

PLANNING BOARD
Meeting Minutes
June 3, 2014
Town Hall, 120 Main Street
7:00 PM

1 Present: R. Rowen, L. Rudnicki, L. McSherry, D. Kellogg, M. Colantoni, J. Simons (arrived at
2 8:00 pm)

3 Absent:

4 Staff Present: C. Bellavance, J. Enright

5

6 Meeting began at 7:00 pm.

7

8 **LOT RELEASE**

9 Rocky Brook Estate II, Peter Breen: Request for Lots 1, 2, 3, and 4 to be released.

10 C. Bellavance: The road is constructed to binder coat and there is a bond in place. The
11 developer has requested the remaining four lots to be released so that construction can begin.

12 **MOTION**

13 A motion was made by D. Kellogg to release lots 1, 2, 3, and 4 for Rocky Brook Estates II. The
14 motion was seconded by L. Mc Sherry. The vote was unanimous, 5-0 in favor.

15

16 **BOND RELEASE**

17 110 Sutton Street: Request for release of remaining \$2,500 performance G bond plus
18 accumulated interest.

19 C. Bellavance: The applicant has been before the Board previously and received a partial bond
20 release. There was some outstanding landscaping that needed to be completed.

21 BOARD: Reviewed the original plan and a sketch of the intended landscape area between the
22 building and Sutton Street. The Plans indicate a loom and seeded area from the berm along
23 Sutton Street to the building and shrubs/trees planted along the building.

24 Bob Carberry, property owner: There was a request made to the Town Planner to replace the
25 seeded area with crushed stone and she led us to believe that it was ok. In December half the
26 bond money was released and the remainder was to be requested after the landscaping was
27 complete. A couple weeks after that meeting there was a discussion with the Town Planner and
28 she was ok with placing the plantings in the berm along Sutton Street because the area could be
29 used for overflow parking for the family.

30 L. Rudnicki: Stated her recollection was that the project representative at the hearing said that the
31 plantings were not completed because of a budget shortfall, not because of winter conditions.
32 There was a request to downsize the landscaping at that meeting, but there was no discussion
33 about putting the parking that was on the plan to be removed back in. In fact, the Board stated
34 we did not want a little row of plantings like what is presented. The crushed stone was already
35 installed at the time of the last meeting. We were willing to make a concession on the planting
36 beds, but not for a little planting row. The approval of the project included a plan to break-up the
37 building façade. What is there now is clearly not breaking up the façade. Now there is parking
38 in front that was not approved, but rather was on the Plan to be removed.

39 R. Rowen: The fact that you are using the area for parking is not fair and is not what was
40 approved.

41 B. Carberry: Stated he watched the meeting video and that he spoke with the Planner to get
42 clarification on the direction from the Board. She said a half dozen of plantings in the berm were

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43 fine. It is not every day parking. The picture shows that it is an area that could be used for that,
44 if necessary.

45 R. Rowen: The money is not going to be given back tonight. Requested that the video of the
46 previous meeting be reviewed and to determine if there are any records of what the Town
47 Planner may have said and go from there. The spirit of what was approved and what we ended
48 up with are two different circumstances.

49

50 **ANR**

51 Appleton Street, Map 65 Lot 7: Proposal to create two lots from one existing lot.

52 C. Bellavance: This ANR Plan was submitted on May 21, 2014. The applicant is seeking to
53 waive Subdivision Rules and Regulations as they would apply to this property. The request is to
54 divide the one lot into two lots. The Plan is showing frontage on Appleton Street.

55 R. Rowen: Was any of the land for these two lots included in the Regency Place subdivision?

56 C. Bellavance: This is a separate lot from Regency Place.

57 R. Rowen: This ANR is being proposed with frontage on Appleton Street. When the Regency
58 Place subdivision was under review we specifically wanted Appleton St. to continue all the way
59 through to Pine Ridge Road and we were told it could not be done, it is impossible to build that
60 road. We approved the subdivision for Regency Place. That being the case, if it cannot be built
61 then Appleton Street is not a road and they do not have frontage. So, it is not an ANR. It
62 certainly is not a road on the ground.

63 C. Bellavance: From what I understand, the engineer for Regency Place said the grade was too
64 significant to access through Appleton Street. There is no one here to speak for the applicant.
65 The applicant's attorney said this morning on a phone call that they are willing to withdraw and
66 come back to another meeting to discuss it.

67 **MOTION**

68 A motion was made by D. Kellogg to allow the applicant to Withdraw without prejudice. The
69 motion was seconded by M. Colantoni. The vote was unanimous, 5-0 in favor.

70 R. Rowen: Our position is that this is not an ANR because there is no road.

71

72 **PUBLIC HEARINGS**

73 NEW PUBLIC HEARING, 1632 Osgood Street: Applicant proposes conversion of existing
74 space to performing arts center in the Industrial 2 Zoning District (I2) and in the Osgood Smart
75 Growth Overlay District.

76 C. Bellavance: This is an application for a project under the Osgood Smart Growth Overlay
77 District (OSGOD). The underlying zoning is I2. Within this district a performing arts center is
78 allowed through a Special Permit for Use. The Planning Board is the Plan Approval Authority
79 (PAA) for the OSGOD district. The building for the proposed theater is to the rear and right of
80 the former main Lucent building.

81 Charles Gracy, Artistic Director for ACT. The theater would occupy the middle section of this
82 existing building. One side has a blacksmith business and the other side a woodworking
83 business. There are performances that are mostly done on weekend afternoons and nights.
84 There are also classes, workshops, scene building, and rehearsals that occur mostly evenings and
85 weekend days, but there are some children programs after school hours.

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86 Matthew Juros, Architect: The occupant load is 240 people. There will be non-fixed seating for
87 167 people. Based on the occupant load there is a requirement for 60 parking spaces with 3
88 handicap accessible spaces. Provided an overview of the signage, way-finding from Rt. 125, and
89 parking area. There are hundreds of parking spaces available. There is no restriction from the
90 landlord for a specific square footage of parking area.

91 C. Bellavance: Jerry Brown, Inspector of Buildings, has reviewed the parking analysis and he
92 works with Ozzy Properties to ensure the parking is suitable.

93 BOARD: General discussion surrounding the occupant numbers submitted on the plans and the
94 bylaw requirements.

95 M. Juros: The plan will need to be revised based on a meeting held with Jerry Brown and the
96 Plumbing Inspector. The occupant load was backed into using the number of people that we
97 could provide toilets for. This was the limiting factor. Submitted an addendum that shows the
98 recalculation of the occupant load, the building code summary, and the summary of the zoning
99 code.

100 R. Rowen: What type of interior work will need to be done?

101 M. Juros: Reviewed the interior layout plan. The non-fixed seating allows for a variety of
102 different types of productions. The stage is on the same level as the seating. There is no
103 structural change to the outside of the building. The exit doors will be modified to add proper
104 hardware and one door will be added. The building has a sprinkler system. The utilities to the
105 building are presumed to be sufficient.

106 C. Bellavance: Is there a crosswalk from the parking lot to the front door?

107 C. Gracy: I believe there is an existing crosswalk. There is a paved parking lot.

108 R. Rowen: It may require some crosswalk striping and parking striping. I think we all agree that
109 it is an appropriate Use. A draft Decision can be prepared for the next meeting.

110

111 NEW PUBLIC HEARING, 500 Great Pond Road: Applicant seeks approval for a practice
112 facility and parking lot expansion within 100' of a Bordering Vegetated Wetland and within the
113 General and Non-Disturbance Zones of the Watershed Protection District.

114 C. Bellavance: The applicant is the North Andover Country Club. They would like to expand
115 their parking lot and replace a putting green. The project is within the Watershed Protection
116 District.

117 Scott Cameron, Morin-Cameron Group: This project is under review by L. Eggleston and is
118 before the Conservation Commission. Provided an overview of the project scope, wetland
119 locations, distance to the Lake, and Zone A area. Currently most of the stormwater from the
120 parking area sheet flows directly to the street and directly to the wetlands. The upper parking
121 area drains to a small detention area. There is very little stormwater infrastructure on the
122 property currently. The main concern on the site is the parking. It backs up onto the street
123 during functions. There are often 15-20 cars parked along the shoulder of the street which
124 constricts the flow of traffic on the road (submitted 2 photos of on-street parking). The goal of
125 this project is get the parking off the street and into a designated parking area. The proposal also
126 includes adding a fourth paddle court, a small practice chipping area, adding a formal curb cut to
127 improve the flow on and off the property, adding four parking spaces on the street, and a cart
128 parking area and cart path. The four street parking spaces are in the Right-Of-Way (ROW) and

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129 this request will go before the Board of Selectmen on June 9, 2014 for their approval. The soil
130 conditions are very adverse. The focus is to try to slow the stormwater runoff down, recharge it,
131 clean it up, and before it gets to the wetland make sure it is significantly better than in the
132 existing condition. The stormwater management plan is currently under L. Eggleston's review.
133 A site visit was conducted with L. Eggleston, Gene Willis, and Jennifer Hughes. G. Willis is in
134 favor of this project and we will work to get a letter of recommendation from him. There will be
135 a significant increase in the quality of runoff from the property. Overall there is currently about
136 10% cleanup of the runoff in the existing conditions. After this project we will be in exceeding
137 80% renovation of the stormwater runoff plus mitigation so that there will not be an increase in
138 the amount of runoff. The net increase in pavement is approximately 7,000 sq. ft. We will treat
139 100% of pavement, existing and proposed. Approximately 1,000 sq. ft. of pavement has been
140 pulled away from the wetland on the left side of the plan to provide more of a buffer to that
141 wetland.

142 R. Rowen: We will wait until next meeting for L. Eggleston's feedback.

143

144 John Simons arrived (8:00 pm)

145

146 **DISCUSSIONS**

147 1046 Great Pond Road: Discussion on potential subdivision alternatives for existing houses on
148 lot.

149 John Smolak, Attorney for Ruddick Realty Trust: We requested this meeting for informal
150 meeting regarding lotting of the existing property at 1046 Great Pond Road. The property is a
151 little larger than 6 acres. For the past 1 ½ - 2 years the property owner has tried to market the
152 property as an estate and has had no luck selling it as a single property. They have asked us to
153 see how the property may be divided to make it more saleable while at the same time trying to
154 maintain the integrity and the look from Great Pond Road. The Trust is not interested in
155 increasing density. There are four existing structures on the property. The ZBA approved a
156 garage to be converted to a family suite in 2008. Displayed a locus plan and two alternatives for
157 dividing the existing lot into three lots. One alternative is to create a Definitive Subdivision Plan
158 which would create frontage for two of the lots. The other alternative is to create three separate
159 lots. One of these lots would require a variance from frontage and a lot width variance from the
160 ZBA and Planning Board approval. Each alternative includes relocating one structure on the
161 property and removing one structure from the property.

162 Phil Christiansen, Christiansen and Sergi: The main estate will remain where it is and look the
163 same. The relocated house will be closer to the street than it is currently. The main driveway
164 will remain the same and a new driveway will be added for the relocated house.

165 D. Kellogg: Who will own the area in the upper right corner?

166 P. Christiansen: That would be a roadway even though waivers for construction would be
167 requested.

168 BOARD: Consensus is that the Definitive Subdivision Plan creates less conflict with zoning and
169 has fewer variance requirements.

170 R. Rowen: What are the features of the land to the left of the property?

171 P. Christiansen: It is a meadow area down to the lake.

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172 L. Rudnicki: Stated she would prefer to not have another driveway onto Great Pond Road.

173 P. Christiansen: Will look at alternatives, but common driveways can only serve two lots.

174

175 555-575 Turnpike Street, Chestnut Green: Request for Site Plan Review Waiver. Proposal to
176 add 9 parking spaces to the side of one of the office buildings.

177 C. Bellavance: Hillside Road has been closed off to Turnpike Street and a turn-around area has
178 been constructed at the closed off end of the road. The applicant would like to create nine
179 parking spaces pulled in off of that turnaround and is looking to get a waiver from Site Plan
180 Review.

181 BOARD: Consensus is that the Plan shows the parking spaces within the roadway easement.
182 One of which is actually in the Right-Of-Way. There would also be an impact to abutters and
183 they would need to be noticed.

184 C. Bellavance: The applicant felt that they could put five spaces in without coming to the Board
185 and they hoped they could get a waiver for nine. A letter was sent informing them that this
186 request would go before the Planning Board and they have not responded.

187 J. Simons: They could not add five spaces because they are encroaching on the roadway
188 easement.

189 **MOTION**

190 A motion was made by M. Colantoni to not waive Site Plan Review for additional parking
191 spaces at Chestnut Green. The motion was seconded by D. Kellogg. The vote was unanimous,
192 6-0 in favor.

193

194 **MEETING MINUTES**

195 Approval of May 6 and May 20, 2014 meeting minutes.

196 **MOTION**

197 A motion was made by L. Rudnicki to approve the May 6, 2014 meeting minutes as amended.
198 The motion was seconded by L. McSherry. The vote was unanimous, 6-0 in favor.

199 **MOTION**

200 A motion was made by L. Rudnicki to approve the May 20, 2014 meeting minutes. The motion
201 was seconded by L. McSherry. The vote was unanimous, 6-0 in favor.

202

203 **MISCELLANEOUS**

204 J. Simons recommended that work begin on a Zoning amendment for a new district for the High
205 Street mill area. Other town bylaws should be researched to determine if other Mill Districts
206 exist.

207

208 **ADJOURNMENT**

209 **MOTION**

210 A motion was made by D. Kellogg to adjourn the meeting. The motion was seconded by R.
211 Rowen. The vote was unanimous, 6-0 in favor.

212

213 The meeting adjourned at 8:25 pm.

214

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215 MEETING MATERIALS: Agenda, 110 Sutton Street: Original Site Plan dated 3/6/2014, Arch
216 Rendering Sketch Plan, 4 property photos; Appleton Street: Form A Application for Approval
217 not Required, Form A Plan dated 5.15.14, 2 MIMAP photos, 4 property photos, Section III
218 Subdivision Rules and Regulations; ACT Theater: Letter from G. Brown dated 5/7/2014 re
219 Parking Analysis, Act Theater Co. Zoning Code Summary for Act Theater Co and Code
220 Summary for Act Theater Co from Fishbrook Design Studio Matthew Juros, aerial photo, 3
221 property photos, Act Theater building plans dated 4/26/14, signage and traffic/parking plan; 500
222 Great Pond Road: Project summary narrative dated 5/1/14, Site Plan Review application,
223 Watershed Special Permit Application, 2 photos of existing parking conditions, Eggleston
224 Environmental review comments letter dated 5/14/14, Letter from Gene Willis dated 5/23/14,
225 Site Plans dated 5/1/14; 1046 Great Pond Road: email correspondence from J. Smolak dated
226 5/27/14, Existing Conditions Plan, Proposed Lotting Alternative 1 and Alternative 2, Lotting
227 Sketch 1 and Sketch 2, 2 MIMAP photos; 555-575 Turnpike Street Chestnut Green: Site Plan of
228 Land dated 2/7/14, 2 aerial photos; Draft meeting minutes 05/6/2014 & 05/20/2014.