

PLANNING BOARD
Meeting Minutes
September 16, 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: C. Bellavance, M. Egge

4

5 Meeting began at 7:00 pm.

6

7 J. Simons: The planning board meeting for Tuesday September 16th is called to order.

8

9 **BOND RELEASE**

10 1503 Osgood St., David Murray: Request for release of two \$10,000 performance G bond fund – one for
11 site opening and erosion control, and one general performance guarantee.

12 M. Egge: David Murray submitted as-builts in October 2008, requesting the release of two \$10,000
13 bonds. As-builts are still accurate, landscaping is still in good condition and consistent with plans, it's
14 being maintained properly.

15 MOTION: D. Kellogg moves to release the requested bonds for 1503 Osgood St. The motion was
16 seconded by M. Colantoni. The vote was unanimous in favor.

17

18 1003 Osgood St., John Grasso: Request for full release of one \$15,000 site opening bond, one \$15,000
19 performance guarantee bond, and one \$5,000 performance guarantee bond.

20 M. Egge: Applicant met the conditions for the release of the bonds. Need to still verify that the applicant
21 posts the emergency response plan. Recommend the release of the bonds contingent upon the posting of
22 the plan.

23 J. Simons: Requests verification that the drainage systems, stormwater controls, and treatment systems
24 are all installed and operating properly as the property is so close to the lake and within the watershed.

25 MOTION: L. Rudnicki moves to release the requested bonds for 1003 Osgood St. contingent on the
26 posting of the emergency operation procedures and checking on the drainage systems. The motion was
27 seconded by D. Kellogg. The vote was unanimous in favor.

28

29 **PUBLIC HEARINGS**

30 CONTINUED: Merrimack College: Application for Site Plan Review. Applicant proposes four 2-3 story
31 new residential buildings and one 3 story student common building on an approximately 4.5 acre area
32 along Flaherty Road, Rock Ridge Road, and the Sakowich Campus Center within the R-3 zoning district.
33 Two of the proposed residential buildings are located in North Andover and two residential buildings and
34 the student common building are located in Andover.

35 M. Egge: Provides a summary of Andover's planning board's discussions regarding the project so far.
36 The peer review provided by PSC was focused on whether Merrimack College's plan is compliant with
37 North Andover zoning. The review is very detailed and is perhaps too detailed. It makes some
38 assumptions that our building department has authority over, and North Andover building and zoning
39 have confirmed that the plans are compliant with our zoning code. As a Dover use, unless what they are
40 proposing is unreasonable, there is only so much we can recommend or control.

41 J. Simons: Requested an update on the drainage concerns

42 M. Egge: There was a stormwater report provided by Merrimack College and a peer review provided by
43 Andover Planning department. In my mind, much of the review was process oriented and focused on
44 compliance with legal requirements, but nothing that would prohibit the project from moving forward.

45 J. Simons: Is here anything we need to hear from the applicant.

46 M. Egge: The applicant may be able to provide a run-down of changes to the project as a result of
47 discussions with Andover and Andover residents.

PLANNING BOARD
Meeting Minutes
September 16, 2014
Town Hall, 120 Main Street
7:00 PM

48 Jeff Doggett, 84 Johnson St.: We have been working with the residents of Andover. There was a request
49 to move the common building further from the street, it was moved 10 feet inward. Andover wanted to
50 make sure there was appropriate screening, so Merrimack College agreed to have a fence, keep several
51 other existing trees, there would be an emergency use gate on the Rock Ridge roadway, there were
52 requests for additional screening and landscaping, so the college agreed to landscape a secondary layer of
53 screening. They were concerned about an adequate amount of buffer to minimize the ability of students to
54 walk through that area to the residential neighborhood. Making sure there is a better working relationship
55 between the college and the town.

56 D. Kellogg and J. Doggett: Clarification of what type of gate the emergency use gate will be. Police will
57 have a transponder. The exact type of gate is not yet finalized, but the more impervious the gate is the less
58 likely pedestrians will walk through.

59 M. Egge: Could you talk a little bit about the parking strategy outlined in the memo.

60 J. Doggett: There are about 650 spaces on the campus. The college hasn't previously worried about
61 parking or a parking strategy because it's had ample parking. In fall, the college raised prices for students
62 to park on campus, and the number of students who bought parking stickers dramatically dropped. The
63 goal of this project is to reduce the number of students commuting to campus. We want to minimize the
64 number of parking stickers they would distribute. Increased shuttle service for students to places like
65 Market Basket and other local places. Trying to remove the need to have a car.

66 L. Rudnicki and J. Simons: Discussion on whether the proposed plan meets the number of required
67 parking spaces per zoning requirements. L. Rudnicki requests zoning letter/memo on the parking
68 arrangement for the proposal.

69 L. Rudnicki: expressed continued concerns over the location of the handicapped parking and distance
70 from dorms.

71 J. Doggett: Showed where handicapped parking will be made available, and mentioned the possibility of
72 adding additional spaces to the east side of the proposed project.

73 J. Simons: opens the hearing to public comment.

74 Melissa Rivers, 8 Fox Hill Rd.: Representing the Coalition for Merrimack College Smart Growth.
75 Engaged Tom Houston of PSC to prepare the peer review report. Have been having problems with
76 college students parking in the neighborhood, worked with Andover police to implement a parking sticker
77 program in the neighborhood. Have been receiving letters from students requesting to lease spaces in their
78 properties to park in. Requests the board look at the conditions and mitigation factors in the peer review.

79 D. Kellogg: Will we know by next meeting what the type of gate will be?

80 J. Doggett: That's difficult to say. We will have had a conversation with the fire department, in absence of
81 an objection, we would prefer the sliding gate.

82 L. Rudnicki: Requests Merrimack coordinate with the various fire, police, and emergency response
83 departments.

84
85 CONTINUED: 1211 Osgood St.: Application for Site Plan Review Modification. Applicant proposes to
86 amend previously issued Site Plan Review Modification special permit by removing Condition 1, to allow
87 for a restaurant use in 2,094 sq. ft. of the building.

88 M. Egge: As requested by the board, a parking study was provided that shows the parking occupancy over
89 Friday and Saturday over most of the day. Noon and 5pm were the peak demands for the lot. Study shows
90 there are enough spaces to accommodate a restaurant use.

91 L. Rudnicki: Points out a discrepancy between the number of parking spaces listed on various plans, the
92 parking study, and on-site striping. Requests clarification on what is the actual number of approved
93 spaces.

PLANNING BOARD
Meeting Minutes
September 16, 2014
Town Hall, 120 Main Street
7:00 PM

94 Board: General discussion on whether there are 47 spaces, 51 spaces, or 53 spaces, based on whether the
95 four employee parking spaces and two loading zone spaces were ever approved by the board.

96 James D'Angelo, 172 Summer St: Background on the site. Background information on parking, employee
97 parking, and loading zone parking spaces. Retained TEC to conduct the parking study to observe parking
98 use over Friday and Saturday from 11am 6pm. Parking study provides 30 min increments vacant and
99 occupied spaces. Parking study used existing demand to determine future demand as McClay's Florist
100 will be moving to another spot on site. The study looked at ITE rates for a sit-down restaurant as opposed
101 to a fast-food restaurant and looked at peak use during the course of the day to estimate expected demand.
102 There is sufficient on-site parking now with the expected parking demand with a restaurant.

103 D. Kellogg: Requests clarification of what an ITE rate is

104 J. D'Angelo: ITE is the institute of transportation engineers – use a curve to estimate peak parking
105 demand. Our user is Mi Thai restaurant which is an existing restaurant in Bedford Maine, and their
106 experience over the last four years is that lunch business represents between 25 and 30 percent of their
107 total demand. ITE shows about 66 percent during lunchtime. If that happens there is sufficient parking for
108 them either way.

109 J. Simons: Summarizes the applicant's case as: based on patterns during the weekend, there is more than
110 sufficient parking to accommodate the use of the restaurant. If it turned out that there were too many
111 people you would investigate having employees parking off site?

112 J. D'Angelo: Yes, looked at several options. There are three or four opportunities to provide remote
113 parking with shuttle service.

114 Board: Discussion regarding the number of parking spaces on site and the discrepancy between the
115 number of recorded spaces. Reviews plan – counts 51 on the plan. Decides they may choose to create the
116 two extra spaces in the back with this decision is necessary. Asks if the applicant actually uses the loading
117 decision.

118 J. D'Angelo: Yes they are used by employees and owners.

119 J. Simons: Suggests we use this decision to create those spaces if they were never created. Recalled
120 previous discussions and understanding that the space behind the building may be used as such.

121 D. Kellogg: Didn't support the idea until recognizing that the old Beijing restaurant parking lot is often
122 far from capacity. Now feels supportive.

123 M. Egge: Brings to the attention that the existing conditions limit the hours of operation from between
124 6am and 10pm.

125 D. Kellogg: Asks for clarification on the bar type at the proposed restaurant.

126 J. D'Angelo: Describes the bar setup at the existing restaurant and proposed restaurant as small and
127 available for take-out customers and not intended for customers to join, sit, or linger.

128 D. Kellogg: Reads from letter from Val and Mark Bailey 63 Barker St. This letter includes the following
129 concerns: concerned about space for turnaround for trucks and mailbox being hit, concerned about
130 impaired judgment from drinking, concerned about trash and piles of boxes, concerned about snow
131 storage and plowing. Requests trash be maintained, walls or barriers be built behind the shops to hide
132 trash, snow removal maintained properly, two signs be posted that say children at play, and one for
133 residential area, no parking.

134 J. Simons: First issue is parking on Barker. We can't address that as the Planning Board, that's the board
135 of selectmen.

136 Board and J. D'Angelo: Discussion on existing screening and current site conditions.

137 Board and J. D'Angelo: Discussion on existing buffers and distances from homes using the site plan. 50'
138 worth of plantings, but no under plantings. Points out the designated snow storage area in the back by the
139 dumpster.

140 J. Simons: Are there things you can do to mitigate the trash complaint?

PLANNING BOARD
Meeting Minutes
September 16, 2014
Town Hall, 120 Main Street
7:00 PM

141 J. D'Angelo: Suggests that trash can be stored for a shorter period of time and recommends under-
142 planting of trees along the alignment behind the building.

143 L. Rudnicki: Notes that photos would help the board come to a quicker decision. Recommends under-
144 planting along Barker.

145 J. D'Angelo: The best course of action is to make sure that trash and waste stay inside each of the uses
146 until it's time to take it out to the dumpster so that the back of the building no longer looks like a storage
147 or holding area.

148 J. Simons: The other item is the snow removal.

149 J. D'Angelo: The snow does get pushed into that corner because that's the designated snow removal area.
150 Board: Discussion of plowing. Suggests a reminder to the plower of how to properly plow the commercial
151 site. Recommends closer attention to the plowing procedure, notes that the offsite parking is out of the
152 board's jurisdiction, but reiterates that that is why it is important to make sure on-site parking is adequate.
153 Notes that we should monitor the parking after this decision at 6 months and 1 year. Reiterates 10pm
154 close time in the conditions.

155 J. D'Angelo: The restaurant owners had initially wanted to be open until 10:30, but have agreed to close
156 at 10:00pm if necessary.

157 Don Harrison, 10 Old Farm Rd.: Has two kids, neighbors have kids, people adjacent also have children,
158 and two others have children. Lots of joggers like to come jog in the neighborhood. Lots of people
159 driving down Barker represent a concern. Primary concern is additional traffic due to a restaurant. Second
160 concern is potential noise from the restaurant. Appreciates that they abut a business and want to be good
161 neighbors, but generally concerned about safety from additional traffic from new visitors. Does get lots of
162 trash from the businesses along the yard.

163 D. Kellogg: Thinks that cutting through Barker is inefficient and people will probably not cut through.

164 J. Simons: The planning board has a responsibility to look at certain aspects of a project, but have limited
165 authority in some things. When the project was initially done, there was a traffic study, and this project
166 does not substantially change the results of that study. The intersection level of service, even post-
167 development, would still be extremely good. We will do what we can as far as site mitigation and
168 parking, and there are also things here that are shows of being a good neighbor. We are actually going to
169 be going back and looking at the results of this as far as parking which is something we don't normally
170 do, so there is a little protection there.

171 J. D'Angelo: We are not absentee owners and you'll have my telephone number and we will do what we
172 can to respond to your concerns.

173

174 CONTINUED: Bradstreet School: Application for Site Plan Review. Applicant proposes demolition of
175 existing dilapidated school building, construction of a new fifteen unit residential apartment building,
176 construction of a new two-story commercial building and related site and utility work within the
177 Downtown Overlay and General Business Zoning Districts.

178 M. Egge: Bradstreet Partners LLC requested a continuance.

179 J. Simons: We will continue this hearing at the next Planning Board Meeting.

180

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

183 M. Egge: The applicant, Tom Zahoruiko, is applying for a preliminary subdivision of five lots at
184 approximately 75 Great Pond Road. Tom has come before the Planning Board and met with the
185 Conservation department previously with several iterations of a proposed layout in an effort to find what
186 works best. The proposed layout is four lots off of a way with a fifth lot accessed via a longer driveway
187 and bridge to avoid wetland disturbance.

PLANNING BOARD
Meeting Minutes
September 16, 2014
Town Hall, 120 Main Street
7:00 PM

188 T. Zahoruiko, 78 Great Pond Road: Conversations with the Planning Board and Conservation to discuss
189 early iterations and identify wetland concerns. Site is 6.8 acres with wetlands across through an
190 intermittent stream. Looked at several alternatives for developing the site. Reviews the various iterations
191 that the site has gone through in the past. Based on discussions with Conservation, reduced roadway
192 width and roadway cul-de-sac radius. This is R-3 zoning. Final Plan does not max out density, but gives
193 consideration to existing site conditions. Proposed as a Low-Impact Development (LID) design. Includes
194 stormwater controls and management into the shoulders, less drainage structures to be maintained by the
195 town over time.

196 J. Simons: Requests clarification on where the upland is on the various lots

197 T. Zahoruiko: Shows on the map that there is buildable area for each lot. References a table that was
198 submitted as part of the application. Consideration was given for the placement of the driveway as it is
199 aligned with existing topography.

200 M. Egge: Tom and I had a site walk, the siting of the driveway is good and makes sense to retain a lot of
201 the existing screening. We had conversations with the conservation department on the potential bridge
202 and wetlands crossing. There were comments about lots five and four, closest to the wetlands that those
203 home owners need to be clear that no future expansion will be possible. Overall Tom has demonstrated a
204 good understanding of existing site constraints and tried to work within them.

205 T. Zahoruiko: Pursued the 5 lot plan rather than the 6 lot plan. Already getting quotes for various types of
206 bridges for the crossing.

207 P. Boynton: Requests clarification on to where the wetlands drain.

208 T. Zahoruiko: The wetlands drain to Stevens Pond, this is not in the Watershed Protection District.

209 L. McSherry: How large will the houses be?

210 T. Zahoruiko: That's still being determined based on the market. Likely something on the order of 2,800
211 to 3,500 square feet.

212 L. Rudnicki: Where it is crossing the wetlands, have you talked to con com about pervious paving or
213 other alternatives to a bridge?

214 T. Zahoruiko: We have not yet submitted to con com, as we get into the driveway detail we'll have those
215 discussions. Our concerns with pervious paving is the durability and the maintenance required. It may be
216 a bit optimistic to expect a homeowner to carry out the regular maintenance that might be required.

217 Richard Vaillancourt, Stevens Street: Requests discussion of where the home may be for Lot 3, and what
218 will the bridge look like.

219 T. Zahoruiko: This is a small crossing and small wetland area, and as there is a push to impact less, I look
220 at the work to educate myself on bridges as something that would need to be done anyway. Discusses
221 various bridge types and options. Bridge is only to access Lot 3. Shows on map where the house may be
222 located for Lot 3. More detail on the house siting will be provided in the definitive subdivision plan.

223 J. Simons: How much grading will be needed for the road?

224 T. Zahoruiko: Almost nothing. Only enough to make the drainage work, the road will sit as close to the
225 existing grade as possible.

226 J. Simons and T. Zahoruiko: Discussion of the merits of filing a preliminary definitive plan. Approval of
227 preliminary does not constitute approval or endorsement of a definitive plan.

228

229 **DISCUSSION ITEMS**

230 1018 Osgood St., Dunkin Donuts: Applicant requires a board site-conformance vote to file for Certificate
231 of Occupancy.

232 M. Egge: In the site plan review permit, one of the conditions for issuing the certificate of occupancy is
233 the board take a site conformance vote. We are still holding a 10,000 bond. And they are looking to move
234 equipment in and get ready for business. Conservation commission has several outstanding issues, the

PLANNING BOARD
Meeting Minutes
September 16, 2014
Town Hall, 120 Main Street
7:00 PM

235 applicant took a long time to get the stormwater infrastructure ready. Building still has an outstanding
236 issue: the height of the sign needs to be reduced. If we vote on this, I recommend it being conditional on
237 the applicant addressing outstanding issues with Conservation and Building.

238 L. Rudnicki: Did they submit as-builts on this?

239 M. Egge: They did submit as-builts, but not electronic copies.

240 L. Rudnicki: Requests an electronic set of the plans.

241 D. Kellogg: The problem with the sign is FAA?

242 M. Egge: Unclear if it is FAA or our own Bylaw. I believe they resolved the FAA issue, and this is a local
243 compliance issue.

244 Board and M. Egge: Discussion of whether this is substantial, whether the applicant is pressuring the
245 Planning Department, and whether Planning is comfortable with this approach.

246 M. Egge: I have the letters certifying the site is as-built.

247 J. Simons: To continue this discussion at the next meeting.

248

249 **OTHER BUSINESS**

250 Planning Board List and Signature Authorization: Approve the letter noting the updated North Andover
251 Planning Board list and signature authority for the North Essex District Registry of Deeds

252 M. Egge: Revised the signature authorization letter.

253 J. Simons: We will sign that

254

255 2015 Planning Board Meeting Schedule: Approve the proposed 2015 Planning Board Meeting Schedule

256 M. Egge: I revised the meeting schedule

257 J. Simons: Ok that is approved

258

259 **MINUTES APPROVAL**

260 M. Egge: I need to include myself in attendance.

261 L. Rudnicki: And strike Jean. And add a motion to adjourn.

262 MOTION: L. Rudnicki makes a motion to approve the September 2 2014 Meeting Minutes as amended.
263 Seconded by D. Kellogg. The vote was unanimous in favor.

264

265 **ADJOURNMENT**

266 MOTION: L. Rudnicki makes a motion to adjourn. Seconded by D. Kellogg. The vote was unanimous in
267 favor.