

Approved 1-19-16

Town of North Andover
PLANNING BOARD

John Simons, Chairman
Lynne Rudnicki
Peter Boynton



David Kellogg
Lora McSherry
Regina Kean (Associate)

Tuesday January 5, 2016 @ 7 p.m. - School Administration Building 566 Main Street, North Andover, MA 01845

1 Present: J. Simons, L. Rudnicki, L. McSherry, D. Kellogg, P. Boynton, R. Kean
2 Staff Present: J. Enright, B. Wolstromer

3
4 J. Simons, Chairman: The Planning Board meeting for Tuesday, January 5, 2016 was called to order at 7 p.m.

5
6 **BOND RELEASE:**

7 316 Great Pond Road, Bill Karras: The applicant requests the release of \$4,000 Watershed Special Permit
8 performance bond.

9 J. Enright: The As Built and engineer's certification letter has been received. Conservation has issued the
10 Certificate of Completion and returned their bond funds.

11 **MOTION:** D. Kellogg made a motion to release the bond in the full amount for 316 Great Pond Road. L.
12 Rudnicki seconded the motion. The vote was 5-0, unanimous in favor.

13
14 **PUBLIC HEARINGS:**

15 [Continued]: 254 Great Pond Road, Thomas and Nicole Friel: Applicant is seeking to construct a single story
16 addition and a deck to connect the addition to an existing deck within the Non-Disturbance Zone of the Watershed
17 Protection District.

18 J. Enright: Their public hearing opened at the last meeting. The proposed deck at that time cantilevered into the
19 Conservation zone. The applicant has revised the plan and the deck now connects; however, does not encroach
20 upon the Conservation Zone. Lisa Eggleston has completed her review and her concerns have been addressed.
21 The dry well has been relocated slightly based on the review.

22 D. Kellogg: What is the dimension at the tightest corner of the deck?

23 J. Sullivan: It will be 4.5 ft.; acceptable for wheelchair access. It will be one contiguous deck.

24 **MOTION:** L. Rudnicki made a motion to close the Public Hearing for 254 Great Pond Road. D. Kellogg
25 seconded the motion. The vote was 5-0 unanimous in favor.

26 Board: Reviewed a draft Notice of Decision.

27 **MOTION:** L. Rudnicki made a motion to approve the Watershed Special Permit for 254 Great Pond Road, as
28 amended. P. Boynton seconded the motion. The vote was 5-0, unanimous in favor.

29
30 [Continued]: 1812 Turnpike Street, George Atallah (C&C Auto Corp.): Applicant seeks a Site Plan Review
31 Special Permit in order to raze an existing building and construct a 1 1/2 story, 5,000 +/- SF building for an
32 automobile repair facility with an attached pizza/sub restaurant. The existing parking areas are to remain and
33 additional areas to be added. The proposed project is within the General Business Zoning District (GB)

34 J. Enright: This public hearing opened at the last meeting. There have been some changes made to the site plan
35 and elevations the project engineer will review. The stormwater review remains outstanding.

36 S. Haight, Engineer: We have eliminated the 6 ft. high fence around the back of the site, relocated the dumpster
37 pad to be 20 ft. from the building, eliminated the first parking space off Turnpike Street, added porous pavement in
38 the new parking area, updated the plan set with drainage analysis and sent that to L. Eggleston. We generated a
39 landscape plan to show plantings along Turnpike Street. Behind the building there will be an infiltration area.
40 There will be a sign with a landscaped area around it. Reviewed proposed building designs. Both a vehicle and
41 people were included on the design to give an idea of the scale of the building. A conceptual sketch of the barn
42 concept was presented that gives an idea scale. One color scheme is similar to the plaza next door; brick and tan
43 with a gray roof.

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44 L. McSherry: This is huge improvement. Does a metal building peel? Confirmed with applicant the a metal
45 building does not peel.

46 J. Simons: I'm having a hard time visualizing this. I understand tying in the themes from the building next door.

47 S. Haight: The barn/gambrel gives us a lot more room within the building. After that it's an aesthetic issue. The
48 base can be stone or brink. Displayed a sketch of a barn style building to relate the scale of the building in relation
49 to the size of the lot.

50 P. Boynton: Expressed concern about the barn design in contrast to the new apartment buildings directly behind it.

51 S. Haight: The color scheme and style seems acceptable and we will work out the details later.

52 P. Boynton: Can you clarify the sign and location. Requested to see the sign specs.

53 J. Enright: The sign will need to comply with zoning.

54
55 [Continued]: 2302 Turnpike Street- Earthworks, Inc., Danny Gill (Applicant has requested to continue the Public
56 Hearing until January 19, 2016): Applicant seeks a Site Plan Review Special Permit in order to develop the
57 property as a mixed-use retail business office commercial complex with accessory indoor storage and parking
58 within the Business 2 Zoning District (B-2).

59 Applicant requested to continue until the January 19, 2016 meeting.

60
61 New: 1665 Great Pond Road, Technical Training Foundation Trust: Applicant seeks a Watershed Special Permit
62 to demolish existing single family dwelling and construct a new single family dwelling with improvements to
63 existing driveway and connection to existing utility services within the Residential 1 Zoning District. Portions of
64 the work are within the Non-Disturbance Buffer Zone of Lake Cochichewick.

65 J. Enright: The applicant has requested that the Board open the public hearing and to continue the hearing until
66 the March 1, 2016 meeting without evidence being heard. The applicant needs to file with the ZBA for a variance
67 for this project.

68 J. Simons: Opened the Public Hearing for 1665 Great Pond Road and stated that no evidence will be heard until
69 the March 1, 2016 meeting.

70
71 **DISCUSSION:**

72 575 Osgood Street, Edgewood Retirement Community: "Small House" Warrant Article discussion.

73 B. Coppola, Edgewood Retirement Community: Gave a brief update on the changes made to the conceptual plans
74 since the Board's site visit. The building locations have shifted slightly, parking capacity has been reduced, and
75 the space between building footprints will be approx. 30-40 ft. apart with lawn areas in between.

76 P. Breen, 770 Boxford St.: Requested the location of the Family Co-Op in relation to the proposed development.

77 J. Enright: Parking requirement is 1 space per unit, or 40 spaces. If a reduction could be approved, given the
78 proposed use, several mature trees could remain which would enhance the screening from Half Mile Hill.

79 P. Hedstrom: The purpose of the proposed changes to the language in Section 13 of the Zoning Bylaw is twofold.
80 The first change calls for an increase to the density requirement by moving the maximum number of units
81 permitted in a Continuing Care Retirement Center from 250 units to 290 units. The second change seeks to loosen
82 the prohibition of development in any portion of land in a CCRC located within a Residential 1 (R1) District by
83 permitting development on such land, but limiting such development to not more than 7% of the lot area. We are
84 trying to be economic with regard to our suggestions. The parcel is 20.3 acres and the footprint of the 2 proposed
85 buildings, including parking, is less than 7% of the R1 property. We are introducing a concept of allowing
86 development not to exceed 7% of the R1 land. This proposed project meets that. We didn't include the adjacent
87 Edgewood property in the calculations. The two buildings total 1.21 acres, with 7% you are @ 1.42 acres.

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- 88 J. Enright: The Edgewood parcel is approx. 90 acres and is split between R1 and R2 zoning. The parcel of
89 concern is approx. 20 acres; this parcel is within R1 district.
- 90 P. Hedstrom: It's a permitted use in R1, but physical improvements are not allowed. Our approach is minimalist.
- 91 J. Simons: All the land has to be contiguous. Are you going to do a Form A?
- 92 P. Hedstrom: We haven't determined that yet.
- 93 J. Simons: Perhaps we tweak the density from 250 to 300, but for last 50 it has to be a special type of housing.
- 94 B. Coppola: We have talked about placing the balance of the land under a Conservation restriction and we've
95 started that conversation with the Trustees of the Reservation.
- 96 J. Simons: Yes, and include the provisions for path access easement for the town.
- 97 P. Hedstrom: We are closing on the pond pasture later this week.
- 98
- 99 1679 Osgood Street, Chad Lawlor: Discussion on options for adding landscaping as a Permitted Use within the
100 Corridor Development District (CDD3).
- 101 J. Enright: Since the last meeting K. Foley, Attorney and I have drafted alternative warrant article language to
102 allow a new use for landscaping operation in the CDD3. This will require a town meeting vote and we need to
103 determine whether this is a citizen petition or whether the Board will sponsor the article? Also, at the Board's
104 request, Eric Kfoury is here if you have any questions related to the vision for this area.
- 105 J. Simons: Other than the Police Station there really hasn't been any use changes since the CDD3 was established.
106 Eric and do you think this would this have any adverse effect on the overall economic impact of this area?
- 107 Eric Kfoury, Director of Community and Economic Development: Plans for Master Plan update and Bylaw
108 recodification are underway. This will take time. I don't want to predispose my opinion on any open discussion
109 that might take place once the OSGOD Committee convenes. This should be part of the discussion of the OSGOD
110 committee.
- 111 J. Simons: If we thought change in that area was imminent and something of a higher value were to be considered,
112 you probably wouldn't do this, but if the likelihood is that nothing is going to happen there for many years, you
113 might want to consider it, especially where there are several landscaping businesses there already.
- 114 P. Breen, 770 Boxford St.: I purchased 1451 Osgood St. in 1999 and I've been selling landscaping since 1970. In
115 2003 my parcel was re-zoned from I1 to I2. I didn't realize the area was rezoned in 2008. Provided a history of
116 uses that included a greenhouse at 1679 Osgood Street. This really isn't a change.
- 117 L. Rudnicki: Stated she believed that allowing this use will impede the 40R from being developed. There would be
118 a visual impact from potential condo ownership across the street. You can't properly screen that type of business.
- 119 P. Breen: I disagree. Drive Route 1 and look at the apartments; they do a great job of screening things.
- 120 J. Simons: I happen to be laissez-faire on this topic and feel it would be harmless and simple to add a use to the
121 district and make it subject to Special Permit.
- 122 J. Enright: I have drafted two alternatives for proposed warrant article language. Alternative #1 leaves some
123 subjectivity for the Town Planner and Alternative #2 requires Special Permit. K. Foley also submitted proposed
124 language. All of which were included in the packet.
- 125 J. Simons: We have to decide if we support this and we'll address it at the next couple of meetings.
- 126
- 127 Eric Kfoury: Plans for Master Plan and recodification of the Bylaw: The Town Manager has set the goal for
128 updating the Master Plan over the next 18 months. We're budgeting for this and it will be accomplished via the
129 Planning Board. It's an involved process and it hasn't happened in 16 years. Initially, in addition to the OSGOD
130 Committee, is Phase 1- to recodify and clarify the Bylaw this fiscal year. The overlays have become confusing.
131 We just reviewed the Downtown Overlay. We need to understand what type development we want today, what

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132 parts work, what don't and do we have the right zoning tools in place to get it done? It'll take about a year and it
133 will go in step with the Master Plan. We anticipate a couple of public input sessions. The state is touting the 1600
134 Osgood, 170 acre site and the owner is marketing it. It's important to the town and region. People at the state level
135 have mentioned the proximity to 495 is an asset, proximity to the airport is an asset, and having a commuter rail
136 stop would be ideal.

137
138 **MINUTES APPROVAL**

139 **MOTION:** L. Rudnicki made a motion to approve the December 15, 2015 minutes. The Board seconded the
140 motion. The vote was 5-0, unanimous in favor.

141
142 **EXECUTIVE SESSION:** (8:40p.m.) Executive Session to discuss Open Meeting Law Complaint, Osgood Solar
143 LLC, 1600 Osgood Street.

144 **MOTION:** L. McSherry made a motion to go into executive session for consultation with Town Counsel for
145 confidential legal advice; and to discuss litigation in the case of 1600 Osgood Solar LLC v. North
146 Andover Planning Board and the Chair declare that an open meeting would be detrimental to the Town's
147 litigation strategy and then return to open session. L. Rudnicki seconded the motion.

148 **Roll call vote:** John Simons voted to go into Executive Session. L. Rudnicki voted to go into Executive Session.
149 Lora McSherry voted to go into Executive Session. Peter Boynton voted to go into Executive Session. D. Kellogg
150 voted to go into Executive Session. R. Kean voted to go into Executive Session.

151
152 [Open Session reconvened at 9:20 p.m.]

153 **Open Meeting Law Complaint, Osgood Solar LLC, 1600 Osgood Street**

154 **J. Simons:** Acknowledged the receipt of the Open Meeting Law Complaint. The Board requested that E. Kfoury,
155 Director, Community & Economic Development, respond to the Attorney General in writing regarding the
156 complaint. The response should indicate that the Board will add a consent to the next agenda in order to reconfirm
157 vote on the OSGOD Plan Approval Decision timestamped November 23, 2015 and filed with the Clerk's office.

158 **MOTION:** L. Rudnicki made a motion to authorize E. Kfoury to respond to the Attorney General Office on behalf
159 of the NA Planning Board regarding the Open Meeting Law complaint. L. McSherry seconded the motion. The
160 vote was 5-0, unanimous in favor.

161
162 **ADJOURNMENT**

163 **MOTION:** L. Rudnicki made a motion to adjourn the meeting. The motion was seconded by D. Kellogg. The
164 vote was 5-0, unanimous in favor. Meeting adjourned @ 9:30 p.m.

165
166 **MEETING MATERIALS:** Planning Board Meeting Agenda January 5, 2016, Planning Board Meeting Agenda-
167 Revised January 5, 2016; DRAFT Planning Board Minutes December 15, 2015; 254 Great Pond Road: 254
168 GPR_ cover letter, 151224 254 GPR Rev Site Plan, 160105 254 Great Pond Road draft, Eggleston Review
169 Comments (2), Eggleston Review Letter (1) 254 Great Pond Road WSP, Locus; 316 Great Pond Road: 316 GPR
170 Asbuilt Plan, 316 GPR Deed Restriction, 316 GPR Engineer Certification, 316 GPR Modification Decision; 575
171 Osgood-Edgewood: 151221 Edgewood-Proposed Site Plan, Draft proposed Warrant Article language, Locus,
172 Narrative for Edgewood Proposal (1), Narrative for Edgewood Proposal-Zoning, Plan of Pond Pasture 1959; 1600
173 Osgood Street: OML Complaint Process, OPEN MEETING LAW COMPLAINT-OSGOOD SOLAR LLC VS
174 NA PLANNING BOARD-DECEMBER 22 2015; 1665 Great Pond Road: 1665 Continuance Request, 1665 GPR_

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175 Project Description, 1665 GPR 1966 ANR Plan, 1665 GPR_WSP_Application, 1665 GPR Attorney Memo to
176 Planning Board re TTF (1665 Great Pond Road) (00095526-2xBC4F6), 1665 GPR Great Pond Road_Site Plan,
177 Request for Continuance 01.04.16 (00096453xBC4F6); 1812 Turnpike Street: 1812 Barn Style Elevations with
178 people (12-23-15), 1812 Existing and Proposed Site Layout, 201512 1812 Turnpike DRAINAGE REPORT (12-
179 30-15) 20151530 1812 Turnpike SITE PLAN FULL SET, Application Turnpike Auto Site Plan Review (11-13-
180 15), elevations w-brick-GRAY (BACK-REAR), elevations w-brick-GRAY (FRONT-SIDE), Locus, REV 1812
181 Turnpike UTILITY update (11-25-15), Local Building Example Photos (3), Conceptual Building Site Sketch;
182 2302 Turnpike: Continuance Request -1.5 to 1.19; 1679 Osgood Street: Draft Article language Alternative 1,
183 Draft Article language Alternative 2, Draft Article language Applicant, Locus, Section 16 Corridor Development
184 District-entire section.
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