

Town of North Andover
Planning Board
Minutes of the Meeting
May 5, 2009
Town Hall, 7:00 PM

Members present: John Simons, Chairman
Timothy Seibert, regular member
Michael Walsh, regular member
Courtney LaVolpicelo, alternate member

Member absent: Richard Rowen, regular member

Staff present: Judy Tymon, Town Planner
Mary Ippolito, Recording Secretary

Chair called meeting to order at approximately 7:10pm.

Chair called for DISCUSSION: This is not a public hearing it's for discussion purposes only.

Jason Robertson, - Boston Hill Development, CCRC, increased the unit count from 96 to 125 of assisted living units.

Judy: met w/developer and discussed architectural plan and discussion regarding height limitations, now they showed calculations for average grade to roofline it met 35-foot requirement. Mr. Robertson presented, because of a declining economic climate they decided to partner as a result they increased 96 units to 125 units. Parking has gone down from 96 per unit to 89. Footprint shrunk by a small percentage. Met with Fire Chief, Building Inspector and Town Planner and everything was acceptable. CL: was any grading done where you moved the building back? Matt Lider: Marchionda & Sons with new footprint they will modify the grading.

Chair: wants to see other examples of projects. Mr. Robertson: this building has a 35-foot height that met requirements. Wants to move forward w/project ASAP.

Chair: asked Judy to get comments from other two PB members (Rowen and Walsh).

1 Mr. Tryder asked how far away is this development from the wireless tower on Boston Hill? Mr.
2 Robertson: doesn't know. Mr. Tryder asked Mr. Robertson to bring the information to the next
3 meeting.

4

5 **Chair called for PUBLIC HEARING:**

6 **Town of North Andover, 1475 Osgood Street**, is requesting a Site Plan Review SP & CDD3
7 SP to construct a first floor addition of 3,064 s.f. to existing structure in order to house the new
8 North Andover Police Station within the CDD3 zoning district.

9 Ray Santilli, Assistant Town Manger, he's here for Site Plan SP and CDD3 SP. Town purchased
10 this property to convert it into police station. He's gotten variance for rear setback from ZBA.
11 Fire Dept. approved drive around for their vehicles. Met w/Town Engineer, 2 catch basins
12 presently that need to be lowered, installation of catch basin leading to Orchard Hill Road. Judy:
13 has copy of Gene Willis memo reg. issues dated March 18th.

14 Motion by MW to close the public hearing, 2nd TS, vote was unanimous.

15

16 Edits: take Rowen's name off decision. Edits page 2 at very top opened meeting on March 16th
17 and closed on April 7th 2009, delete April 7th, and type in May 5, 2009. See 13.7 versus 16.3
18 under findings of fact #6.

19

20 Motion by TS to approve Site Plan SP and CDD3 SP as amended, 2nd by MW, vote unanimous
21 4-0.

22

23 **Chair called for PUBLIC HEARING:**

24 Omnipoint Communications, 72 Elm Street, Trinitarian Congregational Church, is requesting a
25 Site Plan Review Special Permit to install, operate, and maintain a stealth wireless
26 telecommunication facility consisting of up to 4 wireless telecommunication antennas mounted
27 within the existing spire, radio communication equipment cabinet to be located within existing
28 Church within R-4 zoning district.

29 Chair: One Planning Board member lives in this neighborhood and will recuse himself. The
30 other member Richard Rowen will look at the record.

31 Chair: asked does audience want 4 members to hear this or do you want to go with 3 members
32 tonight?

33 Chris King, representative for Omnipoint, asked how soon would outstanding member be able to
34 review this information? Chair: he would continue hearing tonight until next meeting then
35 member would have to read the Minutes. Mr. King: wanted to go forward tonight.

36 Liz Fennessy, Elm St., this deserves the full attention from every member of the Board.

37 Loucille Donnigan, Summerset St. Methuen, started to object to cell towers and Chair advised
38 her that he couldn't take any testimony tonight because PB is not hearing this tonight.

39

1 **DISCUSSION:**

2 ***Charles R. Della Croce, 202 Great Pond Road**, requesting a waiver form a Watershed
3 Special Permit, applicant wishes to remove existing deck and replace with a 3-season room with
4 additional 8’x9’ open deck and staircase within the R-2 zoning district.

5
6 Mr. Della Croce was present and stated he has existing deck over 20 years old, wants to put a
7 roof on it, however, it doesn’t meet code, he needs to tear deck down and rebuild deck. Judy:
8 spoke to the builder, the footprint he’s using for 3-season porch is current footprint of existing
9 deck that won’t change, it’s close to 200 feet from closest wetland, no Con/Com issues. Judy
10 advised applicant to request a waiver. Property is located in Non-discharge zone; it’s a
11 residential use that is allowed. Judy: read the Watershed Bylaw regarding Non-discharge zone.
12 No foundation is being built; he doesn’t have to go to Con/Com for this. Motion by TS to grant
13 a waiver for a Watershed Special Permit, 2nd by CL, vote was unanimous.

14
15 **WARRANT ARTICLES:**

16 **2009 Annual Town Meeting Warrant Articles:**

17
18
19 ***Article #5 Authorization to Grant Easements.** To see if the Town will vote to authorize
20 the BOS and School Committee to grant easements for access, water, drainage, sewer, roadway
21 and utility purposes on terms and conditions the Board and Committee deem in the best interest
22 of the Town.

23 **Petition of BOS**

24 **RECOMMENDATION:** **Favorable** **Unfavorable**

25 Judy: explained this is for utilities, this doesn’t allow BOS to grant any kind of ownership for
26 this parcel.

27
28 Chair: example if someone decided to let someone build a building and lease the land, they can’t
29 do that, if Town had land directly abutting development land, Town could grant easements to
30 private developer to access that property. Chair would go along in support of this article, but it
31 would be a good idea to develop reasonable standards based on good judgment.

32
33 **Motion by MW to make a favorable recommendation for Article #5, 2nd by TS, vote was**
34 **unanimous 4-0**

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36
37 ***Article #12 Amend Capital Improvement Plan Appropriations from Prior Years.**

38 **Petition of BOS**

39 **RECOMMENDATION:** **Favorable** **Unfavorable**

40 To amend prior Capital Improvement Plan appropriations for prior Fiscal Years as voted by
41 transferring unexpended bond proceeds from FY’07 Capital Improvement Plan, Line #1, Old
42 Center Roadway Project, which project is complete, and amount not to exceed \$130,000.00 to a
43 new project: Down Town Street and Sidewalk Improvements: Bruce Thibodeau, DPW,
44 discussed article w/PB. Money was set aside for Old Center project, \$130,000.00 that was left in

1 the fund due to close monitoring by Town Manager's office. **Motion by TS to make favorable**
2 **recommendation for Article #12, 2nd by CL, vote was unanimous.**
3
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5 ***Article #22 Capital Improvement Plan Appropriation Fiscal Year 2010.**

6 **Petition of BOS**

7 **RECOMMENDATION: Favorable Unfavorable**

8 Capital improvement is a major, non-routine expenditure for new construction, major equipment
9 purchase, or improvement to existing buildings, facilities, land, or infrastructure, with an
10 estimated useful life of five years or more, and a cost of \$25,000.00 or more. Department
11 Supervisors submit a list of capital improvement requests to the Town Manager in order of
12 priority. Town Manager applies a criteria formula to all items. Formula combines and
13 prioritizes requests from all departments. Town Manager then recommends which items should
14 be implemented in the current year. BOS then revise, if desired, and approve the plan. Finance
15 Committee does the same. To see if the Town will vote to raise and appropriate, transfer from
16 available funds, or borrow under the provisions of Mass General Law, Chapter 44, the sums of
17 money necessary to fund the Town Capital Improvement Program for Fiscal Year 2010.
18

19 Bruce Thibodeau, DPW, discussed this article w/PB. Booster pumping station has 3 or 4 high
20 areas in Town; Bear Hill, Sutton Hill, Rosemont Drive, and another one of which he couldn't
21 recall. Town is below the residual pressure that is required. He wants to upgrade pump stations,
22 better drives, and larger pumps are more efficient. Sewer issues such as cost of sewer, bring
23 sewer to encapsulated areas which have sewer installed all around them, such as Nutmeg Lane,
24 Johnson Street, Rea Street, North Cross Street, and some other encapsulated areas.
25

26 Chair: handle water items separate from the sewer ones.
27

28 **Motion by TS to take favorable action on water enterprise fund, Bear Hill, Rosemont**
29 **booster pump and equipment – 4 WD vehicle, 2nd by CL, vote was unanimous.**
30

31 **Motion by TS to take unfavorable action on sewer issue, 2nd by CL, vote was unanimous.**
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34 **Article #33 Amend Zoning Bylaw –Section 8.9 (2) – Wireless Service Facilities.** To see
35 if the Town will vote to amend the Zoning Bylaw, Section 8.9 Wireless Facilities, subsections
36 (2)(u) through (2)(aa) to add a definition for Pre-existing Structures.

37 ***Subsection 8.9(2)(u) through 8.9(2)(aa) is to be amended by removing the text shown as***
38 ***stricken, and adding the text shown as underlined.*** Section 8.9 Wireless Services Facilities
39

40 **Petition of Salvatore A. Russo and others**

41 **RECOMMENDATION: Favorable Unfavorable**

42 **Chair: PB supported Article #32, however, even BOS was against Article #32. If Article**
43 **#32 fails then Article #33 clears up the ambiguity. Wait until vote on Article #32 and then**
44 **vote on Article #33. TS is ok, MW is ok, CL is ok with that.**
45
46

1 **Article 16# Funding for Public Building Development Master Plan: Study of Historical**
2 **Town Property:**

3 **Petition of:**

4 **RECOMMENDATION: Favorable Unfavorable**

5 Capital Planning Building Committee is formulating plans to provide for Senior Center,
6 Bradstreet School, old Police Station, and the relocation of Planning and Community
7 Development and School Administrative Offices. A request is being made for funding
8 consultants to look into the engineering feasibility of building options and to see if
9 renovation/reconstruction is viable. Monies have been allocated in this year's budget but must
10 be approved by Town Meeting for this purpose.

11
12 Chair: \$50K is to do Master Plan of all public buildings in Town. What do we do w/Bradstreet
13 School, School Committee is moving out of their rental property, and eventually Community
14 Development will have to revisit their office area. Chair: thinks this Article is good idea.

15 **Motion by MW for favorable recommendation 2nd by TS, vote was unanimous. Chair:**
16 **Judy let Rick Nardella know about this vote.**

17
18
19 **Motion by TS to approve April 28, 2009 "Minutes", 2nd by MW, vote was unanimous.**

20
21 **Chair: asked that Judy get pictures of other projects as an example for the Boston Hill**
22 **project, Chair not sure about roofline.**

23
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25 **Chair: POST A MEETING FOR 6:PM FOR PB TO MEET AT HIGH SCHOOL AT**
26 **TOWN MEETING TIME**

27
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29 Motion to adjourn by MW, 2ND by TS, vote was unanimous, meeting adjourned at approximately
30 8:30 PM.

31
32 By order of the Planning Board

33
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35 _____
36 Approved

37
38 Plse. note: the Planning Board reserves the right to take items out of order and to discuss and/or
39 vote on items that are not listed on the agenda.