

Approved 9-6-2016

Town of North Andover
PLANNING BOARD

John Simons, Chairman
Lynne Rudnicki
Peter Boynton



David Kellogg
Lora McSherry
Regina Kean (Associate)

Tuesday August 16, 2016 @ 7 p.m. 566 Main Street-School Administration Building, North Andover, MA 01845

1 Present: J. Simons, L. Rudnicki, D. Kellogg, P. Boynton,
2 Absent: L. McSherry, R. Kean
3 Staff Present: J. Enright, R. Oldham, B. Wolstromer

4
5 J. Simons, Chairman: The Planning Board meeting for Tuesday, August 16, 2016 was called to order at 7 p.m.

6
7 ANR: 410 Blue Ridge Road: Joan Mailhot:

8 J. Enright: This lot is part of the Coventry Estates Subdivision II. There is a discrepancy between the lot lines in
9 the recorded subdivision plan and Land Court plan. The owner is selling the home and intends to pursue an ANR
10 plan to resolve the discrepancy.

11 Atty. Tim Hatch, Tomlinson Hatch Andover, owner's rep: Because this sliver is a Land Court piece they require a
12 Certificate of Good Standing and the DBT Corporation is not recognized in MA. I've never encountered anything
13 like this before. We are not creating a new lot.

14 L. Rudnicki: The current Lot 1 needs to be identified on the plan as being divided into Lot 1A and Lot 109.

15 MOTION: D. Kellogg made a motion to direct the Interim Planner to sign the ANR per the Board's discussion.
16 L. Rudnicki seconded the motion. The vote was 4-0, unanimous in favor.

17
18 **PUBLIC HEARINGS**

19 **CONTINUED PUBLIC HEARING:** 1210 Osgood Street, Forgetta Development, LLC: Robert Bohlen
20 (Commercial): The Applicant proposes construction of approximately 40,000 square feet of commercial space
21 contained within five (5) separate buildings, parking spaces, stormwater management facilities, landscaping,
22 signage and other improvements to be located on a 4.3-acre portion of currently vacant 13.8 acre parcel. This
23 project is within the B-2 Zoning District.

24
25 **CONTINUED PUBLIC HEARING:** 1210 Osgood Street, Andrew Chapin (Residential): The Applicant proposes
26 the construction of a market rate rental residential community to be known as Princeton at North Andover
27 Apartment Homes, consisting of a total of 192 one-and two-bedroom units to be contained within four (4) separate
28 four story garden-style buildings each having a building footprint of 15,050 square feet, along with a
29 clubhouse/leasing management office, pool, parking spaces, stormwater management facilities, landscaping,
30 signage and other improvements to be located on approximately 9.5 acres of land on a currently vacant 13.8 acre
31 parcel. This project is located within the B-2 Zoning District.

32 John Smolak, Project Attorney: Provided overview of meeting presentation material: revisions in response to site
33 grading, height, and massing between residential and commercial buildings, brief response to school children
34 projections, status update regarding recent Conservation Commission meeting.

35 Joe Peznola, Project Civil Engineer: There are two wetlands on site that we were disputing as being jurisdictional.
36 They are remnants from prior work done in a 2003; stormwater basins that had wetland characteristics. The
37 Conservation Commission agreed that they were built after 1996 and cannot become jurisdictional wetlands and
38 approved our wetland delineation and a full Notice of Intent (NOI) will be filed with Conservation. In terms of the
39 elevations submitted, we discovered an error in the placement of the south residential building which was placed
40 too far south; it has since moved northward. We revisited site grading; lowering buildings B & C raising the height
41 of some commercial buildings. We are still under the 35ft. maximum height for those buildings. Additionally, we
42 have introduced large scale trees on islands and will work to provide a landscaping screen between the buildings.

43 P. Boynton: At the April 5, 2016 meeting, we understood the higher buildings were to be placed to the rear of the
44 site to take advantage of the lower site topography. The premise for the height waiver was based on this. In theory,

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45 the higher buildings would not seem as tall. I'm trying to understand how you are reconciling this. The diagrams
46 show the difference between the height of the commercial and residential is only 3-5 ft., which isn't a great
47 difference. One remedy is to reduce the amount of residential stories from four to three in that front row? You
48 made an appealing initial proposal to use the topography of the site to your advantage.

49 J. Peznola: Explained that the parcel is very challenging and that interconnectivity amongst buildings was our goal
50 as well as satisfying ADA compliance needs.

51 Board: General discussion regarding elevations, topography, accessible routes from building to building.

52 A. Chapin, Princeton Properties: Displayed photos of other sites developed by Princeton Properties. Described
53 interior and exterior features.

54 Jeff Brown, General Counsel for Princeton Properties: We are responding to the School Department, James
55 Mealey, comment made regarding the addition of school aged children to the North Andover school system.
56 Explained that Mr. Mealey felt the Applicant's estimates of 14-15 students were low and thought the count may be
57 as high as 33 (13 elementary and 20 between middle school and high school). The Applicant's estimate is based
58 upon published reports and data; they use a formula approach and have taken empirical data from their sites.
59 Based on 192 units (instead of the original estimate on 162 units) the estimate has gone from 14-15 to 16-17
60 children. A formal response will be submitted. The critical factors for generating school aged children are three
61 and four bedroom units; this proposed development is one- and two-bedroom units. Another factor is an
62 affordable component, which this doesn't have.

63 Stephen Sakakeeny, 89 Hickory Hill Road: The neighborhood's primary concern is the impact on the pedestrian
64 traveling on Rte. 125. We have a systemic problem that Route 125 is currently just a four lane highway. There
65 should be mitigation measures put in place to extend south to Butcher Boy Plaza. We are trying avoid a "cars
66 only" situation. I understand there is a signalized intersection being planned. We would like to see extended
67 sidewalks, bike lanes, etc. We don't know your limit of jurisdiction, but our concern is to consider extra factors to
68 your mitigation measures.

69 J. Peznola: We are introducing widening, sidewalks, signals and crosswalks, bike lanes, etc. There will be work on
70 Barker Street to integrate sidewalks. We can't move beyond what we control or the state controls; the sidewalk
71 will go property line to property line.

72 Tom Dawley, 95 Hickory Hill Road: How many parking spots are in the total development?

73 J. Smolak: There is a total of 593 parking spaces.

74 T. Dawley: That's a lot of cars exiting and entering. Even reducing the number units by 24 would help; that's
75 10%. This is one of the largest car generating areas in town.

76 J. Simons: You may want to review the detailed traffic analysis they have provided.

77 J. Smolak: 7/8's of the traffic is driven by the commercial component of the project. Residential cars will be
78 leaving early in the morning.

79 Laura MacMillan, 143 Carter Field Road: I'm concerned about the second curb cut on the north side of the
80 development. Is it only an exit out?

81 J. Peznola: You can only enter the site from the southbound side. The area you are concerned about is restricted to
82 right in and right out.

83 J. Simons: Confirmed that a site visit will be performed at 9 a.m. on Saturday August 20, 2016. All are welcome.
84 [Continued to September 6, 2016 Planning Board Meeting]

85 **NEW PUBLIC HEARING: Verizon**: Robert Baker/Christopher Swiniarski, Cloud Radio Access Network
86 Antennae on 10 Utility Poles Town Wide: Application for Wireless Facilities Special Permit. Proposal for
87 attachment of disguised Cloud Radio Access Network (CRAN) antennae, a single 24.2" tall cylindrical canister
88 weighing approximately 22 pounds, mounted to existing utility poles.

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- 89 R. Oldham: Verizon has submitted another application similar to their first application filed in March, which the
90 Board approved. This application has fewer installations (10 utility poles) of wireless CRAN technology. All peer
91 review consultant concerns have been addressed.
- 92 C. Swiniarski, Atty. McLane Middleton, PA: This application affects ten poles; one pole is designed slightly
93 different than the others requiring 360 degree coverage; it is designed for 65 degree coverage (pinpointed
94 coverage) and is located at 635 Chickering Road.
- 95 John Heenan, 626 Chickering Road: Fios is painting there conduits. Could we paint the equipment? This pole is
96 directly in front of our house. I'm in support of enhancing service as we have no service at all.
- 97 C. Swiniarski: I have no problem painting the conduit.
- 98 Kathleen Borys, 76 Boxford Street: My pole is directly in front of my home. Are there any health risks with this
99 apparatus; I'm dealing with an illness and it is my biggest concern. Are there any dangerous toxins emitted from
100 these canisters? Will these decrease our property values? What about the potential for piggy backing; other
101 providers using this pole?
- 102 C. Swiniarski: These poles are selected by demand and service needs. The utility provider may pick the poles.
103 Emissions testing has confirmed that these fall far below the FCC allowances and the Town's consultant concurred
104 with this evaluation. Odds are, they won't allow another provider to use the pole, but it's up to the owner of the
105 pole, i.e. National Grid, however, I cannot say that with any certainty. We don't have exclusivity.
- 106 J. Heenan: Why not towers versus all these poles?
- 107 C. Swiniarski: Towns are generally opposed to towers. These canisters are hidden in plain sight and have the least
108 visual impact.
- 109 K. Borys: Do I have a say as to whether I "want" this on the pole in front of my house?
- 110 J. Simons: No, you can ask questions and stay informed. We want to do the best we can to mitigate the impact.
111 [Continued to September 6, 2016 Planning Board Meeting]

112
113 **DISCUSSIONS:**

- 114 **70 Ogunquit Lane (Lot 1), Sandra Hafiz**: Discussion on construction requirement of a Utility and Access
115 Easement and request for Certificate of Occupancy Permit for Lot 1.
- 116 J. Enright: At the last meeting, we discussed an easement requirement in the Decision of Rocky Brook Estates II,
117 running from Ogunquit Road to Bennett Road in Boxford, which would cross two lots. At the time the developer
118 originally owned both lots and he has sold them. A requirement for the Certificate of Occupancy for Lot 1 is that
119 18 ft. of the 50' easement was to be constructed with the wood chips from the trees in the area so emergency
120 vehicles could have through access. The new lot owner for Lot 1 Ogunquit Road has requested the Board to waive
121 that requirement for the Certificate of Occupancy. We have determined there is a recorded easement for Lot 7A
122 and Lot 1. Because the easement had never been accepted by the Board of Selectmen (BOS) I requested them to
123 accept the easements at last night's BOS meeting and they have now been accepted by the Town.
- 124 **MOTION**: L. Rudnicki made a motion with regard to the Decision of the Planning Board dated February 18,
125 1998 approving the Definitive Subdivision known as Rocky Brook Estates II, to waive Condition Number 5.a),
126 which requires that: "Prior to occupancy of Lot 1, the emergency access must be constructed per the approved
127 plan", upon submission of evidence to the Planning Department of the recording of the two Acceptance of
128 Easement By The Town Of North Andover Board of Selectmen documents. D. Kellogg seconded the motion. The
129 vote was 4-0, unanimous in favor.
- 130
- 131 **1600 Osgood Street, Osgood Solar, LLC, Dan Leary**: Request for determination of Insubstantial Change to Site
132 Plan Review Special Permit issued July 5, 2016.

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- 133 **1600 Osgood Street, New England Tractor Trailer Training School (NETTTS) Don Lane:** Proposed location
134 change for NETTTS business.
- 135 **J. Enright:** There is a request for an Insubstantial Change to the Site Plan Review Special Permit issue July 5, 2016
136 in order to relocate a transformer and to relocate a fence on the western side of the property. There is also a
137 proposal to relocate NETTTS on the property for the Board to review.
- 138 **Dan Leary, Representative of Osgood Solar:** Explained that the illuminated road is 25 ft. wide on the western
139 perimeter, is in good condition and has been in existence for several years. A more efficient module and mounting
140 system will narrow the footprint for the arrays. The NAFD has reviewed and approved this reconfiguration.
- 141 **J. Simons:** We're moving the fence in; continuing the road and installing a new 25 x 26 ft. dry transformer shed on
142 frost footings for the northern array.
- 143 **L. Rudnicki:** The shed may require a dry sprinkler system per the electrical code because you are fencing it off and
144 the Fire Dept. won't have direct access; it's inside the fenced area. Roof discharge may require dry gravel and rain
145 leaders. It will have to be 100% mitigated.
- 146 **J. Enright:** There is a condition in the July 5, 2016 Notice of Decision stating that the Planning Board shall be
147 notified of any proposed change in location for the NETTTS business, prior to relocation, and the Applicant
148 would then be advised of any applicable permits required for said relocation. We have sent this plan to various
149 Town departments to determine if any permitting for the proposal would be necessary. Provided an overview of
150 the site plan submitted for review.
- 151 **J. Simons:** We need to make two determinations tonight and I've always thought this piece should come under Site
152 Plan Review. I don't see how this could be treated as a waiver. They're going from one location to two, traffic is
153 impacted, etc. I'm fine with the initial items, but I think this second part is more material.
- 154 **Michael Rosen, Atty. for Land Owner at 1600 Osgood Street:** Requested to be allowed to proceed with the
155 presentation and explained that the applicant felt that there are valid reasons for our waiver request and should be
156 afforded the opportunity to present the logic, reasons and ideas. Stated he did not believe Site Plan Review applies
157 to this project: (1) Not changing anything other than NETTTS driving from one portion of the lot to another. The
158 area was previously used by NETTTS. NETTTS will still enter the property at the southern red light and adhere to
159 the same traffic pattern. When they test, they'll drive up the western boulevard to the north location for testing on
160 a course in the north lot. There are no other vehicles using the western roadway. (2) This is a temporary solution;
161 their lease expires on August 30th. They would have the right to occupy the property until next June 30. We are
162 seeking a simple short term solution for 9 months. In the 12 years NETTTS has been here, the Town's course has
163 been very simple-we've never had plans or permits approved. We are seeking interim relief nothing more.
- 164 **Board:** General discussion with applicant regarding how the proposed space for NETTTS is currently used,
165 parking calculations, what use will occur next to the ballfields, solar panels, and auto school, traffic pattern to the
166 existing loading dock, and how the proposed NETTTS areas will be delineated.
- 167 **J. Simons:** Expressed that if this was done months ago the NETTTS relocation would have been resolved. We
168 asked where NETTTS was going when we were discussing the initial application and this aspect was "descoped".
169 We've got legitimate questions concerning Site Plan Review. The use will change things.
- 170 **M. Rosen:** There are no new buildings or construction containing 2,000SF of gross floor area, there's no addition,
171 no parking spaces, no new uses, no new processes. Maybe it's a compromise on temporary relief for 9 months.
- 172 **J. Simons:** Fundamentally, what's on the plans now is final. If we give these plans to our consultant now for
173 review, we could discuss it at the September meeting for Site Plan Review.
- 174 **J. Enright:** The filing date is this Friday, August 19th, for a hearing on September 20, 2016. The meeting must be
175 properly noticed in the Eagle Tribune.
- 176 **J. Simons:** We want to help you. I'm suggesting the optimal solution. We can get the legal notice in motion.

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- 177 J. Enright: As far as other permit requirements The Inspector of Buildings believes this requires a Building Permit
178 application for a tenant fit-up, whether interior or exterior. Conservation, although does not have permit
179 requirements based on the proposed site plan, did submit comments to the Board.
- 180 J. Simons: The letter from Conservation is very interesting. There is something we have to address here. This is
181 why we want our consultant to look at this in an expeditious manner. The expedited process will start prior to the
182 formal Public Hearing. We'll get it done as soon as we possibly can.
- 183 [9:45 p.m. There was a brief dismissal of the Osgood Solar Team to confer with their team's approach]
- 184 M. Rosen: Requested a Decision this evening. This has always been an industrial facility. For 60 years there have
185 been tractor trailers parked and driving on this property. It is a pre-existing use. The tractor trailer school
186 previously used the western road. We are not doing any construction. We are continuing to use a piece of property
187 that has been used for industrial purposes for 60 -70 years. We are requesting to use a different portion of the
188 property for 9 months. We are imploring you to help NETTTS stay in business. They have state contracts, state
189 mandates, and students with six month commitments. We admit that we could have done this sooner; however, we
190 changed our solutions to our design approach.
- 191 (J. Simons polled the Board and all unanimously agreed to motion on the Insubstantial Change and the Board
192 agreed that a Site Plan Review is in order for NETTTS relocation)
- 193 M. Rosen: If it doesn't get done; NETTTS will be in a deeper dilemma. They have contracts with the State Police
194 24/7.
- 195 L. Rudnicki: What is your plan B?
- 196 M. Rosen: There is no plan B.
- 197 J. Simons: If you were to say to us that you needed a week; fine, but you went 9 months.
- 198 Don Lane, NETTTS: We make teaching commitments to our students every six months; we start classes every two
199 weeks. We start new classes every week.
- 200 L. Rudnicki: You already made commitments to your students without a place to teach them?
- 201 J. Simons: We're being asked to jump through hurdles and are willing to go pretty far. If we're in September we
202 may say, go ahead and get started and we'll follow a week or two later with the permit. We're not ready to say 9
203 months; it's totally inconsistent with what we do. We are offering to start tomorrow. Get your plans to us
204 immediately; we'll get them to our consultants prior to your formal Public Hearing at the end of September.
205 Ideally, you'll get your approval that night.
- 206 Don Harris, VP NETTTS: I would like us to work through what you are recommending. Is there a way as a Board
207 that if it doesn't work, that you could waive this for at least 6 months. There is no way we can move NETTTS in
208 two weeks. We thought this was going to work out and we were going to be able to stay. It's not easy to find 4-5
209 acres; we want to stay in North Andover.
- 210 J. Simons: I understand and appreciate your concerns. We are trying to be extremely accommodating yet have to
211 follow the law. We've rarely denied Site Plan projects.
- 212 **MOTION**: L. Rudnicki made a motion that the request by 1600 Osgood Street, Osgood Solar LLC, is an
213 Insubstantial Change and to direct the Town Planner to draft that with the conditions discussed this evening. P.
214 Boynton seconded the motion. The vote was 4-0, unanimous in favor.
- 215 **MOTION**: D. Kellogg made a motion that the NETTTS project at 1600 Osgood St. requires Site Plan Review
216 Special Permit. The Board will work on an accelerated process as discussed this evening and will request an
217 opinion from Town Counsel as to whether this is a reviewable item. L. Rudnicki seconded the motion. The vote
218 was 4-0, unanimous in favor.
- 219
- 220 Tree Removal: Progress is being made on this and a presentation on guidelines will be made

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- 221 Watershed Informational Mailer: The Board is working together to prepare a secondary mailer.
222 Water Quality Research
223 Planning Board Rules & Regulations
224 Master Plan and Zoning Bylaw Re-codification and Update: An RFP for bylaw re-codification is being worked on.
225 **MINUTES APPROVAL**
226 **MOTION**: L. Rudnicki made a motion to approve the July 26, 2016 minutes, as amended. P. Boynton seconded
227 the motion. The vote was 4-0, unanimous in favor.
228
229 **ADJOURNMENT**
230 **MOTION**: L. Rudnicki made a motion to adjourn the meeting. The motion was seconded by P. Boynton. The
231 vote was 4-0, unanimous in favor. The meeting adjourned @ 10:10 p.m.
232
233 MEETING MATERIALS: Planning Board Meeting Agenda August 16, 2016; DRAFT Planning Board Minutes July 26,
234 2016; 410 Blue Ridge: 36903U Lot 109 Land Court Plan, As Built Blue Ridge Road Plan and Profile, Def. Subdiv. Recorded
235 Plan Coventry Estates II, DPT Corp Certificate of Title, Form A Application, Form A Plan 410 Blue Ridge Road, Locus,
236 Mailhot Deed; 1210 Osgood Street Forgetta Development, LLC (Commercial): **Civil Review**: 160726 TEC Civil Comments,
237 160810 Resp to TEC Civil Comments 41-53 only; **Department Review**: 1210 Osgood Street-DPW Comments 7-26-16 (1),
238 Conservation Comment, School Dept.; **Original Plan Submittal**: 19770 EC Exist Cond Plan, 19770SP-DT Site Details,
239 19770SP-ESC Erosion and Sediment Cont., 19770SP-GD Grading and Drainage, 19770SP-L-1 Conceptual Landscape Plan,
240 19770SP-L-2 Conceptual Lighting Plan, 19770SP-LM Layout and Materials, 19770SP-TS Cover, 19770SP-UT Utility Plan;
241 **Stormwater Review**: 160729 Eggleston review letter #1 (1), 160714 REVISED Elevations and Site Plan, 160719 Fiscal and
242 Community Impact Analysis-Residential, 160811 REVISED Commercial Elevations, 160811 REVISED Residential Floor
243 Plans and Elevations, 160816 FINAL COMMERCIAL ELEVATION Presentation, 160816 REVISED COMMERCIAL
244 ELEVATION Progress Presentation, Exhibit F Commercial Fiscal and Community Impact, Hancock-Review Response
245 Letter 08-10-16 ;1210 Osgood Street Princeton Development, LLC (Residential): **Civil Review**: 160726 TEC Civil
246 Comments, 160810 Resp to TEC Civil Comments 41-53 only; **Department Review**: 1210 Osgood Street-DPW Comments 7-
247 26-16 (1), Conservation Comment, School Dept.; **Original Plan Submittal**: 19770 EC Exist Cond Plan, 19770SP-DT Site
248 Details, 19770SP-ESC Erosion and Sediment Cont., 19770SP-GD Grading and Drainage, 19770SP-L-1 Conceptual
249 Landscape Plan, 19770SP-L-2 Conceptual Lighting Plan, 19770SP-LM Layout and Materials, 19770SP-TS Cover, 19770SP-
250 UT Utility Plan, **Stormwater Review**: 160729 Eggleston Review Letter #1 (1), 160714 REVISED Elevations and Site Plan,
251 160719 Fiscal and Community Impact Analysis-Residential, 160811 REVISED Commercial Elevations, 160811 REVISED
252 Residential Floor Plans and Elevations, 160816 FINAL COMMERCIAL ELEVATION Presentation, 160816 REVISED
253 Commercial Elevation Progress Presentation, Exhibit F Commercial Fiscal and Community Impact, Hancock-Review
254 Response Letter 08-10-16; Verizon: 07.14.2016 Verizon CRAN Application (B), 160808 Review Response Donald Haes
255 Report, 160815 Consultant Review of Application, map of proposed sites, Table of Locations, Photos PB 160816; 70 Ogunquit
256 Lane (Lot 1), Sandra Hafiz: 160726 NAFD Ogunquit Ln, 160728 Attorney Goldberg Confirmation Correspondence, BOS
257 Easement Acceptances, Deed Lot 7A-30 Bennett Road Boxford, Def. Subdiv. Plans Note on Page 6, Definitive Subdivision
258 Decision, Haviz Quit Claim Deed, Hi-Lited Easement Area, Land Court Plan Lot 30, Motion Rocky Brook Estates, Utility
259 and Access Easements ; 1600 Osgood Street, Osgood Solar, LLC, Dan Leary: 160816 3-SITE (DEMO) (realigned fence at
260 west) (1), 160816 Request for determination of Insubstantial Change, 5723-SITE (DEMO) (transformer pad elim and new
261 electrical building) 2, Decision 1600 Osgood Street Solar Project FINAL. ; 1600 Osgood Street, New England Tractor Trailer
262 School (NETTS) Don Lane: Ballfield Area Photos, Department Review Comments, NETTS Area Photos, 160620 Stormwater
263 Comment, 160806 NETTS proposed relo plan, Aerial View, Ballfield Parking Plan, Dev Req SPR and Waiver Provision,
264 NETTS Narrative, Original Plan.