

Approved 7.5.2016

Town of North Andover
PLANNING BOARD

John Simons, Chairman
Lynne Rudnicki
Peter Boynton



David Kellogg
Lora McSherry
Regina Kean (Associate)

Tuesday June 7, 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: J. Enright, R. Oldham, B. Wolstromer

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

6
7 **LOT RELEASE:**

8 Wellington Woods, Bob Messina: Request for release of lots.

9 J. Enright: This is a 7 lot subdivision off of Boxford Street. The developer, Bob Messina, is requesting his lots be
10 released from the Covenant. DPW (Tim Willett, Operations Manager) recommends establishment of a \$65,700
11 Roadway bond. The developer is prepared to establish in a cash bond. The roadway has been constructed to
12 binder coat and construction has begun on lot 1. Bob Messina is also requesting the Site Opening Bond be released
13 in the amount of \$10,000. All water lines and utilities are in place.

14 **MOTION**: D. Kellogg made a motion to instruct the Planner to sign the Form J, releasing the lots from the
15 Covenant for Wellington Woods, once the Roadway bond of \$65,000 has been posted in proper form. L.
16 McSherry seconded the motion. The vote was 5-0, unanimous in favor.

17 **MOTION**: D. Kellogg made a motion to release the Site Opening Bond in the amount of \$10K for Wellington
18 Woods. L. McSherry seconded the motion. The vote was 5-0 unanimous in favor.

19
20 **PUBLIC HEARINGS:**

21 **NEW PUBLIC HEARING**: North Andover DPW 384 Osgood Street, Ray Santilli: Applicant seeks a Site Plan
22 Review Special Permit for improvements to the Town Public Works facility adding a new administration office
23 building in front of the existing public works building and replacing the salt shed to the rear of the property with a
24 new structure.

25 R. Oldham: The Town of North Andover is seeking a Site Plan Review Special Permit for improvements to the
26 Public Works facility by constructing a 7,100 sq. ft. administrative office building addition and replacement of the
27 salt shed to the rear of the property with an 8K sq. ft. structure. The project has been sent to the stormwater review
28 consultant and requires filings with the ZBA and Conservation Commission. There are 20 visitor spaces plus one
29 handicap parking space currently; the proposed plan reduces the parking to 9 visitor spaces, plus one handicap
30 parking space.

31 Ray Santilli, Asst. Town Manager: The new building will be two levels, with a public entrance oriented towards
32 Osgood St. with 9 visitor parking spaces. The Town intends to clean up the entire parcel. The property is
33 intersected by wetlands on both sides. The siting of both the new building and the salt shed is severely constrained
34 by the governing 50 ft. No- Build Zone. We will be meeting with Conservation on June 8th. Because the property
35 is situated on a corner lot, a variance request has been filed with the Board of Appeals for side setbacks along
36 Wayne Street for both the administration building and salt shed. We are scheduled with ZBA on June 28th. Wayne
37 St. is an "official" street (v. a paper street) running the full length of the property. It is however, not an "accepted"
38 way. Technically, the Town does not own the property on both sides of the street. Staff will be directed to park on
39 Wayne Street as they have done. There is no intent to increase the number of employees.

40 J. Simons: I presume this will meet the needs of the DPW for 20 years, or so? The drainage situation will be
41 improved, the site will look more attractive.

42 R. Santilli: Yes, this project additionally includes facilities management, and engineering staff.

43 J. Enright: We could include a parking reduction permit as part of Site Plan Review.

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44 Arthur Markos, Abutter, 11 Concord Street: Is the building and site lighting intended to be on at night? Will the
45 utility pole remain? Will the employee spaces on Wayne Street be marked? Suggested revisiting the color of the
46 new building.

47 R. Santilli: Yes, the lighting will be on at night directed onto the parking lot. The building sconces will be on all
48 night. The two parking lot light poles could be on activated sensors similar to the fire station. The
49 utility/telephone pole will not be relocated; the employee spaces along Wayne Street are not proposed to be
50 marked. The Town Manager will be involved in final building color decisions.

51 [Continued to June 21, 2016 Planning Board meeting]

52

53 CONTINUED PUBLIC HEARING: Verizon, Christopher Swiniarski, Cloud Radio Access Network Antennae on
54 24 Utility Poles Town Wide: Application for Wireless Facilities Special Permit. Proposal for attachment of
55 disguised Cloud Radio Access Network (CRAN) antennae, a single 24.2" cylindrical canister weighing
56 approximately 22 pounds, mounted to existing utility poles.

57 R. Oldham: We have drafted a Decision for the Board to review.

58 MOTION: D. Kellogg made a motion to close the Public Hearing. L. Rudnicki seconded the motion. The vote
59 was 5-0, unanimous in favor.

60 MOTION: D. Kellogg made a motion to approve the Wireless Special Permit, for Cellco Partnership DBA
61 Verizon Wireless, as amended. L. Rudnicki seconded the motion. The vote was 5-0, unanimous in favor.

62

63 NEW PUBLIC HEARING: 1600 Osgood Street, Osgood Solar, LLC, Dan Leary: Applicant proposes to construct
64 approximately 3.6 megawatt (approx. 11,000 solar modules) ground-mounted solar photovoltaic array. The area of
65 the proposed array is approximately 350,000 square feet. The project is within the Industrial 2 Zoning District (I2)
66 and in the Osgood Smart Growth Overlay District.

67 R. Oldham: The application has been sent for department review. The DPW has responded they have no
68 comments at this time. Conservation is waiting to comment until stormwater review has been submitted. NAFD is
69 working with the Applicant to tweak the design to allow adequate fire access and hydrant support. No other
70 department comments have been received. Initial stormwater review was submitted late yesterday. Civil review,
71 performed by TEC, was received today. The original application submitted considered demolition of existing
72 structures on the south side, relocating NETTS, demolition of the back wastewater plant in the northwest, adding
73 crushed stone and placing a solar array on top. The proposal also included adding a solar array on the west side
74 and north side of the main building. During initial discussions with the Board, the Applicant decided not to
75 demolish the existing wastewater structure in the northwest and would consider this as Phase II project in the
76 future. This afternoon the Applicant approached staff and stated they will not be demolishing the structure on the
77 south side and will not be relocating NETTS. So the project now includes a solar array on the west side of the
78 building and the north side of the building only.

79 J. Simons: What we are seeing today is different from the application?

80 J. Enright: Correct. Revised plans have not been submitted yet. We were just notified this afternoon.

81 Michael Rosen, Applicant Attorney: Administratively, are there any anticipated Board change? Are there any
82 terms expiring and what is the last date of the term?

83 D. Kellogg: Current term expires June 30th.

84 D. Leary: There are approximately 10,300 solar panels to be located to the north and west parking lots. This is a
85 ballasted roof-mounted solar array that is placed on pavement, it is non-penetrating, non-disturbing, modular,
86 easily relocated equipment, placed on grade. The system is secured by a national electric code required 7ft. high
87 chain link fence. No public access is allowed. The Building Commissioner has deemed this solar project an as-of-

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88 right use according to Section 4.133 of the Zoning Bylaw. We are working with NAFD to determine the highest
89 level of safety for first responders. The State Fire Marshal's office and Lt. Bonenfant's comments will be included
90 in the next submittal. Conservation review is not required as we are clear of any jurisdictional areas that may
91 require filing. This handout (new handout) enhances the same information submitted as part of the legal memo.
92 The original legal memo, on the second page, which included this drawing, has been updated. This was "further"
93 updated based on the legal narrative that was submitted today to Planning. With over 6,200 parking spaces
94 available on the property, of which 1,417 are occupied and are required by the zoning bylaw for tenants, there is
95 no shortage of parking on this property. The project proposes a net gain of 8 new spaces on the existing paved
96 areas created in the north parking lot.

97 J. Enright: Conservation is waiting for L. Eggleston's comments before providing review.

98 D. Leary: New striping to delineate drive lanes is shown on the drawings and existing drive and fire lanes are to
99 remain. Landscaping will remain unchanged. There is no need for screening. Existing lighting is to remain intact;
100 several light poles located in the areas proposed for solar will be removed due to shading of the modules.
101 Discussions with the Municipal Lawrence Airport and MassDOT Aeronautic Division determined the original
102 filing and determination from October 2015 is still valid; the height of the obstacles has been reduced from 14 ft.
103 canopies to 14" and the updated locations of the modules were not material to the findings. This project amends
104 the previous plan to "de-scope" improvements to the south of the building and relocation of NETTS due to time
105 constraints and uncertainty about tenancy. The amendments proposed delete pages 15 & 18 from the current plan
106 set, and amend pages 14, 16 & 17 of the plan set.

107 J. Simons: Are you saying you will make another set of revisions to the plan? We need to submit these to our
108 consultants.

109 J. Enright: The south scope is being eliminated (demolition of existing structures and relocation of NETTS) and
110 the footprint of the solar arrays proposed for the north and west area(s) are staying similar.

111 J. Simons: If you are intending to relocate NETTS, we need to know. They are located in Section E, but is there an
112 array planned there? You can't come back to us.

113 D. Leary: Correct. Everything in Section C & B will not change. At this time, we are not proposing to move
114 NETTS.

115 M. Rosen: Our lease with NETTS expires on 8/31/2016. We won't let those negotiations delay this solar project. If
116 the agreement changes with NETTS we will come back to the Town with a new scope and project. We'll
117 hopefully work out an arrangement with them, but for now, we've decided to "de-scope" it from the project.

118 J. Enright: Is there still a Phase 2 being contemplated for the northwest demolition previously discussed?

119 M. Rosen: More likely, not.

120 D. Leary: This project has to be in service by the end of this year. This explains our urgency with the permitting
121 process. We respectfully request the Board consider a Decision for the application by the 6/21/16 Planning Board
122 meeting.

123 J. Simons: It's not going to happen. We don't have final plans yet. We don't have our peer review. What's the best
124 single drawing that shows what you are "now" doing on site?

125 J. Enright: The civil engineer peer review comments received today are still intact for the north and west areas.

126 J. Simons: You need to cut your array layout back by ten feet to the north to keep your distance from the fence and
127 roadway. Does the substation require a new structure?

128 D. Leary: No, there isn't one required. The medium voltage line running east/west will connect to a meter
129 enclosure and a disconnect switch will be added terminating overhead lines; no additional structures will be added.

130 J. Simons: How are these solar panels connected? Is this all underground?

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131 D. Leary: There is very little underground. Within the fenced area we'll have 480 volt solar panels, inverters sub
132 panels and distribution equipment. We have proposed transformer pads. There will be overhead poles that will
133 transfer power. Described the height of the proposed utility poles. It's a national electrical code component that
134 would be addressed by the Electrical Inspector. Overhead trestles run building to building. Conduit will be 4-6"
135 diameter. We will supply a plan showing utility poles. Burying utilities on site isn't the right answer for a flexible
136 20 year project. It only makes sense to place them overhead.

137 Rick Waite, Engineer: We will submit final plans by Friday of next week.

138 J. Simons: I'll admit I'm a little confused on the plan of record, but if the scope has lessened, we can continue
139 conducting our reviews.

140 D. Kellogg: Have you researched the Department of Energy & Resources for MA? It references MA General Law
141 regarding requirements for large scale solar array projects, identifying various items of concern under Site Plan
142 Review, i.e. what are the panels made of, who makes them, chemical data sheet, landscaping, access, etc. ?

143 D. Leary: We will comply with all State regulations concerning solar.

144 [Continued to June 21, 2016 Planning Board meeting]

145

146 **DISCUSSIONS:**

147 1755 Osgood Street, Kettle Pizza: Request for a Waiver of Site Plan Review.

148 R. Oldham: The applicant has filed for a SPR waiver. The details of the proposed plan have been discussed at 2
149 previous meetings. At the request of the Board, we held site visit on May 25th. The DPW was unable to attend,
150 however, they stated there was no proposed activity in this area. Lt. Gray attended from NAPD. In summary,
151 NAPD noted accidents primarily occur here in evening as a result of traffic on 125, not Bradford Street. They
152 agreed to install a speed signal to track data and make drivers aware of the speed limit and increase patrol and
153 lastly recommended that rather than limit a "no right hand turn" for commercial vehicles they suggest a "wait and
154 see approach", as it is a public way and it is unlikely to restrict access for FedEx and UPS trucks.

155 J. Enright: We did leave voice messages for a couple of abutters to notify them of the meeting date/time. No
156 abutters attended the site visit.

157 J. Simons: I feel we went well beyond what was reasonable to accommodate people – It was good that we did it.
158 The Applicant demonstrated what they are doing is going to have minimal effect.

159 **MOTION**: L. Rudnicki made a motion to waive the Site Plan Review Special Permit for 1755 Osgood Street
160 Kettle Pizza subject to the Planner to write. L. McSherry seconded the motion. The vote was 5-0, unanimous in
161 favor.

162

163 DPW, North Pump Station, Woodard & Curran: Request for Waiver of Watershed Special Permit.

164 R. Oldham: The Town of North Andover is seeking a waiver for a WSP for the demolition of the North Pump
165 Station within the Non-Disturbance zone. The pump station was decommissioned in 1991. The site is currently
166 overgrown and in disrepair. The project involves the demolition of an existing water pump station, exterior
167 concrete tanks and equipment pad. The project does not involve any new construction. The Town is also filing a
168 Notice of Intent from Conservation and MA DEP which they presented at the last Conservation meeting and they
169 are following up with Conservation tomorrow. We have provided the Board with a Draft Waiver for review.

170 Nate Little & Kyle Gerlach, Engineers, Woodard & Curran: This site is located on Great Pond Road to the north
171 side of the lake. The building is an old pump station with a chemical room; an exterior addition was added for an
172 ozone system and an exterior concrete underground contact chamber for that ozone system. Remaining equipment
173 and process piping is planned for removal. A hazardous materials inspection identified hazardous materials
174 including asbestos and lead. An inspection report recommends abatement. Full demo is recommended for below

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175 grade tanks as well as the building's foundation to below grade; filling tanks with common fill and compacted to
176 existing grade. The disturbed area will be loam and seeded and brought back to pre-existing condition.
177 Conservation conditioned native plantings within the 25 ft. No-Disturb zone.
178 P. Boynton: The demo debris removal will occur off site? Where will the intake pipe be cut and capped? Is any of
179 this impacting the stone bulkhead on the perimeter of this property? Will the fence remain that defines the
180 property?
181 N. Little: Yes, removal is off site. The pipe will be cut and capped directly within the foundation wall; the pipe
182 leading to the lake remains. It's covered and below grade. The bulkhead is not included in the scope of work. The
183 fence will be removed and the Town will decide whether to replace it.
184 J. Enright: What is the expected duration of the project?
185 N. Little: We may wait until fall; the schedule hasn't been finalized; we suspect a few months.
186 P. Boynton: During demo can you keep lead from getting airborne or windblown into our drinking supply? Is there
187 airborne dust control during removal?
188 N. Little: There is, particularly for asbestos controls and the potential lead paint was mainly trim work around the
189 windows which would maintain the same procedures.
190 P. Boynton: This is a not a standard site, is the "standard regimen" good enough, where it's our drinking water
191 supply?
192 B. Thibodeau: Woodard & Curran, as professionals in this area, have been hired to oversee the project.
193 **MOTION**: P. Boynton made a motion to accept the request for waiver for 0 Great Pond Road Pump Station,
194 subject to the caveats and modifications discussed. L. McSherry seconded the motion. The vote was 5-0,
195 unanimous in favor.
196
197 Presentation on the Watershed Study by the Lake Study Group:
198 J. Enright: There has been an informal "Lake Study Group" which has been meeting (P. Boynton, B. Thibodeau, J.
199 Enright, J. Giglio, and J. Hughes). We have put together an informal presentation on our findings.
200 B. Thibodeau: There are two presentations, one which deals with water quality and one on boating regulations.
201 Tonight, we are focusing on water quality. I want to make sure everyone understands we have no issues with our
202 lake water. We effectively manage our watershed via monitoring and we have a state of the art water treatment
203 plant. Pollution stems primarily from natural sources, agricultural, recreation and residential. There's no industrial
204 and/or commercial pollution. We have a very healthy lake if you look at the surplus of wildlife that thrive around
205 it, i.e. eagles, birds, fish, etc.
206 P. Boynton: We have two graphs one showing phosphate levels and the other shows the nitrogen. It shows 8
207 tributaries which were all stable for four years; in the last year, three tributaries went up in both phosphates and
208 nitrogen on the east side of the lake by the NACC, and to the north of that area. Town Departments have spoken to
209 institutional landowners to ask whether they have changed their practice. Feedback using raw water and tributary
210 test results is important. The 1987 watershed report that led to the watershed regulations documented that seventy
211 one percent of the water going into the lake comes from the watershed with the remainder from direct rainfall. In
212 other words, if you lined up four glasses of water you drew from the tap, three of those would have come from the
213 watershed, the fourth would be from direct rainfall.
214 B. Thibodeau: It is then treated to the highest standards for drinking.
215 P. Boynton: It's impressive that we have multiple department heads (DPW, Planning, Conservation & outside
216 consultants) working toward the protection of our drinking water. It's notable however that there is no "one" entity
217 charged with responsibility for the lake, and maybe it's a positive thing that we are "all" charged with this cause.
218 If we can narrow the watershed issues down to a specific area using lake and tributary test results, perhaps we can

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219 approach homeowners encouraging them how to effectively treat their lawns, i.e. with organic, slow-release
220 materials and perhaps remind them of any potential deed restrictions that may be in place.

221 J. Enright: It may be beneficial to contact the several landscapers who treat these lawns.

222
223 R. Oldham, Housekeeping: Request to update Registry of Deeds authorizing Jean Enright to sign all plans on
224 behalf of the Board to be filed with the Registry of Deeds and Land Courts.

225 **MOTION**: D. Kellogg made a motion for Jean Enright to continue to sign all plans on behalf of the Planning
226 Board. L. Rudnicki seconded the motion. The vote was 5-0, unanimous in favor.

227

228 Water Quality Research:

229 Planning Board Rules & Regulations: L. Rudnicki would like to accomplish this in the near future with the
230 Director of Community and Economic Development. Recodification of the bylaw and updating of the Master
231 Plan.

232

233 **MINUTES APPROVAL**

234 **MOTION**: L. Rudnicki made a motion to approve the May 17, 2016 minutes. L. McSherry seconded the motion.
235 The vote was 5-0, unanimous in favor.

236

237 **ADJOURNMENT**

238 **MOTION**: D. Kellogg made a motion to adjourn the meeting. The motion was seconded by P. Boynton. The vote
239 was 5-0, unanimous in favor. Meeting adjourned @ 9:45 p.m.

240

241 MEETING MATERIALS: Planning Board Meeting Agenda June 7, 2016; DRAFT Planning Board Minutes May 17,
242 2016; Wellington Woods: DPW Subdivision Bond, Wellington Plan; Verizon (CRAN):Locations 24 Site Plans,
243 Application_16031, Building Commissioner_2008 Decision, Existing List of Guy Wires, Isotrope Consultant Review
244 160422, Map of North Andover, Response to Isotrope, Verizon CRAN_Wireless SP_Draft_160517;North Andover
245 DPW: Application_160506, Building Light Specifications, ConCom Plans 160526, Locus, Stormwater Report_160526,
246 Submitted Plans_160506, Zoning Decision_1974, Zoning Table Plan ;1755 Osgood Street, Kettle Pizza: 160401 Waiver
247 Request, 1755 Site Visit Summary, DPW Revised Comments, Driveway Permit_G. Willis, Existing & Proposed
248 Conditions_3rd Draft_ Not Stamped, Existing & Proposed Conditions Original, Existing Curb Cut_Osgood Landing,
249 Fire Comment, Google Map of Bradford Street -125 Intersection, Loading Dock_Across the Street_Full View, Locus,
250 Police Comment, Truck Turn Movements 160509; DPW, North Pump Station, Woodard & Curran: Existing
251 Conditions, Locus, NOI Report, No. Pump Station WSP Waiver DRAFT_160519, Request for Watershed Protection
252 Waiver 160517; Osgood Solar (B): PB Meeting 6/7/2016 Docs: Parking Analysis, Parking Spaces, Polar Bear III Flat
253 Mount Info, Presentation Outline, Sample of Panel Height, D. Kellogg State Material, Application_160506, Brochure-
254 Panda Bear, Brochure Panda Bear III-5D, Civil Review_160607,DPW Comment, Project Narrative, Project Narrative
255 Revised_160607, Stormwater_160607, Submitted Plans 160506, Updated Site Plan_160505, Project
256 Narrative_REVISIED_160607; 160607 PB Meeting North Andover Lake Presentation