

Town of North Andover  
PLANNING BOARD

Approved 4-19-16

John Simons, Chairman  
Lynne Rudnicki  
Peter Boynton



David Kellogg  
Lora McSherry  
Regina Kean (Associate)

Tuesday April 5, 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, B. Wolstromer, R. Oldham

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

6  
7 **BOND RELEASE:**

8 100 Dale Street, Jeff Horne: Request for release of an \$8,000 performance bond associated with a Watershed  
9 Special Permit.

10 J. Enright: The Watershed Special Permit was issued June 18, 2013. The applicant submitted an as-built plan, an  
11 engineer certification and a copy of the deed restriction limiting the use of fertilizers. All requirements of the bond  
12 release have been met.

13 **MOTION**: L. Rudnicki made a motion to release the Watershed Special Permit bond of \$8K plus accrued interest  
14 at 100 Dale St. for lots 1 & 2. D. Kellogg seconded the motion. The vote was 5-0, unanimous in favor.

15  
16 **PUBLIC HEARINGS:**

17 CONTINUED: 1665 Great Pond Road, Technical Training Foundation Trust: Applicant seeks a Watershed  
18 Special Permit to demolish existing single family dwelling and construction of a new single family dwelling with  
19 improvements to existing driveway and connection to existing utility services.

20 J. Enright: In response to the comments made at the last public hearing, the applicant has added a downspout to the  
21 front of the roof that will direct roof runoff to the infiltration trench. Additionally, the Board requested the trench  
22 design be increased to handle 1" runoff volume as opposed to the proposed 1/2" inch. The applicant has since  
23 increased the size of the trench to handle the 1" volume. The Applicant has had further conversations with Gene  
24 Willis, the Town Engineer, and the Applicant has agreed to pull a driveway permit post construction and prior to  
25 any disturbance on site. This has satisfied DPW's concerns with the driveway. The upper portion of the driveway  
26 will be overlaid and the slope directed to the pervious yard area. The lower portion of the driveway will be left  
27 untouched.

28 P. Boynton: J. Hughes' letter mentions the delineation approximation does not accurately reflect the correct  
29 delineation from Rea's Pond. I'm concerned that the applicant is taking extensive measures to avoid Conservation.  
30 This is one of the closest properties to the lake.

31 J. Enright: J. Hughes didn't provide any comment after reviewing Norse Environmental's certification of the  
32 delineation from Rea's Pond.

33 J. Simons: Does the Applicant recognize they will have to come before Conservation and the Planning Board in  
34 the future if they choose to do any work to the driveway?

35 Dennis Griecci, Engineer, Andover Consultants: We've worked with J. Hughes, responded to several of her  
36 comments and the project was fully reviewed by L. Eggleston and Norse Environmental. The project has been  
37 scrutinized and reviewed as if we had filed with Conservation.

38 J. Enright: If reconstructed, the lower portion would be required to slope toward the pervious area, to prohibit  
39 sheet flow onto a public roadway. We can add this condition to the Decision.

40 P. Boynton: It is striking that the strategy is to avoid Conservation where it's so close to our drinking water  
41 resource which our town values so highly in terms of public health.

42 L. Rudnicki: The length of the driveway dictates that you'll have to put a shoulder on it and widening it puts you  
43 in the Conservation zone.

44 D. Griecci: If required, the owner is comfortable with putting a sprinkler system in the house.

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45 Board: General discussion and agreement that further conditions should be implemented in terms of inspection and  
46 review of the driveway for deterioration during construction. Additionally, agreement was made that there should  
47 be a condition for the NAFD to approve the final plan in terms of fire code. P. Boynton was appointed to review  
48 and approve the final drafted Decision.

49 MOTION: D. Kellogg made a motion to close the public hearing for 1665 Great Pond Road Watershed Special  
50 Permit. L. McSherry seconded the motion. The vote was 5-0, unanimous in favor.

51 MOTION: D. Kellogg made a motion to approve the Decision, as amended, for a Watershed Special Permit for  
52 1665 Great Pond Road. L. Rudnicki seconded the motion. The vote was 5-0, unanimous in favor.

53  
54 CONTINUED: 2302 Turnpike Street-Earthworks, Inc., Danny Gill: Applicant seeks a Site Plan Review Special  
55 Permit in order to develop the property as a mixed-use retail and business office commercial complex with  
56 accessory indoor storage and parking.

57 J. Enright: Since the last public hearing, revisions have been made to the site plan and architectural design. In  
58 terms of Department reviews the Applicant has satisfied all comments and concerns: G. Willis asked that the  
59 driveway be moved approx. 70ft. from Turnpike Street. T. Willett is satisfied with the plan revisions related to  
60 connection of water and sewer lines from Turnpike St. L. Eggleston's stormwater concerns have been addressed.

61 Jill Mann, Attorney on behalf of Earthworks, Inc.: Presented proposed new architectural design, renderings,  
62 details, finishes and signage. We are in the process of receiving our Order of Condition from the Conservation  
63 Commission. We modified our long term pollution plan to be site specific. All of the storage is accessory to the  
64 principal uses of the property per your use regulations. The Board approved of the new architectural design and  
65 expect to close the public hearing at the April 19, 2016 meeting.

66  
67 NEW PUBLIC HEARING:

68 Annual Town Meeting Zoning Articles: Warrant Articles 9, 10 & 11

69  
70 Article 9: Amend Zoning Bylaw – Section 8: Supplementary Regulations. To see if the Town will  
71 vote to amend the Town of North Andover Zoning Bylaw, Section 8 – Supplementary Regulations, by  
72 making the following amendments to Subsection 8.3 (by identifying text which is deleted as  
73 strikethrough and text added as underlined), as follows:

74  
75 **8.3 Site Plan Review**

76  
77 **5. Information Required**

- 78 a) Special Permit Application Form, along with any fees as may be set by the Town Bylaw;  
79 b) Drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as  
80 approved in advance by the Town Planner. Revised plans shall contain a notation listing and  
81 describing all revisions, additions, and deletions made to the originally submitted plans and  
82 the date of each.  
83 c) All site plans shall be prepared by a certified architect, landscape architect, and/or a civil  
84 engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be  
85 prepared by a certified landscape architect registered in the Commonwealth of Massachusetts.  
86 All building elevations shall be prepared by a certified architect registered in the

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- 87 Commonwealth of Massachusetts. All stormwater management plans and drainage  
88 calculations must be submitted with the stamp and signature of a Professional Engineer  
89 (PE) licensed to conduct such work in the Commonwealth of Massachusetts.  
90 d) The times for submission of the site plans for review by the Planning Board are specified in  
91 Section 10.3 of the Zoning Bylaws (Special Permit Regulations)  
92 e) The following information must be submitted along with the application:  
93 i. NORTH ARROW/LOCATION MAP: A north arrow and a location map showing  
94 surrounding roadways and land uses adjacent to the site (1"=1500'). Location Map should  
95 show at least one intersection of two existing Town roadways.  
96 ii. SURVEY OF LOT/PARCEL: A boundary survey conforming to the requirements of the  
97 Essex County Registry of Deeds Office. The survey shall be dated and include any  
98 revision made to the survey or site plan. Any change in the survey shall be recorded  
99 before site plan approval may be granted.  
100 iii. NAME/DESCRIPTION OF PROJECT: The name of the development and the names,  
101 addresses and telephone numbers of the project listing tenants, land uses, development  
102 phases, or other pertinent information necessary to evaluate the proposed development  
103 plan.  
104 iv. EASEMENTS/LEGAL CONDITIONS: Identification of easement(s) or legal  
105 encumbrances(s) that are related to the sites physical development, and a listing of any  
106 condition(s) placed upon the site by the Board of Appeals, Planning Board, Conservation  
107 Commission, or any public body or agency, with the authority to place conditions on the  
108 sites development.  
109 v. TOPOGRAPHY: The present and proposed topography of the site, utilizing two foot (2')  
110 contour intervals. ~~The contours shall extend at least fifty (50') feet beyond the site~~  
111 ~~boundaries by estimation of the professional submitting the plan.~~ Existing topography  
112 fifty feet (50') beyond the perimeter of the parcel as it appears on the most current Town  
113 of North Andover topographic mapping shall also be shown.  
114 vi. ZONING INFORMATION: All applicable Zoning Bylaw information shall be provided  
115 regarding the site's development. This information shall be placed in a table and list all  
116 parking, setbacks, percent of lot coverage, floor-area-ratio, number of dwelling units, total  
117 amount of square feet, size of signs and any other applicable zoning information  
118 necessary for the proper review of the site plan by the Town Planner and Planning Board.  
119 vii. DRAINAGE AREA MAP: A drainage area map showing pre and post construction  
120 watersheds, subwatersheds and stormwater flow paths, including municipal drainage  
121 system flows;  
122 viii. STORMWATER MANAGEMENT PLAN: All applications for Site Plan Review shall  
123 include the submittal of a Stormwater Management Plan prepared in accordance with the  
124 latest version of the Massachusetts Stormwater Handbook and additional criteria  
125 established herein and demonstrating full compliance with the Massachusetts  
126 Stormwater Standards and the North Andover Stormwater Management and Erosion

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- 127                    Control Regulations promulgated under Chapter 160 of the Town Bylaws (Stormwater  
128                    Management and Erosion Control Bylaw); All storm water drainage control facilities  
129                    utilized by the site shall be shown on the site plan. Storm water drainage calculations  
130                    which support the design of the control facilities shown the plan shall be submitted to the  
131                    Department of Public Works for review and approval. Calculations shall show a  
132                    mitigation of run-off to zero of the 2, 10, and 100-year storm event.
- 133                    ix. BUILDING LOCATION: Identification of all existing and proposed structure(s) located  
134                    on the site. The number of stories, overall height in feet and gross floor area in square feet  
135                    of all structure shall be indicated.
- 136                    x. BUILDING ELEVATION: A drawing of the exterior of the building, as viewed from the  
137                    front (street view) must be submitted. The Planning Board may request side and rear  
138                    views if relevant to the Board's review. This drawing must be at least 8" x 11" in size.
- 139                    xi. LOCATION OF PARKING/WALKWAYS: Identification of the location of all existing  
140                    and proposed parking and walkways areas, including curb cuts that will be used to access  
141                    the site from adjacent roadways, or access points.
- 142                    xii. LOCATION OF WETLANDS/NOTICE OF INTENT: All resource areas as defined in  
143                    M.G.L. Chapter 131, Section 40 and/or the Town of North Andover Wetland Protection  
144                    Bylaw (Ch. 178), shall be shown on the site plan. If applicable, the applicant shall file a  
145                    Notice of Intent with NACC concurrently with the application to the Planning Board for  
146                    Site Plan Review.
- 147                    xiii. LOCATION OF WALLS/SIGNS: Identification of the location, height and materials to  
148                    be used for all retaining walls and signs located on the site. Signs will be reviewed using  
149                    the guidelines set forth in Section 6.7 (H) of the Zoning Bylaw.
- 150                    xiv. LOCATION OF ROADWAYS/DRIVES: Identification of all right-of-ways and  
151                    driveways including the type of curb and gutter to be used, and their dimensions.  
152                    Distances to all the nearest roadways and/or curb cuts shall be shown for both sides of any  
153                    streets which is adjacent to the site.
- 154                    xv. OUTDOOR STORAGE/DISPLAY AREAS: Identification of the location and type of  
155                    outdoor storage and display areas on the site.
- 156                    xvi. LANDSCAPING PLAN: The general outline of existing vegetation, wooded areas,  
157                    significant trees, unique species and tree clusters and the extent of all vegetation, wooded  
158                    areas, significant mature trees (> 12 inches DBH), unique species and/or tree clusters to  
159                    be removed and identification of the location and landscape schedule of all perimeter and  
160                    interior landscaping, including but not limited to proposed paving materials for walkways,  
161                    fences, stonewalls and all planting materials to be placed on the site. In addition, all  
162                    existing trees over 12 inches DBH, to be saved or removed shall be shown on the site  
163                    plan. Any landscaping required by the Town Bylaws shall be indicated on the site plan in  
164                    tabular form showing the amount required and the amount provided.
- 165                    xvii. REFUSE AREAS: Identification of the location of each outdoor refuse storage area,  
166                    including the method of storage and screening. All refuse areas must be fully enclosed.

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- 167 xviii. LIGHTING FACILITIES: Identification of the proposed illumination, indicating the  
168 direction and the degree of illumination offered by the proposed lighting facilities,  
169 including an example of the light fixture to be used.
- 170 ~~xix. DRAINAGE BASIN STUDY: A detailed hydrology study for the site. Included in this~~  
171 ~~study is the proposed storm water run-off rates into the existing drainage system and its~~  
172 ~~potential down-stream impact on the existing drainage system.~~
- 173 xx. TRAFFIC IMPACT STUDY: Identification of existing traffic levels, along with the  
174 expected traffic impacts to occur based upon the proposed project. Projects which access  
175 state highways, a traffic impact study shall be filed with MEPA concurrently with the  
176 Planning Board review. A copy of the MEPA study shall be filed with the application to  
177 the Planning Board.
- 178 xxi. COMMONWEALTH REVIEW: Any information required and submitted to any agency  
179 of the Commonwealth, shall be filed with the Planning Board upon the initial submission  
180 of the project for Board review.
- 181 xxii. UTILITIES: All utilities, including water line locations, sewer line locations and profiles,  
182 and storm drainage systems;
- 183 xxiii. FISCAL IMPACT: Projections of costs rising from increased demand for public services  
184 and infrastructure; provisions of benefits from increased tax revenues, employment and  
185 infrastructure improvements; and impacts on adjacent property values.
- 186 xxiv. COMMUNITY IMPACT: Analysis of the project's impact on the surrounding  
187 neighborhood in terms of architectural consistency, pedestrian movement and overall  
188 character; impacts on nearby historic structures or site; and an evaluation of the proposed  
189 project's consistency and compatibility with existing local and regional plans.
- 190 f) If the site plan review application is for the construction of any new wireless service facility  
191 on a previously permitted facility as set forth in Section 8.9(3)(a)9II) Wireless Service  
192 Facilities Use Regulations, the information required by Section 8.9(5) must also be submitted.  
193 The SPGA may grant a waiver from these submittal requirements if it finds that such  
194 information is not needed for a thorough review of a proposed personal wireless service  
195 facility (1998/38).

196  
197 6. Review Criteria/Design Guidelines

- 198 a) The following criteria and design guidelines shall be used by the Planning Board in  
199 evaluating the site plan review and all information submitted as part of the application.
- 200 i) General
- 201 a) Conformance with all appropriate provisions of the Zoning Bylaw.
- 202 b) Protection of abutting properties from detrimental site characteristics.
- 203 ii) Environmental
- 204 a) Protection of unique or important natural, historic or scenic features.
- 205 b) Adequacy of proposed methods of refuse disposal.

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- 206 c) Ability of proposed sewage disposal and water supply systems within and adjacent to  
207 the site to serve the proposed use.
- 208 d) Adequacy of the proposed drainage system to mitigate runoff increases and protect  
209 water quality. ~~within and adjacent to the site to handle the increased runoff resulting~~  
210 ~~from the development.~~
- 211 e) Provision of adequate landscaping, including the screening of adjacent residential  
212 uses, provision of street trees, landscape islands in the parking lot and a landscape  
213 buffer along the street frontage.
- 214 f) Adequacy of the soil erosion plan and any plan for protection of steep slopes, both  
215 during and after construction.
- 216 g) Protection of adjacent properties by minimizing the intrusion of lighting, Including  
217 parking lot and building exterior lighting.
- 218 h) The proposed development must not present a demonstrable adverse impact on the  
219 surrounding area resulting from excessive noise, dust, smoke, or vibration which are  
220 higher than levels now experienced from uses permitted in the surrounding area.
- 221 iii) Design
- 222 a) Buildings shall be located with respect to setbacks placement of parking landscaping  
223 and entrances and exits with surrounding buildings and development.
- 224 b) The buildings shall relate harmoniously to each other in architectural style, the  
225 location and building exits and entrances.
- 226 c) Screening shall be provided for storage areas, loading docks, dumpsters, rooftop  
227 equipment, utility buildings and similar features.
- 228 d) Electric, telephone, cable t.v., and other such lines and equipment must be placed  
229 underground.
- 230 e) Demonstrate that the scale, massing and detailing of buildings are compatible with  
231 those prevalent in the surrounding area.
- 232 iv) Traffic/Parking
- 233 a) The location and number of curb cuts shall be minimized to reduce turning  
234 movements, and hazardous exits and entrances.
- 235 b) Provision for access to adjoining properties shall be provided as appropriate.
- 236 c) Driveways shall be located opposite each other wherever possible.
- 237 d) Joint access driveways between adjoining properties shall be encouraged.
- 238 e) Internal circulation and egress shall provide for traffic safety, and access to and  
239 from minor streets servicing one family dwellings shall be minimized.
- 240 v) Stormwater Management
- 241 a) At a minimum all projects subject to Site Plan Review shall comply with the criteria,  
242 specifications, and performance standards of the most recent version of Massachusetts  
243 Stormwater Management Standards and accompanying Stormwater Management  
244 Handbook. The Lake Cochichewick Watershed Area shall be considered a Critical  
245 Area in terms of applicability of the standards.

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- 246 b) Projects subject to the Bylaw shall also comply with the requirements and criteria
- 247 outlined in Sections 7.0 through 10.0 of the North Andover Stormwater Management
- 248 and Erosion Control Regulations promulgated under Chapter 160 of the Town Bylaws
- 249 (Stormwater Management and Erosion Control Bylaw).
- 250 vi) Landscape Design
- 251 a) Landscape designs shall be developed based on soil, light and other site specific
- 252 conditions. Plant species shall be chosen for their ability to thrive in the post-
- 253 development soil, water and use conditions of the site without significant
- 254 supplemental water or fertilizer, once established.
- 255 b) Plant species shall be native to inland Essex County or shall be cultivars of these
- 256 native species.

257 **Planning Board**

258  
259 **Board of Selectmen Recommendation:**

260 **Planning Board Recommendation: Postponed until 4/19/16 Planning Board meeting**

261  
262 **Vote Required: Two Thirds (2/3) Vote**

263  
264 **EXPLANATION: This Article proposes to amend Section 8, Supplementary Regulations, to allow**

265 **for some minor modifications to text and to make the information required and review criteria for**

266 **Stormwater Management consistent with the requirements for other local, state and federal**

267 **regulations.**

268  
269 **Article 10: Amend Zoning Bylaw – Section 13: Continuing Care Retirement Center.** To see if the

270 Town will vote to amend the Town of North Andover Zoning Bylaw, Section 13 – Continuing Care

271 Retirement Center (CCRC), by making the following amendments to Subsections 13.1, 13.2, and 13.5(b)

272 (by identifying text which is deleted as strikethrough and text added as underlined), as follows:

273  
274 **SECTION 13 CONTINUING CARE RETIREMENT CENTER**

275  
276 **13.1 Establishment**

277 There is established a Continuing Care Retirement Center (CCRC) as a permitted use under the

278 Special Permit provision of this Bylaw. Such permitted use may only be authorized in existing

279 Residence 1, Residence 2 and Village Residential Districts. A CCRC parcel may include an

280 adjoining parcel of land which is in the Residential-1 District, providing provided that no

281 development shall be permitted in the Residential-1 portion of a CCRC parcel in excess of ten

282 percent (10%) of the lot areas of the Residential-1 portion within such CCRC parcel. The

283 authorization will empower the Planning Board to review and approve a definitive plan under the

284 Special Permit provisions in Section 10.3 and as in otherwise provided for in this section. A CCRC

285 shall include a nursing home care facility and congregate housing units and may also include

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286 independent dwelling units and assisted living units. A CCRC may also only include any or all of the  
287 foregoing housing types provided it is affiliated with a nursing home.  
288

289 13.2 Purpose

290 The purpose of the CCRC is to provide for the development and use of specialized housing and  
291 nursing care for the elderly on the basis of the Planning Board to issue a Special Permit in the  
292 permitted District (2) Districts with greater flexibility from the pattern otherwise permitted in such  
293 districts. It is intended to create health care, including home health care, housing and other supportive  
294 services designed to meet the needs of the elderly population and to enable that population to live  
295 independently. It is further intended to encourage the preservation of open spaces; to allow for new  
296 nursing care facilities and housing that causes relatively little demand on Town services; and to  
297 preserve the Town's residential character. In creating an alternative to existing nursing and housing  
298 possibilities for the elderly, the CCRC is intended to allow for a greater mixture of buildings,  
299 structures and uses with regard to density than is otherwise permitted thereby allowing for the  
300 nursing care of the elderly and the relief of the physical, economic and emotional stress associated  
301 with the maintenance and care of traditional nursing home and residential properties.  
302

303 13.5 Standards and Restrictions

304 b. Permissible Density. Unless in compliance with the bonus density provisions of  
305 subsection 6., the dwelling unit density shall not exceed an average of four (4) units per acre  
306 in a parcel which is located within the Residential-1 District or Residential-2 District and  
307 five (5) units per acre in a parcel which is located within the Village Residential District  
308 exclusive of the nursing care facility. When a parcel is located in a combined portion of  
309 either the Residential-2 and Residential-1 Districts or the Village Residential and  
310 Residential-1 Districts, a density factor of 2 units per acre shall be applicable to the portion  
311 in the Residential-1 District. However, in no instance shall any development such as the  
312 construction of buildings, roads and parking lots be permitted in excess of ten percent (10%)  
313 of the lots area in that portion of the CCRC parcel located in the Residential-1 District, nor  
314 shall any development in Residential-2 or Village Residential District adversely impact the  
315 Residential-1 District. For parcels which are located in a combined portion of the  
316 Residential-1 or Residential-2 Districts and the Village Residential District, the permissible  
317 density for each District shall be applicable. Also, in no event shall the total number of  
318 independent dwelling units exceed fifteen (15) percent of the total number of dwelling units  
319 otherwise allowed in any CCRC parcel. Further, in no instance shall the Floor Area ration of  
320 the entire project exceed 0.25, nor shall the total number of dwelling units exceed ~~250~~ 300  
321 for any parcel regardless of total acreage or density bonuses provided under paragraph 6.  
322

323 Or to take any other action relative thereto.

324 **Planning Board**

325 **Board of Selectmen Recommendation:**

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326 **Planning Board Recommendation:** L. Rudnicki made a motion for favorable action. P. Boynton  
327 **seconded the motion. The vote was 5-0, unanimous in favor.**  
328

329 J. Enright: This Article proposes to amend the CCRC bylaw Sec 13 by entertaining development within the R1  
330 portion of the property (currently prohibited) and increase maximum density from 250 to 300 units. There is a 20  
331 acre privately owned parcel abutting the Edgewood development that they have recently purchased in order to  
332 build “dementia-style” housing. The conceptual proposal identifies 15 acres of land which will not be further  
333 developed due to a proposed Conservation Restriction. They have agreed to provide trails access to the Town  
334 through the parcel.

335 J. Simons: From a public policy perspective, The Planning Board would like to ensure that all reference to all  
336 access easements to the Town are identified and included in the Decision, in addition to the Conservation  
337 Restriction.

338 Bob Coppola, Edgewood Retirement Community: I have met with the Pre-School and they are happy with the  
339 Conservation Restriction and the development. We are also working with the Trustees of the Reservation and  
340 they have that currently under review. We expect to hear shortly. If they reject this for some reason, we intend to  
341 address the easement rights and Conservation Restriction with the Town.

342 J. Simons: And there would be no problems with giving the Town easement rights over the existing CR part of  
343 the property?

344 B. Coppola: We already thought there was and if not, than we would certainly have no problems granting the  
345 Town that right. Actually, the Trails Committee installed signage on the new Joyce’s Trail just this last fall.

346  
347 **Vote Required: Two Thirds (2/3) Vote**  
348

349  
350 **EXPLANATION:** This Article proposes to amend the Continuing Care Retirement Center by  
351 **allowing a limited scale development within the Residential-1 Zoning District and to increase the**  
352 **maximum density allowed from 250 to 300 units.**

353  
354 **Article 11: Amend North Andover Zoning Bylaw – Section 16: Corridor Development District.** To  
355 see if the Town will vote to amend the Town of North Andover Zoning Bylaw, Section 16 – Corridor  
356 Development District, by making the following amendments to Subsection 16.4 in order to allow light  
357 manufacturing as a permitted use within the Corridor Development District 3 (CDD3) and to  
358 Subsection 16.5 in order to allow contractor yards, landscaping, lumber or other building materials,  
359 including outdoor sales and outdoor storage of material, equipment, and supplies within the CDD3  
360 subject to a Special Permit (by identifying text which is deleted as strikethrough and text added as  
361 underlined) as follows:

362  
363 16.4 Corridor Development District 3 (CDD3) - Permitted Uses  
364 In the Corridor Development District 3, no building or structure shall be reconstructed, erected,  
365 altered or used for any other purpose than the following:  
366

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- 367 1. Retail uses provided there is no outdoor sales or storage of materials and products. However,  
368 auto sales and repair are not allowed.
- 369 2. Restaurants excluding drive-through facilities.
- 370 3. Personal service establishments.
- 371 4. Indoor recreation, fitness, and health care facility.
- 372 5. Indoor place of amusement or assembly.
- 373 6. Outdoor place of amusement or assembly.
- 374 7. Public building or use and Public Service Corporation.
- 375 8. Professional offices including, but not limited to banks, real estate offices, insurance offices,  
376 physician offices, dentists, attorneys, architects, engineers or accountants. One drive-through  
377 facility shall be permitted every 500 linear feet of street or highway as measured along centerline.
- 378 9. Medical Center.
- 379 10. Research and Development Facility not to exceed 25,000 square feet.
- 380 11. Printing and Reproduction.
- 381 12. Warehousing and Wholesaling.
- 382 13. Motel and Hotel.
- 383 14. Art Gallery.
- 384 15. Cultural Center or Museum.
- 385 16. Place of worship.
- 386 17. Day Care Center.
- 387 18. Same-structure/On-site Mixed Use Developments:
- 388 a. Residential uses shall not be located on the first floor of a structure or building.
- 389 b. Apartments and condominiums shall be allowed where such use is not more than fifty percent  
390 (50%) of the gross square feet for a two (2) story building and seventy-five percent (75%) of  
391 the gross square feet for a three (3) story building.
- 392 19. Light manufacturing, including manufacturing, fabrication, processing, finishing, assembly,  
393 packing or treatment of articles or merchandise provided such uses are conducted solely within a  
394 building and further provided that such uses are not offensive, noxious, detrimental, or dangerous  
395 to surrounding areas or the town by reason of dust, smoke, fumes, odor, noise, vibration, light or  
396 other adverse environmental effect.
- 397
- 398 16.5 Uses Subject to a Special Permit
- 399
- 400 4. Contractor's yard, landscaping, lumber or other building materials, including outdoor sales and  
401 outdoor storage of material, equipment, and supplies within the CDD3 District provided:
- 402 a. The products, material or goods displayed, stored or sold outdoors must not be visible  
403 from any residential use
- 404 b. The goods, materials and products permissible for outdoor storage, display and sales  
405 hereunder, shall explicitly exclude automobiles, motorcycles, or other wheeled vehicles  
406 and include only goods, materials, and products, which are customarily stored, displayed,

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- 407 or sold outdoors without the necessity for cover from the weather. Fertilizers and other  
408 toxic, hazardous chemicals are also excluded herein.  
409 c. The amount of area designated for outdoor storage shall be included in the dimensional  
410 requirements for maximum lot coverage  
411 d. The entire outdoor storage area shall be enclosed by a wall of solid opaque material such  
412 as masonry or solid wood fencing which, in the opinion of the Planning Board, will not  
413 derogate from the surrounding area. Sufficient landscaping shall be provided around the  
414 perimeter of the storage area at the discretion of the Planning Board.  
415 e. Only living plants can be higher than the surrounding vertical structural screening.  
416

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

420  
421 Or to take any other action relative thereto.

422  
423 **Planning Board**

424 **Board of Selectmen Recommendation:**

425 **Planning Board Recommendation: Vote postponed until 4/19/16 Planning Board meeting**

426  
427 J. Enright: This was first brought to us by a proponent to add landscaping back to the Corridor Development  
428 District 3 (CDD3). The CDD3, adopted in 2008, was previously an Industrial zoned area allowing landscaping &  
429 light manufacturing. When the CDD3 was added the landscaping and light manufacturing were eliminated.  
430 Currently, there are approximately three operating landscape businesses in the district. Based upon the nature of  
431 the existing local buildings in the CDD3 district and the recent inquiries we are receiving, we included "light  
432 manufacturing" in the legal notice in the event you opted to include the use within this article.

433 J. Simons: This is something for the Board to think about. I'd like to know how many parcels there are in the  
434 CDD3 district that are currently being used for that function and how many have existing buildings on them v.  
435 those that don't.

436 Andrew McDevitt, 266 Barker St.: The area defined as CDD 3 on the map; the Stanton Way neighborhood isn't  
437 classified correctly. I believe it should be classified as residential. I recommend that be corrected prior to Town  
438 Meeting.

439 J. Enright: I will look into that.

440 J. Simons: The Board believes the contractor's yard makes sense and we are willing to entertain that; the other  
441 piece regarding light manufacturing needs further discussion.

442  
443 **Vote Required Two Thirds (2/3) Vote**

444  
445 **EXPLANATION: This Article proposes to amend the Corridor Development District 3 (CDD3) to**  
446 **allow light manufacturing as a permitted use and to allow contractor yards, landscaping, lumber**

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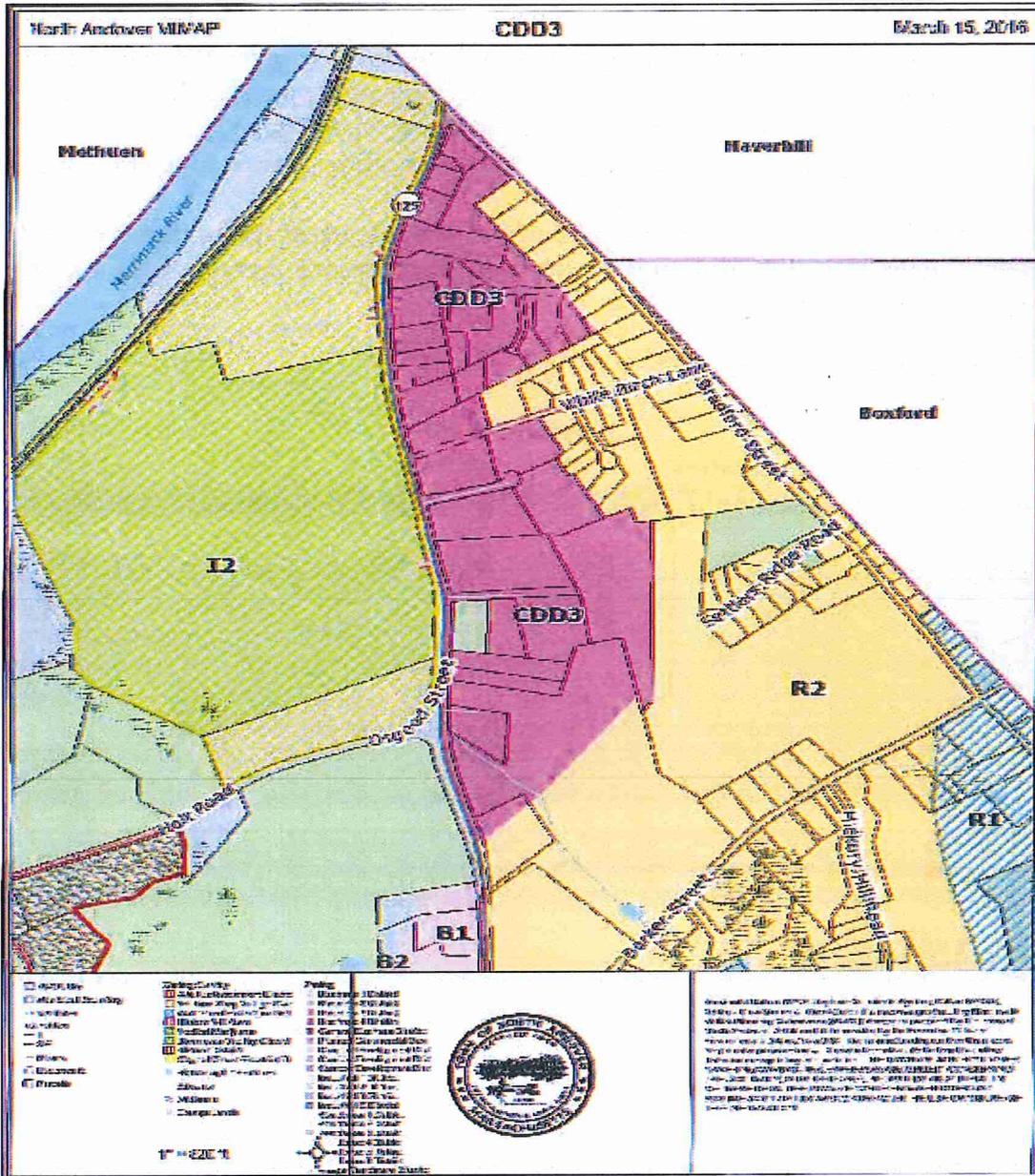
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447 or other building materials, including outdoor sales and outdoor storage of material, equipment,  
448 and supplies subject to a Special Permit. Following is a map showing where the district is located.



449  
450

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451 **DISCUSSION:**

452 **Article 4: Authorization to Accept Grants of Easements.** To see if the Town will vote to authorize  
453 the Board of Selectmen and the School Committee to accept grants of easements for access, water,  
454 drainage, sewer, roadway and utility purposes or any public purpose on terms and conditions the Board  
455 and Committee deem in the best interest of the Town,

456  
457 or to take any other action relative thereto.

458 **Board of Selectmen**

459 **Board of Selectmen Recommendation:**

460 **Planning Board Recommendation: D. Kellogg made a motion that the Board recommends**  
461 **favorable action on Article 13. L. McSherry seconded the motion. The vote was 5-0, unanimous in**  
462 **favor.**

463  
464 **Vote Required: Majority Vote**

466 **Article 5: Authorization to Grant Easements.** To see if the Town will vote to authorize the Board of  
467 Selectmen and the School Committee to grant easements for access, water, drainage, sewer, roadway and  
468 utility purposes or any public purpose on terms and conditions the Board and Committee deem in the  
469 best interest of the Town,

470  
471 or to take any other action relative thereto.

472 **Board of Selectmen**

473 **Board of Selectmen Recommendation:**

474 **Planning Board Recommendation: D. Kellogg made a motion that the Board recommends**  
475 **favorable action on Article 13. L. McSherry seconded the motion. The vote was 5-0, unanimous in**  
476 **favor.**

477  
478 **Vote Required: Two-thirds (2/3) Vote**

480 **Article 12: Acceptance of a Public Way – Hitching Post Road.** To see if the Town will vote to  
481 accept and name Hitching Post Road as a public way as laid out by the Board of Selectmen and accept  
482 deeds to the street and all related easements, as shown on plan entitled “Definitive Subdivision Plan  
483 Hitching Post Road North Andover”, owner Neil C. & Margaret M. Patnaude, 197 Appleton Street,  
484 North Andover, Mass, applicant Charles McLaughlin, 1046 Great Pond Road, North Andover MA.,  
485 August 6, 1987, Scale 1” = 80’, Andover Consultants Inc., 1 East River Place, Methuen, Mass., recorded  
486 with North Essex Registry of Deeds as Plan No. 11013

487  
488 or take any action relative thereto.

489 **Planning Board**

490 **Board of Selectmen Recommendation:**

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491 **Planning Board Recommendation:** (D. Kellogg recused himself) L. Rudnicki made a motion for  
492 favorable action. L. McSherry seconded the motion. The vote was 4-0, unanimous in favor.

493  
494 **Vote Required: Majority Vote**

495  
496 **Article 13: Acceptance of a Public Way – Stanton Way.** To see if the Town will vote to accept and  
497 name Stanton Way as a public way, as laid out by the Board of Selectmen, and as shown on a plan  
498 entitled “Street Layout Plan of Stanton Way located in North Andover, MA, prepared by Christiansen  
499 and Sergi, Inc., 160 Summer Street, Haverhill, MA 01830, Scale 1”=50’, December 1, 2015” and to  
500 accept deeds to the street and all related easements, shown on plan entitled “Definitive Subdivision Plan,  
501 Tax Map 61 Lots 16 & 34, & Tax Map 34 Lot 31, 1679 Osgood Street & Bradford Street, North  
502 Andover, MA, Prepared for G.M.Z. Realty Trust, 1679 Osgood Street, No. Andover, MA 01845, Jones  
503 & Beach Engineers, Inc. 85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885”, recorded with the  
504 North Essex Registry of Deeds as Plan No. 16957 and on the above referenced Street Layout Plan.

505  
506 Or take any action relative thereto.

507 **Planning Board**

508 **Board of Selectmen Recommendation:**

509 **Planning Board Recommendation:** D. Kellogg made a motion on behalf of the Board to  
510 recommended favorable action on Article 13. L. McSherry seconded the motion.

511  
512 **Vote Required: Majority Vote**

513  
514 **Article 24: Appropriation – Capital Improvement Plan for Fiscal Year 2017.** To see if the Town  
515 will vote to fund the Capital Improvement Program as listed under the heading “Board of  
516 Selectmen/Finance Committee/Town Manager Recommendations” and with the language included,

517

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<b>FY17 CIP Recommendations</b>							
Line #	Project Description	Board of Selectmen		Other Funding Sources		Authorized to	
		Finance Committee				Borrow under	
		Town Manager Recommendations	(Grants, Chapter 90, CPA & Spec Rev)	Raise & Appropriated	Retained Earnings/ Free Cash/CIP Stabilization	Excess bond Proceeds	Chapter 44
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
<b>General Fund Total</b>		<b>\$ 7,732,757</b>	<b>\$ (820,000)</b>	<b>\$ -</b>	<b>\$ (214,800)</b>	<b>\$ -</b>	<b>\$ 6,697,957</b>
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)		\$ -
<b>Water Enterprise Fund Total</b>		<b>\$ 475,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (475,000)</b>	<b>\$ -</b>	<b>\$ -</b>
19	Improvements to various Pump Stations	\$ 150,000	\$ -	\$ -	\$ (150,000)	\$ -	\$ -
<b>Sewer Enterprise Fund Total</b>		<b>\$ 150,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (150,000)</b>	<b>\$ -</b>	<b>\$ -</b>
20	Main House Improvements	\$ 110,000			\$ (110,000)		\$ -
21	Streetscape Improvements	\$ 15,000			\$ (15,000)		\$ -
<b>Stevens Estate Fund Total</b>		<b>\$ 125,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (125,000)</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Total All Funds</b>		<b>\$ 8,482,757</b>	<b>\$ (820,000)</b>	<b>\$ -</b>	<b>\$ (964,800)</b>	<b>\$ -</b>	<b>\$ 6,697,957</b>

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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519 or to take any other action relative thereto.

520 Town Manager

521

522 Board of Selectmen Recommendation: Favorable Action

523 Finance Committee Recommendation:

524 Planning Board Recommendation: Vote postponed until 4/19/16 Planning Board meeting

525

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

527

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

535

536 **Article 28: Report of the Community Preservation Committee – Appropriation from Community**  
537 **Preservation Committee Fund.** To receive the report of the Community Preservation Committee and  
538 to see if the Town will vote to raise, borrow, transfer and/or appropriate from the Community  
539 Preservation Fund, in accordance with the provisions of Massachusetts General Laws Chapter 44B, a  
540 sum of money to be spent under the direction of the Community Preservation Committee,

541

542 or to take any other action relative thereto.

543

544 **List of Approved Projects – Community Preservation Fund**

545

Description	Amount	Category
45 Milk Street Preservation	\$ 1,200,000	Open Space
Affordable Housing Trust	\$ 100,000	Affordable Housing
Bingham Way Senior/Disabled Housing	\$ 480,213	Affordable Housing
Leonard Farm Conservation Restriction	\$ 325,000	Open Space
Library Roof Repair	\$ 400,000	Historical Preservation
Parson Barnard Barn Structural Renovation	\$ 148,000	Historical Preservation
Playground Renovation-Kittredge School	\$ 100,000	Recreation
Ridgewood Cemetery Landscape	\$ 550,000	Historical Preservation
Administrative Costs	\$ 30,000	Administrative and Operating expenses

555

556 Administrative Costs

557

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558 **Total for Requested Projects** \$ 3,333,213

559 **Community Preservation Committee**

560

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

562 **Finance Committee Recommendation:**

563 **Planning Board Recommendation:** Vote postponed until 4/19/16 Planning Board meeting

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

565

566

567

568 **EXPLANATION:** The Community Preservation Act (CPA) addresses community issues such as  
569 acquisition and preservation of open space, creation and support of affordable housing, acquisition  
570 and preservation of historic buildings and landscapes, and creation and support of recreational  
571 opportunities. The CPA, adopted at a Special Town Meeting in January 2001, and by the voters at  
572 the Town Election in March 2001, levies a 3% surcharge on property taxes with two exemptions:  
573 \$100,000 of the value of every residential property is exempted, and a complete exemption on  
574 property owned and occupied by people who qualify for low-income housing or low- or moderate-  
575 income senior housing.  
576

577

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

585

586 **DISCUSSION:**

587 **Town Meeting Warrant Article 16 to amend Section 4.127 (Business 2 Zoning District), Subsection 15 to**  
588 **read as follows:**

589

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

591

592 And to Amend Section 7.4 (Building Heights), by inserting after subparagraph 5, a new sub-paragraph 6 to read  
593 as follows: " A waiver of the maximum height provided under Table 2 when granted by the Planning Board, as  
594 Special Permit Granting Authority, after the Planning Board has made a determination, based upon consideration  
595 of site design, the neighborhood context, topography and/or other circumstances that such waiver shall not be  
596 substantially more detrimental to the neighborhood than existing conditions.  
597

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598 J. Enright: This Citizen Petition proposes a zoning change to bylaw **Sec. 4127 the B2 Zoning District**. Currently,  
599 multi-family dwellings and townhouses are an allowed use by Special Permit by the Zoning Board of Appeals  
600 and the proposal is to modify this to be and allowed use with a “Special Permit by the Planning Board”. In  
601 addition, there is a proposal within “Sec. 7.4 - **Building Heights**”. The petition proposal suggests the addition of  
602 subparagraph 6 allowing a waiver of the maximum height provided under (Table 2- Dimensional Req. Table)  
603 granted by the Planning Board as the Special Permit granting authority, after the Planning Board has made a  
604 determination, based upon consideration of the site design, the neighborhood context, topography and/or other  
605 circumstances that such waiver shall not be substantially more detrimental to the neighborhood than existing  
606 conditions.

607 J. Simons: What is the allowed density for multi-family in this district? This proposal changes the Special Permit  
608 Granting Authority from the ZBA to the Planning Board and changes the allowed building heights.

609 J. Enright: There isn’t a density requirement within the B2, but there is a floor ratio of .75: 1.

610 John Smolak, Petitioner: A purchase agreement for 1210 Osgood Street was made two weeks ago. In the interest  
611 of time, we are proposing a rezoning request for an allowed use for consolidating permitting by combining a  
612 multi-family/town homes (B2 allowed use) Special Permit with Site Plan Review to result in a mixed-use  
613 development. Based on the unique characteristics of the site and in the context of this proposal, we are seeking a  
614 height waiver (currently 35ft) based on the topographic characteristics of the site. In 2001, this site was  
615 previously approved for redevelopment as Endicott Village a commercial, mixed-use redevelopment property, i.e.  
616 160K sq.ft. mixed-use retail and office use, and a 102 room; 60 ft. hotel. Due to Lucent’s departure, that project  
617 disintegrated and the property has sat vacant for 15 years. Our goal is to include a retail/commercial component,  
618 combining it with multi-family. The site, approx.13.7 acres, is between Hokkaido Restaurant and Forgetta’s  
619 Florist. Rea’s Pond pump station serves this site and has recently been upgraded. All necessary utilities are  
620 currently in place.

621 Chris Huntress, Landscape Architect on behalf of the Petitioner: Presented schematics for a 14 acre site plan;  
622 studies and perspectives of the proposed 4 acres or 30-40K sq.ft. of mixed-use retail “village” along Rte. 125 and  
623 10 residential acres (160-190 units) four to five story one and two bedroom luxury condos to the rear of the site.

624 J.Smolak: Although two separate owners, if Town Meeting were to approve these zoning amendments, we would  
625 file concurrent applications for both the commercial and residential permits so that we are reviewing it as one  
626 complete design. Princeton Properties would be handling the residential component. Forgetta Development will  
627 own the commercial component.

628 J. Simons: What market are you targeting?

629 Andrew Chapin, Princeton Properties: Our potential primary renters for this popular address are the newlyweds  
630 and those looking to downsize and remain in the community.

631 D. Kellogg: Will there be a 40B requirement associated with the property?

632 A. Chapin: No, we are proposing strictly market rate in an allowed use.

633 L. Rudnicki: Any concerns with regard to noise from the airport?

634 A. Chapin: No it’s many football fields away. We’ll have to design the windows to handle that.

635 Josh Stacey, Abutter, 90 Old Farm Road: It’s early on in the process, but there’s heavy traffic in that area exiting  
636 from Barker and French Farm Road.

637 J. Smolak: As part of the permitting process we would be required to supply a traffic study.

638 C. Huntress: We are trying to do this with as few curb cuts as possible. It’s 1,000 feet of frontage and we need to  
639 minimize the curb cuts.

640 L. McSherry: What other properties would be affected by this building height amendment?

641 J. Enright: This is a change to the dimensional requirements and table; therefore, it would be town-wide.

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642 J. Simons: We have to address the other issue, maybe only adjust for the B2 zone, but you are correct it is a town  
643 wide change as it is proposed.

644 Andrew McDevitt, Abutter, 266 Barker Street: I live in the upper right hand corner of the lot. I knew this day  
645 would come for development. Two hundred units exiting Barker St. plus 200 homes at 7:30 in the morning you'll  
646 need a traffic light. I am reminding the Planning Board that the developer of Bradstreet are requesting a change to  
647 plans because they cannot find anyone interested in retail space on Main Street and now we are looking at adding  
648 more? Minus the newlyweds and seniors, one hundred forty two bedroom rentals will directly impact our schools.  
649 As Vice Chair of the School Committee, our elementary classrooms are currently maximized at 25-27 students.  
650 This project will impact our schools even more. Are you only approving 1-2 bedroom units? Can they change  
651 course and build three bedrooms?

652 J. Simons: They would have to come back to the Board.

653 A. McDevitt: The waiver process is now being placed with the Planning Board. Unilaterally, the rules do not  
654 apply unless "you" grant permission?

655 J. Simons: Currently, the residential use is only allowed by a Special Permit, granted by the ZBA. That means the  
656 use is not allowed "by-right" in that district unless you get the approval of the special permit granting authority  
657 and that permit granting authority can use discretion. Secondly, the waiver exclusively deals with height. If there is  
658 a height wavier then the Planning Board can have complete discretion in every district to waive the height  
659 requirement. It's very open ended and I'm not sure we are comfortable with the blanket responsibility.

660 David Brown, Abutter, 35 Old Farm Road: The traffic exiting French Farm Rd. is very heavy both morning and  
661 night.

662 Mark Kiley, Abutter, 119 Hickory Hill Rd: Has the state already given the pass on the 40B and how long will this  
663 take to build?

664 J. Simons: This is not a 40B. The way it works is if you don't have 10% of your housing designated as affordable,  
665 a developer can come in with a project that doesn't comply with zoning to build affordable housing; this is market  
666 rate housing.

667 A. Chapin: The residential portion will take approx. 14 months to build.

668 Rebecca (last name and address inaudible), Abutter: There definitely needs to be a traffic light. Most families own  
669 more than one car. If the property has been for sale for so long, why are we rushing into this to change things?

670 J. Simons: Annual Town Meeting is expediting the time.

671 John Kaplan, Abutter, 111 Hickory Hill: Have you looked at more mixed use and less residential? Route 125 isn't  
672 a pleasant road to sit by. Perhaps you enter into the site more, i.e. Wrentham Outlets. Also, noise from the runway  
673 is a definite factor. I live 1.2 miles from the runway and the Learjets are loud; they make a lot of noise on takeoff.  
674 Comparably, the train is simply white noise now.

675 J. Simons: This is somewhat of an unorthodox process, we will be back on April 19<sup>th</sup> to discuss this issue formally  
676 at the Public Hearing. This is simply an informal discussion.

677

**MINUTES APPROVAL**

678 **MOTION**: L. Rudnicki made a motion to approve the March 2, 2016 meeting minutes. D. Kellogg seconded the  
679 motion. The vote was 5-0, unanimous in favor.

680

681  
682 **EXECUTIVE SESSION**: (9:15) L. McSherry made a motion that the Board go into Executive session for  
683 consultation with Town Counsel for confidential legal advice; and to discuss litigation in the case of 1600 Osgood  
684 Solar, LLC v. North Andover Planning Board and that the Chair declare that an open meeting would be  
685 detrimental to the Town's litigation strategy and not return to open session. The motion was seconded by L.

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686 Rudnicki. **Roll Call Vote:** Peter Boynton voted to go into Executive Session, Lora McSherry voted to go into  
687 Executive Session. David Kellogg voted to go into Executive Session. Lynne Rudnicki voted to go into Executive  
688 Session. John Simons voted to go into Executive Session.  
689

690 MEETING MATERIALS: Planning Board Meeting Agenda April 5, 2016; DRAFT Planning Board Minutes  
691 March 2, 2016; 100 Dale Street: 11032008 AS-BUILT, Deed Restriction, Engineer Certification96 & 100 Dale  
692 Street; 1665 Great Pond Road: 1665 Great Pond Road Decision DRAFT, 160310 Revised Plan-FINAL, Andover  
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