

**PLANNING BOARD**  
**Meeting Minutes**  
**October 7, 2014**  
**Town Hall, 120 Main Street**  
**7:00 PM**

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

2 Absent:

3 Staff Present: M. Egge

4

5 Meeting began at 7:00 pm.

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7 J. Simons: The planning board meeting for Tuesday October 7th is called to order.

8

9 **BOND RELEASE**

10 1160 Great Pond Road, Brooks School: Request for release of one \$4,000 Performance Guarantee bond  
11 for the construction and opening of one new dormitory building in the R-1 and R-2 zoning district.

12 M. Egge: provides background on the project and requested bond release.

13 M. Egge and board: Discussion of whether we have the landscape or the formal as-built.

14 Board and applicant: Discussion of what was required for the submission given difficulties with  
15 contractor.

16 M. Egge: I've verified that everything shown on this plan is consistent with what was actually built.

17 Board: Would like a letter from the architect verifying that the building was built to specs

18 Motion: L. Rudnicki makes a motion to approve performance bond on receipt of architect's letter,  
19 seconded by D. Kellogg. The vote was unanimous in favor.

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21 **PUBLIC HEARING**

22 CONTINUED: Merrimack College: Application for Site Plan Review. Applicant proposes four 2-3 story  
23 new residential buildings and one 3 story student common building on an approximately 4.5 acre area  
24 along Flaherty Road, Rock Ridge Road, and the Sakowich Campus Center within the R-3 zoning district.

25 M. Egge: provides background on the project.

26 Board and applicant: Brief discussion on entrance and access gate. Will the gate be closed to pedestrian  
27 traffic? The fencing and gate design has not yet been selected. It will be 5 feet tall, we expect the gate to  
28 be a barrier, but not just a swing arm gate. The Andover Planning Board decision did not specify what  
29 type of gate, only height.

30 Bill Page, Brookfield Road: Expressed concerns over the type of gate, sliding or lifting. Expressed  
31 concerns over stormwater runoff resulting from the project.

32 Board: Clarifies with M. Egge that there were no outstanding water concerns identified in the peer review.  
33 Andover Conservation Commission is also permitting the project. Applicant clarifies that the Andover  
34 conservation commission is requiring a monitor who may be able to work also on behalf of the North  
35 Andover planning board. No other questions

36 Motion: D. Kellogg makes a motion to close the hearing on the Merrimack college site plan review  
37 special permit, seconded by L. McSherry. The vote was unanimous in favor.

38

39 Board: Discussion on the draft decision. Proposes to strike elements that were not specifically under the  
40 jurisdiction of the board under the finding of facts. Amend the third finding of fact to strike the first  
41 sentence. Amend the fourth finding of fact to strike the first sentence and split sentence into two. Add  
42 finding that the project is reviewed in both Andover and North Andover. Verify construction monitor  
43 language is flexible to allow for both towns.

44 Motion: D. Kellogg moves to approve SPR decision as amended, seconded by L. Rudnicki. The vote was  
45 unanimous in favor.

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47 Andover Resident: Requests to have on record that she was told the meeting started at 7:15.

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**DISCUSSION ITEM**

Regency Place Planned Residential Development (PRD) Modification, Carolina Properties LLC: Revised plan for the Regency Place PRD that would modify the location of the Regency Place cul-de-sac and creates two (2) additional buildable lots and one (1) additional open space lot.

Bill Walsh and Board: Discusses background on the proposal. Extend the cul-de-sac, keep isolated wetland, extends the road appx. 210 feet. Instead of two extra lots, clusters around cul-de-sac. Allows us to keep open space contiguous. Creates two new lots. The development would have a green belt of open space around it with access to the cul-de-sac where the old Appleton Street was. L. Rudnicki notes less of a grading problem with this proposal. Board agrees to have the applicant return with a formal proposal/plan.

**PUBLIC HEARINGS**

CONTINUED: 1211 Osgood St.: Application for Site Plan Review Modification. Applicant proposes to amend previously issued Site Plan Review Modification special permit by removing Condition 1, to allow for a restaurant use in 2,094 sq. ft. of the building.

M. Egge: Provides background on the project.

J. Simons: Notes that the board discussed the variety of uses and how the hours of operation would not affect the parking, and how we would put in a provision for revisiting the parking after 6 months and 1 year. And if there were a problem then people would need to park offsite.

Board: Discussion to include provision for more vegetation and under planting along Barker Street. Include reference to garbage management and storage.

Motion: M. Colantoni moves to close the public hearing, seconded by D. Kellogg. The vote was unanimous in favor.

Board: Reviews draft decision. Finding of facts regarding extensive landscaping needs to include the addition of underplanting. No *increased* hazard to pedestrians or vehicles. Hours of operation are in General Conditions. L. McSherry corrects the name of the applicant to include "1211". Discussed whether to include provisions for construction. Decided to keep it since the applicant will be conducting internal renovations. Add screening condition. Re-word condition 4b to reference a "typical day". Create standard template for the Planning Board rules and regulations to refer to parking studies. L. Rudnicki created draft language for such an addition/amendment. Add trash storage in general conditions. Amend hours of operation to 6am.

Motion: L. Rudnicki makes a motion to approve 1211 Osgood Street SPR application as amended, seconded by D. Kellogg. The vote was unanimous in favor.

CONTINUED: "The Glades" Subdivision: Application for Preliminary Subdivision of five (5) lots at approximately 75 Great Pond Road.

M. Egge and Board: Brief discussion on decision timing. Board decides to hold until next meeting.

**DISCUSSION ITEMS**

4 High St., West Mill: The applicant, RCG LLC, requests a discussion regarding the upcoming West Mill project in advance of the public hearing scheduled for October 21, 2014.

John Smolak: Introduces RCG to provide an update on current and upcoming projects/efforts.

David Steinbergh: Provides an overview of recently completed work, phase 1 of the parking area at West Mill. Phase 2 includes demolition of a building to open views, create more parking, and help definition of existing and neighboring parcels. Upcoming work includes improvements to building entryways, created

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95 plans for the first 17 apartments in the existing historic buildings. Master Plan is in continual  
96 development.

97 J. Simons: The board will be undertaking an update of the zoning code in that area, and would welcome  
98 feedback as you develop and refine the master plan.

99 D. Steinbergh: Recounts phase 1, identifies some discrepancies between the original plan and what was  
100 built to accommodate underground foundations that were unexpected and preserve older trees. Working  
101 with conservation on how the stormwater management is working. As we move forward, there may be  
102 adjustments that can be made entering phase 2. Steadily increasing tenancy. Focusing on accessibility and  
103 small open space areas. Touched on phasing of residential apartments. Explained the plan for the building  
104 demolition and new parking area.

105  
106 100 Dale Street: Messina Development Corp. uncovered a buried pool during excavation activities and  
107 plans to rehab and keep the pool upon clearance with all applicable town departments. The Planning  
108 Board granted a Watershed Special Permit for this project June 18, 2013.

109 M. Egge: provides background on the project.

110 Board and Jeff Horne: Pool was discovered in the backyard. Previous owner buried it. Area that was  
111 cleared was originally going to be grass. Pool does not impact the grading from original plan. Pool meets  
112 zoning bylaws. Pool was appx. 6 in. under ground. Main drain is intact. Disconnected power during house  
113 demo. Clarification of which site. J. Simons suggests not having a public hearing, but having a hearing at  
114 which the public was free to attend. To cover things like where will the water go, what kind of fence will  
115 you put up, not going to expand concrete. Drywell will need to be slightly adjusted. Applicant should add  
116 fencing or privacy. Given the building inspectors determination that it is conforming, board will hold a  
117 hearing just to make sure that the site and pool are all revised. Rough calculation on the total change in  
118 pervious pavement. Look at capacity of drywell because pool will not be allowed to be drained to  
119 wetlands.

120 Dinelle Bere: Expressed concerns related to existence of the pool. Requested screening or privacy  
121 landscaping. Applicant indicated intent to place screened fencing.

122 Board: The applicant will return to have a public hearing.

123 Jason Bere: Expresses similar concerns over the existence of the pool.

124 Board and J. Horne: Will supply a plan showing intended revisions. D. Kellogg requests the applicant use  
125 a cartridge filter so that backwashing isn't necessary. L. Rudnicki notes specs on O/M on pools – a project  
126 on Campion Road. M. Egge to provide to applicant.

127  
128 CONTINUED: 1018 Osgood St., Donut Shop: Condition 5.b of the Site Plan Review Special Permit  
129 mandates that the Planning Board must make a finding that the site is in conformance with the approved  
130 plan prior to endorsing a Certificate of Occupancy.

131 M. Egge: Provides background information.

132 L. Rudnicki: notes non-compliance with as-built plans. Rocks are falling into the highway along 114.  
133 This area was supposed to be grass.

134 Board: Require applicant to submit revised landscape plan and sod/grass/mulch along highway instead of  
135 rocks. Notes faded lot painting. Notes lack of signage.

136  
137 **MINUTES APPROVAL**

138 Revise format for how the board voted, i.e. unanimous, 4-0, or 5-0. Trim down communications/records.

139 P. Boynton requests clarification on the bond release for 1003 Osgood – applicant verified that the OM  
140 plan and water valves are in working condition. Include in discussion topics a review of prior topics.

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141 Motion: L. Rudnicki makes a motion to approve meeting minutes, seconded by D. Kellogg. The vote was  
142 unanimous in favor.

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144 **ADJOURNMENT**

145 D. Kellogg makes a motion to adjourn, seconded by L. Rudnicki. The vote was unanimous in favor.