

Approved 5-17-16

Town of North Andover
PLANNING BOARD

John Simons, Chairman
Lynne Rudnicki
Peter Boynton



David Kellogg
Lora McSherry
Regina Kean (Associate)

Tuesday May 3, 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, R. Kean

2 Absent:

3 Staff Present: B. Wolstromer, R. Oldham

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

7 **PUBLIC HEARINGS**

8 CONTINUED PUBLIC HEARING, Annual Town Meeting Zoning Article: Warrant Article 16.

10 **Article 16: Citizen’s Petition-Petition to the Town of North Andover-Amend Zoning Bylaw – Miscellaneous.**

11 To see if the Town will vote to amend the Town of North Andover Zoning Bylaw, by amending the following
12 Sections as follow,

14 or to take any other action relative thereto.

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

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

21 Amend Section 7.4 (Building Heights), by inserting after subparagraph 5, a new sub-paragraph 6. So that Section
22 7.4 shall now read as follows:

24 7.4. Building Heights

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

- 27 1. Farm buildings on farms of not less than ten (10) acres.
- 28 2. Nor shall they apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses,
- 29 processing towers, and other accessory structural features usually erected at a height greater than
- 30 the main roofs of any buildings.
- 31 3. Nor to domes, bell towers, or spires of churches or other buildings, provided all features are in
- 32 no way used for living purposes.
- 33 4. And further provided that no such structural feature of any non-manufacturing building shall
- 34 exceed a height of sixty five (65) feet from the ground.
- 35 5. Nor of a manufacturing building a height of eighty five (85) feet from the ground, or
- 36 pharmaceutical manufacturing silo having a height one hundred-fifteen (115) feet from the ground,
- 37 or
- 38 6. a parcels or parcels collectively comprising at least five (5) acres of land located within a
- 39 Business 2 (B-2) Zoning District eligible for a waiver of the maximum height, for residential
- 40 multifamily dwellings and town houses, described under Table 2; provided that such height waiver
- 41 shall not permit a structure to exceed more than four stories and 55 feet in height, and further
- 42 provided that such waiver is granted by the Planning Board, as Special Permit Granting Authority,
- 43 after the Planning Board has made a determination based upon consideration of the special permit
- 44 criteria described under Section 10.31 of the Zoning Bylaw.

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Petition of John Smolak, et al

Planning Board Recommendation: Favorable Action as Amended D. Kellogg recommended Favorable Action on Warrant Article 16, as amended. L. McSherry seconded the motion. The vote was 5-0, unanimous in favor.

Vote Required: Two Thirds (2/3) Vote

R. Oldham, Staff Planner: The petitioner has made additional amendments to the proposed warrant article to avoid confusion over the height waiver criteria. They are proposing to eliminate that criteria and default to the Special Permit criteria described under 10.31 in the zoning bylaw.

John Smolak, Petitioner & Andrew Chapin, Princeton Properties: Presented amendments to the proposed warrant article. After our last meeting, at the request of the Board, we surveyed ten local municipalities; all ten municipalities allow multifamily development by Special Permit through the Planning Board. They rest this authority on the Planning Boards based on the amount of additional staff and resources typically available during design review. Additionally, we replaced the proposed height waiver criteria with criteria which currently exist under Section 10.31 of the zoning bylaw. We further limited the height waiver criteria allowed by Special Permit to address parcels that are larger than 5 or more acres in size located in the B2 District. This waiver will only affect residential components.

P. Boynton: Was the application at West Mill specific to one site and one site only?

J. Simons: It was specific to the District and the District was limited to one site. This would be limited to the sites listed on the document presented.

J. Smolak: This proposal is designed to streamline the process. Under current zoning, the process is duplicative. If the ZBA grants a Special Permit the applicant would then go to the Planning Board for Site Plan Review for both the commercial and residential components of the project. The ZBA with limited jurisdiction would only review the residential portion of the project in isolation from the commercial, making it challenging from a planning standpoint.

L. Rudnicki: "Four stories" is vague; it needs to be defined as a height.

Board: Discussed variable height limitations in reference to the property. Suggested the amendment include language stating, "not more than four stories and 55 feet in height".

A. Chapin: The addition of "four stories and no higher than 55ft. height" is within tolerance and comfortable.

L. Rudnicki: And the addition of the word "residential" should be included so as not to be confused with the commercial component.

Kathleen Colwell, 253 Hickory Hill Road, Neighbor/Abutter: (Former North Andover planner, current Methuen Assistant Director of Community and Economic Development) I strongly believe the Planning Board is the better Board to evaluate this type of project; they are used to looking at these types of projects with commercial and residential components, addressing projects in a comprehensive approach. The ZBA has a smaller staff that typically deals with setbacks and smaller variance issues. I also agree that designating an actual height restriction in the language is a good idea.

R. Kean: I've heard concerns that our schools are currently overcrowded and adding a large residential component will only add to this situation.

J. Simons: We have been assured by the applicant that typically one to two bedroom luxury units produce a small number of school children in our schools. If three to four bedrooms are considered, that would become part of the planning review process.

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- 89 NEW PUBLIC HEARING: Verizon, Christopher Swiniarski, Cloud Radio Access Network Antennae on 24
90 Utility Poles Town Wide: Application for Wireless Facilities Special Permit. Proposal for attachment of disguised
91 Cloud Radio Access Network (CRAN) antennae, a single 24.2” tall cylindrical canister weighing approximately
92 22 pounds, mounted to existing utility poles.
93 R. Oldham: Verizon is seeking a Wireless Facilities Special Permit to install Cloud Radio Access Network (C-
94 RAN) technology on 24 utility poles owned by National Grid located throughout the Town. The Applicant
95 approached the Board in December of 2015 requesting a waiver from the Wireless Facilities Special Permit. At the
96 December 1, 2015 meeting the Board questioned whether this would be a licensing issue with the Board of
97 Selectmen or a Special Permit with the Planning Board. On January 25, 2016 the Board of Selectmen agreed with
98 Verizon that it should be permitted as a Wireless Facilities Special Permit. The Board contracted a wireless review
99 consultant, David Maxson with Isotrope, to review the proposal. The Applicant has not had a chance to respond to
100 the review. In his review, the consultant raised a few concerns that should be addressed before opening the
101 discussion. In terms of his questions about dimensional requirements, typically any zoning variance needed goes
102 through the ZBA. In terms of whether or not those zoning requirements apply to the existing utility pole, we would
103 need additional information from the Building Commissioner. The Building Commissioner has unfortunately been
104 away on vacation the last few weeks. Additionally, the consultant wondered if the Planning Board has the ability
105 to enforce zoning regulations in the public right of way. Staff has been working on the assumption that the North
106 Andover Zoning Bylaw gives the Planning Board the authority to regulate wireless facilities and those apply to
107 those in the public right of way. We reviewed how other communities have permitted C-RAN technology and
108 found that, Andover used a Wireless Communications Permit through their ZBA and also shared the same view of
109 regulating these facilities in the public way, Amesbury used an Electrical Permit and Brockton issued a Building
110 Permit. This is new technology and there are different ways to go about permitting. (Showed map of all proposed
111 North Andover locations)
112 C. Swiniarski: Provided a brief explanation of the C-RAN technology.
113 J. Simons: Is there any noise generation from the canisters? How often are they maintained?
114 C. Swiniarski: There is no noise generation and they don’t require regularly scheduled maintenance because we
115 can monitor their activity remotely.
116 P. Boynton: Are there any hazardous liquids inside the container?
117 C. Swiniarski: No, it is only made to look like a transformer to blend in with the existing equipment on the utility
118 pole. There is an antenna inside.
119 J. Simons: You have to comply with all the FCC standards?
120 C. Swiniarski: Yes, anything that emits an electromagnetic field has to comply with FCC standards.
121 P. Boynton: Prior to this, Verizon proposed 5 or 6 pilot locations-why the increase to 24 locations?
122 C. Swiniarski: National Grid has given us space for 24 locations. The more equipment we are able to install the
123 better we can meet the demands for service.
124 R. Kean: Why these particular locations? These are planned for nice residential districts.
125 C. Swiniarski: We monitor the demand closely; we can see areas of less than optimum coverage. We then locate
126 ideal poles. The range is small and very focused.
127 L. Rudnicki: The transformer, guy wires and the electric junction box will be at eye level; five feet.
128 P. Boynton: The junction boxes are what dimension?
129 C. Swiniarski: They are approximately 3ft x 12”w x 6”d. flush mounted to the pole.
130 L. Rudnicki: With conduits on both sides you are enlarging the pole by approximately 25%. Seeing a lot of
131 signage on the equipment is not desirable.

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132 P. Boynton: Regarding emissions, according to our consultant analysis, a third of these (7) are located below the
133 height of the FCC waiver. What are your thoughts?

134 C. Swiniarski: The FCC regulations don't require testing above ten meters. The emissions are so minimal you can
135 barely test it. I can supply the Board with a certified engineer's statement that these are FCC compliant.

136 L. Rudnicki: Requested identification of submitted locations having guy wires. I'd like to see the signage as well.

137 C. Swiniarski: I will provide the Board with the Federal requirements for informational signage.

138 D. Kellogg: As a courtesy, would you notify the immediate property owners prior to installation?

139 C. Swiniarski: We can do that. That's not unreasonable.

140 [Continued to next meeting May, 17, 2016]

141

142 **DISCUSSIONS:**

143 Adjacent to 1665 Great Pond Road, Tom Zahoruiko: Request for Watershed Special Permit Extension.

144 R. Oldham: We recently permitted 1665 Great Pond Road. This parcel is adjacent to that property. On July 3, 2013
145 the Planning Board approved a Decision for a Watershed Special Permit to construct a single family dwelling unit
146 and driveway, demolition of an existing shed, insulation of utilities, stormwater management facilities and
147 associated grading on an undeveloped parcel within 100 ft. of the wetland and within 250 ft. of the non-
148 disturbance and non-discharge zones of the watershed district. The permit was set to expire in July of 2015. On
149 May 22, 2015 the Applicant requested a Watershed Special Permit extension due to the slow economy. The Board
150 granted the extension for one year. The permit will now expire on July 2, 2016. Per the zoning bylaw, if the
151 applicant can show good cause why substantial use or construction has not commenced within the two year period,
152 the special permit granting authority at its discretion may extend the special permit for an additional one year
153 period.

154 J. Simons: Stated that the bylaw does not reflect the opportunity for a secondary extension, therefore an extension
155 cannot be granted.

156

157 1636 Osgood Street, Ruff 'n Tumble Playcare: Request for Site Plan Review waiver.

158 R. Oldham: This Applicant is seeking a Site Plan Review waiver for space at Osgood Landing (Building 48- rear).
159 The Applicant seeks space for a dog training center, playcare, dog park and concierge service. The dog training
160 center will be in partnership with the MSPCA. There will be supervised outdoor and indoor play groups and a dog
161 taxi service providing transport for dogs to and from the facility and to local groomers and vets. The Building
162 Commissioner has determined "kennel" as an allowed use in the I2 District. Per the use, the Parking Table requires
163 3 parking spaces based on the approximate square footage. The Building Commissioner is requesting professional
164 plans before making his official determination. Site concerns include: the existing barbed wire fence, lighting,
165 landscape buffering, and existing stormwater structures- water drain /catch basin and a swale in the outdoor play
166 area.

167 Applicant, Mike Helman: Presented the conceptual ideas and schematic plans for a membership dog park and
168 playcare service/dog care.

169 Board: The Board requested more concise information for the next meeting regarding site improvements, i.e.
170 parking analysis, signage, plans, lighting, fencing, etc. and will issue a set of Conditions which will be the
171 equivalent of a Decision as an informal Site Plan Review at the May 17, 2016 meeting.

172 [Continued to next meeting May, 17, 2016]

173

174 70 Main Street: Requesting a determination for an Insubstantial Change to the Site Plan Review Special Permit
175 issued on January 6, 2015 re-align the driveway entrance on Main Street.

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176 Mark Yanowitz, Bradstreet, LLC: Presented new driveway configuration for 70 Main Street showing a shared
177 access easement configuration with the neighbor, combining two curb cuts into one.
178 Board: The Board agreed that the final configuration was an improvement to the original proposal. L. Rudnicki
179 noted that the North Andover Fire Department should review the configuration for public safety.
180 MOTION: P. Boynton made a motion to approve the Insubstantial Change to Site Plan Review for 70 Main
181 Street, North Andover, MA. L. Rudnicki seconded the motion. The vote was 5-0, unanimous in favor.

182
183 Annual Town Meeting Warrant Article 28: Report of the Community Preservation Committee-Appropriation from
184 CPC Fund.

185 Article 28: Report of the Community Preservation Committee – Appropriation from Community
186 Preservation Committee Fund. To receive the report of the Community Preservation Committee and to see if
187 the Town will vote to raise, borrow, transfer and/or appropriate from the Community Preservation Fund, in
188 accordance with the provisions of Massachusetts General Laws Chapter 44B, a sum of money to be spent under
189 the direction of the Community Preservation Committee,
190 or to take any other action relative thereto.

List of Approved Projects – Community Preservation Fund

<u>Description</u>	<u>Amount</u>	<u>Category</u>
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
Total for Requested Projects	\$ 3,333,213	

205 **Community Preservation Committee**

206 **Planning Board Recommendation: Favorable Action**

207 MOTION: L. Rudnicki recommended Favorable Action on Article 28. P. Boynton seconded the motion. The vote
208 was 5-0, unanimous in favor.

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

215 **EXPLANATION**: The Community Preservation Act (CPA) addresses community issues such as
216 acquisition and preservation of open space, creation and support of affordable housing, acquisition and
217 preservation of historic buildings and landscapes, and creation and support of recreational opportunities.
218 The CPA, adopted at a Special Town Meeting in January 2001, and by the voters at the Town Election in
219 March 2001, levies a 3% surcharge on property taxes with two exemptions: \$100,000 of the value of every

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220 residential property is exempted, and a complete exemption on property owned and occupied by people
221 who qualify for low-income housing or low- or moderate-income senior housing.
222

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

230
231 Watershed Informational Mailer: The next mailer will focus on the lakeshore property owners and abutters of
232 tributaries.

233 Water Quality Research: Bruce Thibodeau, Director of Public Works, will present items of interest to the Board at
234 an upcoming meeting.

235 Planning Board Rules & Regulations: (not addressed)

236

237 **MINUTES APPROVAL**

238 **MOTION**: P. Boynton motioned to approve the April 19, 2016 minutes. D. Kellogg seconded the motion. The
239 vote was 5-0, unanimous in favor.

240

241 **EXECUTIVE SESSION**: (9:00 p.m.) L. Rudnicki made a motion to go into Executive Session to discuss legal
242 matters and not return to Open Session.

243 **Roll Call Vote**: Peter Boynton motioned to go into Executive Session. Lora McSherry motioned to go into
244 Executive Session. David Kellogg motioned to go into Executive Session. John Simons motioned to go into
245 Executive Session. Lynne Rudnicki motioned to go into Executive Session. The vote was 5-0, unanimous in favor.

246

247 **MEETING MATERIALS**: Planning Board Meeting Agenda May 3, 2016; DRAFT Planning Board Minutes April
248 19, 2016; Warrant Article 16-Citizens Petition: Article 16 Revised Draft2_160425, B2 Parcels, Citizens Petition
249 Revised_160412, Citizens Petition_160321, Locus, Neighborhood Meeting Summary, Parcels Zoned B-2_160412,
250 Powerpoint Presentation_Huntress_150405, Rezoning to B2, Smolak Letter to PB 160426, SPR Permit_1210
251 Osgood Street_001114; Verizon C-RAN: Location Site Plans, Application_160318, Building Permit
252 Request_151116, Isotrope Consultant Review_160422, Map of N. Andover Utility Poles, Meeting
253 Minutes_151201, Selectmen Comments_160125; Adjacent to 1665 Great Pond Road: 10.3 Special Permit Bylaw,
254 Decision_WSP Extension_160619, Decision Recorded_WSP_130702, Locus, Request for Extension
255 Plans_TKZ_160420, Request for Extension_TKZ_160420; 1636 Osgood-Building 48-Ruff n'Tumble: Exhibit
256 A+B+C, G. Brown_Bylaw Reference, G. Brown_Use and Parking Comments, Locus_Map, Outside Dog Park
257 Detail, Parking Plan Exhibit B Detail, Waiver Request; 70 Main Street: Bradstreet Neighbor Reciprocal Driveway
258 Easement 2016, Decision_Approved Plans, Decision_Bradstreet School Redevelopment 150106, Easement Sketch
259 10-5-15, Locus, March 3 Meeting Minutes Final, Special Permit Waiver Request; 160503 Planning Board Report.