Required: Two-thirds (2/3) Vote**
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EXPLANATION: The Community Preservation Act (CPA) addresses community issues such as acquisition and preservation of open space, creation and support of affordable housing, acquisition and preservation of historic buildings and landscapes, and creation and support of recreational opportunities. The CPA, adopted at a Special Town Meeting in January 2001, and by the voters at the Town Election in March 2001, levies a 3% surcharge on property taxes with two exemptions: \$100,000 of the value of every residential property is exempted, and a complete exemption on property owned and occupied by people who qualify for low-income housing or low- or moderate-income senior housing.

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555 **The Community Preservation Committee (CPC) annually recommends how funds should be spent or set aside for future spending among the allowable categories of a) open space; b) historic preservation; c) affordable housing; and d) land for recreational use, with a minimum of 10% required in each of the first three categories. In addition, a maximum of 5% may be spent on administrative expenses by the CPC. Town Meeting may either approve or reduce the recommended expenditures, but cannot add to them. North Andover received matching funds equal to \$485,256 or 32.95% in FY16 from the Commonwealth.**

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563 **MEETING MINUTES APPROVAL:**

564 **MOTION:** L. Rudnicki motioned to approve the April 5, 2016 minutes, as amended. D. Kellogg seconded the motion. The vote was 5-0, unanimous in favor.

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567 **EXECUTIVE SESSION:** (10:10 p.m.)

568 **MOTION:** L. Rudnicki made a motion that the Board go into Executive Session for consultation with Town Counsel for confidential legal advice; and to discuss litigation strategy in the case of 1600 Osgood St. LLC and that the Chair declare that an open meeting would be detrimental to the Town's litigation strategy and not to return to open session. The motion was seconded by L. McSherry. J. Simons declared that motion and L. Rudnicki seconded the motion. **Roll Call Vote:** Peter Boynton voted to go into Executive Session, L. McSherry voted to go into Executive Session, David Kellogg voted to go into Executive Session, John Simons voted to go into Executive Session, Lynne Rudnicki voted to go into Executive Session.

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576 **MEETING MATERIALS:** Planning Board Meeting Agenda April 19, 2016; DRAFT Planning Board Minutes April 5, 2016; 122 Foster Street: Locus, Zoning Drawings (Rev D); 254 Great Pond Road: WSP Decision 1-5-16, DRAFT WSP Modification 254 GPR 4-19-16, 160323 Building Commissioner Comments, 160324 Lisa Eggleston Comments, 160405 DPW Comments, Architect's Front Elevation, Rear Elevation, Right Side Elevation, Left Side Elevation, Locus, Plot Plan of Land-Showing Revised Driveway 11-10-15, WSP Application-Modification 3-18-16, 1755 Osgood Street: Parking Lot Alterations 4-1-16, Waiver Request 4-1-16, Photo of Existing Curb Cut Osgood Landing, Photo of Loading Dock Across the Street, Photo of Loading Dock

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583 Closeup, Locus; 2302 Turnpike Street: 160303 Williams Sparages Comments, 160318 L.EgglestonEmail FINAL
584 comments, 160405 Decision DRAFT, 160412 Plan Set 2302 Turnpike, Architecturals Earth Works, Auto Gate
585 Comments, NAFD Comments, G. Willis Comments, Locus, T. Willett FINAL Comments.
586 ATM Warrant Articles: Article 16 Citizens Petition, Additional Packet Info Rezoning to B2, Article 16 (Rev.
587 4.12.16) Article 16 Citizen's Petition2 original, B2 Parcels, Forgetta Development 1210 Osgood Street Decision
588 12-07-2000, Neighborhood Meeting Summary, Parcels Zoned B-2 (4.12.16), Powerpoint Presentation Planning
589 Board; CDD3: 160314 Final (2) CDD3 Warrant Article, CDD3 (3) Parcels and Uses, CDD3 Map. CDD3
590 ORIGINAL Map; Section 8 SPR: Final Warrant Article Site Plan Review A; 160419 Planning Board Report (1),
591 20160419 Executive Session Motion.