

Approved 7-26-16

Town of North Andover  
PLANNING BOARD



John Simons, Chairman  
Lynne Rudnicki  
Peter Boynton

David Kellogg  
Lora McSherry  
Regina Kean (Associate)

Tuesday July 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, R. Kean

2 Absent:

3 Staff Present: J. Enright, R. Oldham, B. Wolstromer

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

7 **PUBLIC HEARINGS:**

8 CONTINUED PUBLIC HEARING: 384 Osgood Street, North Andover Public Works Building, Ray Santilli: Applicant seeks  
9 a Site Plan Review Special Permit in order to make improvements to the Department of Public Works facility by adding a  
10 new 7,100 sq. ft. administration office building in front of the existing building and replacing the salt shed in the rear of the  
11 property with an 8,000 sq. ft. new structure.

12 R. Oldham: All stormwater review has been received and the plans have been updated. The ZBA determined the parking plan  
13 was inadequate to address the parking needs of the facility and the Board continued the hearing until their August 9, 2016  
14 meeting. The Applicant has since provided a parking plan that provides a total of 31 parking spaces. The Inspector of  
15 Buildings has deemed only 27 spaces are required. There are 10 proposed in the front, two of which are handicap, three to the  
16 side of the existing building and 18 to the rear of the building. (Showed new parking plan)

17 J. Simons: Can we approve this; subject to them getting their variances?

18 J. Enright: The risk of approving this prior to the ZBA granting the side setback variances is that the ZBA may require an  
19 alteration to the plans you are reviewing.

20 R. Santilli: The building is not going to move from the location as shown; there are two wetlands on either side and the  
21 building is situated right outside the 50 ft. zone(s) on either side. The ZBA has not seen this parking plan. There were no  
22 residents there to voice any concerns.

23 J. Enright: I have drafted a Decision. It could be conditioned through the appeal period of the ZBA. The Board could require  
24 that any change deemed substantial would have to come back before the Board. Conservation is waiting for Planning to close  
25 before closing out their review.

26 J. Simons: Generally, if there is a variance involved, I prefer to wait, unless it's a pro forma variance; that's a technical  
27 variance.

28 J. Enright: They have filed concurrently with Planning, Conservation and the Board of Appeals. If a change is required by a  
29 different Board, the Decision can require the applicant to come back to this Board for a modification.

30 J. Enright: The only other open issue is signage. There may be a need for directional signage which also could be conditioned.

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

33 (The Board reviewed the draft Decision)

34 MOTION: L. Rudnicki made a motion to approve the Site Plan Review for 384 Osgood Street-Public Works Building, for  
35 the Town of North Andover, as amended. D. Kellogg seconded the motion. The vote was 5-0, unanimous in favor.

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

41 J. Enright: This Board has finished review of the plans, stormwater management, and civil engineering; however, late today it  
42 was brought to my attention that NETTS may be relocated on the property. What had been discussed at a previous hearing has  
43 been included in a draft of a Decision that has been provided for review this evening. That is the only new item that surfaced  
44 today.

45 J. Simons: We have to condition that if NETTS is moving they have to come back to the Board.

46 L. Rudnicki: We have two open Decisions. How do we handle that?

47 M. Rosen: We have been negotiating with Town Counsel and we have extended the court hearing to July 11<sup>th</sup>. Our  
48 recommendation to the court at that time is that, if the Decision were rendered favorably this evening, we would report the

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- 49 case as settled with a Nisi period to allow the Board to write, sign, file the Decision and allow the appeal period to expire. It  
50 has to make it through the appeal period without any abutters appealing.
- 51 J. Enright: We can add that response as a finding of fact.
- 52 J. Simons: I think that would be okay.
- 53 L. Rudnicki: Will that original Decision go away?
- 54 M. Rosen: It will, at the end of the Nisi period.
- 55 L. McSherry: What about the Open Meeting complaint?
- 56 M. Rosen: We will report back to the Attorney General that it has been satisfactorily resolved.
- 57 J. Simons: Assuming there is no other information we need to take in, why don't we close the Public Hearing?
- 58 M. Rosen: Having had the benefit of taking a look at the draft, could we give you our comments on a couple of the points?
- 59 J. Simons: If we've made an error, we would be willing to listen to it now. If it's a disagreement about the scope or Decision,  
60 we don't negotiate the Decision with Applicant.
- 61 M. Rosen: I don't know if you'd call it an error? There are a couple of places in this Decision where you call this a Special  
62 Permit and technically it is not a Special Permit, it is a Site Plan Approval. Request the "Site Plan Review" be added prior to  
63 Special Permit.
- 64 J. Enright: Our bylaw requires Site Plan to be by Special Permit.
- 65 M. Rosen: The second issue is with regard to the New England Tractor Trailer School (NETTS) (no. 22 in the draft). I would  
66 say we have to come before the Town and "if applicable", the Planning Board. We don't know what it is going to look like  
67 yet. We recognize we will start with Jean and the Inspector of Buildings
- 68 J. Simons: I suggest, the Planning Board be notified of any change and the Applicant is required to obtain approval from  
69 anybody that's required for that change. Notification and then approval; we are the primary land use Board.
- 70 J. Enright: This Decision is written for the 125 +/- acre parcel. The In Control driving school and ball fields are located on a  
71 separate parcel.
- 72 **MOTION**: D. Kellogg made a motion to close the Public Hearing for 1600 Osgood Street-Osgood Solar, LLC, for Site Plan  
73 Review. L. McSherry seconded the motion. The vote was 5-0, unanimous in favor.
- 74 **MOTION**: L. Rudnicki made a motion to approve the Site Plan Review Special Permit for 1600 Osgood Street-Osgood  
75 Solar, LLC, as amended. D. Kellogg seconded the motion. The vote was 5-0, unanimous in favor.
- 76
- 77 **DISCUSSIONS:**
- 78 1812 Turnpike Street, George Atallah (C&C Auto Corp.): Applicant is seeking approval of modifications to previously  
79 approved design.
- 80 R. Oldham: The applicant has already received a Site Plan Review Permit in order to construct a 1.5 story, 5K sq. ft. building  
81 for an auto repair facility with an attached pizza & sub restaurant. During the hearing the Board had an extensive discussion  
82 regarding the architectural style of the building. The architect has since come forward with a different architectural approach  
83 and we thought we should bring this before the Board. (Showed approved photos demonstrating originally proposed  
84 materials- brick, metal, and metal roof and also showed recent proposed photos- shingled asphalt roof, vinyl siding and split  
85 faced block and brick veneer).
- 86 J. Grasso: We are proposing a natural split faced block and brick with asphalt roof shingles. The dormers will have vinyl  
87 siding.
- 88 G. Atallah: The original building materials were too costly. We are using split block versus metal. The colors will be similar  
89 to the original.
- 90 The Board reviewed the new finishes and felt they were an improvement over the original building finishes.
- 91 **MOTION**: L. McSherry made a motion to approve the revised façade plans dated July 5, 2016 for 1812 Turnpike Street. P.  
92 Boynton seconded the motion. The vote was 4-0, unanimous in favor.
- 93
- 94 Housekeeping Issues: We have one meeting scheduled for September 6, 2016. That is currently the only September meeting  
95 because of an election previously scheduled for September 20. There will not be an election on September 20. Would the  
96 Board like to add a second meeting? The Board agreed to meet September 20<sup>th</sup>. The Legal Notice for 1210 Osgood St was

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97 not posted in a timely manner in the newspaper. The applicant's attorney, J. Smolak, is requesting consideration of the Board  
98 to move the July 19 Planning Board meeting to July 26 so that the hearing can be properly noticed. Due to National Night  
99 Out on August 2 the Planning Board is only scheduled to meet once in August. [The Board agreed to schedule a meeting on  
100 July 26, 2016.]

101 Tree Removal Protocol: The Board determined this document requires further review.

102 Watershed Informational Mailer: P. Boynton inquired about the second watershed mailer focusing on watershed properties  
103 along the lake and adjacent to tributaries.

104 Water Quality Research:

105 Master Plan and Zoning Bylaw Recodification and Update:

106

107 [J. Simons left the meeting at 7:40 p.m.]

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109 **MEETING MINUTES APPROVAL**:

110 Approval of the June 7, 2016 meeting minutes:

111 **MOTION**: P. Boynton made a motion to approve the June 7, 2016 minutes. L. McSherry seconded the motion. The vote  
112 was 4-0, unanimous in favor.

113 Approval of the June 21, 2016 meeting minutes:

114 **MOTION**: L. McSherry made a motion to approve the June 21, 2016 minutes. P. Boynton seconded the motion. The vote  
115 was 4-0, unanimous in favor.

116

117 **ADJOURNMENT**

118 **MOTION**: P. Boynton made a motion to adjourn the meeting. The motion was seconded by L. McSherry. The vote was 4-0,  
119 unanimous in favor. Meeting adjourned @ 7:55 p.m.

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121 MEETING MATERIALS: Planning Board Meeting Agenda July 5, 2016; DRAFT Planning Board Minutes June 7, 2016;  
122 DRAFT Planning Board Minutes June 21, 2016; 384 Osgood Street (Public Works): Building Commissioner Parking  
123 Memo\_160701, Locus, NADPW NOI Peer Review Response Letter\_160621, NOI Site Plans Revised 6-30-2016, Revised  
124 NA-L1.1-Landscape Plan\_DD\_with planting details\_160701, Submitted Plans\_160506, 384 Osgood-DPW Building  
125 SPR\_DRAFT Decision; 1600 Osgood Solar: Civil Review\_160621, Operations & Maintenance Plan\_160627, Project  
126 Narrative\_REVISED\_160607, REVISED Plan\_160616, Stormwater Comment\_160620, 1600 Osgood Solar\_SPR\_DRAFT  
127 Decision (2); 1812 Turnpike Street: Approved Renderings (BACK-REAR), Approved Renderings (FRONT-SIDE), Building  
128 Colors\_160630, Revised Architectural Rendering\_160630

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