Approved 7/7/15

Town of North Andover
PLANNING BOARD

John Simons, **Chairman**
Lynne Rudnicki
Peter Boynton

David Kellogg
Lora McSherry

Tuesday June 16, 2015 @ 7 p.m. Town Hall, 120 Main Street, North Andover, MA 01845

Present: John Simons, Lynne Rudnicki, Lora McSherry, David Kellogg, Peter Boynton
Absent:
Staff Present: Kristine Cheetham-Town Planner, Bonnie Wolstromer

J. Simons, Chairman: The Planning Board meeting for Tuesday, June 16, 2015 was called to order at 7 p.m.

A. LOT RELEASE:
166, 170 & 180 Salem Street (Map 37D Lot 21): Jack Cahill requests release of Lot 1 & 3 to begin construction of new homes.
K. Cheetham: The applicant is requesting the release of two lots for development. One lot has been released. The conditions of the Decision have been met. The engineer, Phil Christiansen provided a certificate letter and an interim as-built plan of the roadway.
J. Simons: We waived the construction of the roadway. Once we release the lots we have no security. The question becomes what sort of security do we need to retain in order to release the lots?
L. Rudnicki: We need some sort of bond.
K. Cheetham: The building inspector visited the site based upon a complaint from an abutter and photographed a pile of debris. The abutters are here tonight to discuss this. The town DPW signed off on the road and as-built, this is a private way. The roadway has been built to appropriate standards in order to release the lots. You are currently holding a $1,000 bond on this site.
J. Simons: We need sufficient bond money to cover future site issues that may occur.
L. Rudnicki: We need as-builts for the homes, too. The sewer lines to the houses are only roughed in at best – it's not complete, so we would need additional bond monies to open it.
Abutter, Nancy Pace, 150 Salem Street: Voiced concerns over the large amount of backyard debris that has existed on the site for 7 years.
MOTION: The Planning Board suggests applicant J. Cahill post a $10K bond ($5K per lot). Kristine is to confirm with Gene Willis regarding a Performance Guarantee for the remaining work. The Conditions need to be revisited regarding stockpiling of trash, equipment, dust, etc.

B. BOND RELEASES:
Fountain Drive/0 East Main-0 Davis St. (Map 70 Lot 2): North Andover Housing Authority seeks release of bond funds ($5,000) for work done on roadways, sidewalks and landscaping.
K. Cheetham: This was a site improvement project that the state paid for. I have reviewed the site and the DPW is okay with the work.
J. Simons: We did a Site Plan Review on this due to the impact to the parking on this site.
MOTION: L. Rudnicki made a motion to release the remaining bond plus interest for Fountain Drive contingent upon the receipt of a letter from DPW confirming that the work has been completed satisfactorily. D. Kellogg seconded the motion. The vote was 5-0, unanimous in favor.

110 Sutton Street (Map 17 Lot 9): Bob Carberry of Chippendale Dance Studio seeks release of bond funds ($2,500) for completion of landscaping.

L. McSherry: They have been before us at least twice. The last time was in June of 2014. We gave them very specific instructions as to how they were comply with the site plan and they've completed 20% of the work. The three trees are not planted in the right location.
D. Kellogg: The trees are not screening trees, they are river birch and they don't get much thicker than that.
L. McSherry: The plan was approved with modifications. What was defined has not been provided for plantings.
MOTION: L. Rudnicki made a motion to deny the Bond release for 110 Sutton Street until what was discussed in the minutes of June 17, 2014 and the plantings comply with the Decision. D. Kellogg seconded the motion. The vote was 5-0, unanimous in favor.

C. PUBLIC MEETINGS:
CONTINUED – 1665 Great Pond Road (Map 62 Lot 12): Technical Training Foundation Trust seeks an Extension of the Watershed Special Permit issued on 7/2/2013.
K. Cheetham: Attorney Vincent Manzi is here to represent this project.
Vincent Manzi: I've represented the Technical Training Foundation Trust for 25 years. Tonight we are asking for an extension of the WSP which the PB voted on and granted two years ago which expires on July 2, 2015. Due to the economy, we haven't had the opportunity to begin construction on this site. This is the vacant lot.
MOTION: L. Rudnicki made a motion to extend the WSP on (Lot 12) for one year subject to any modifications you will be required to come back to the Planning Board. D. Kellogg seconded the motion. The vote was 5-0, unanimous in favor.
V. Manzi: Requested whether the Planning Board would allow him to come back to the Board regarding (Lot 19) with more detailed plans and drawings demonstrating no changes are to be made to the structure, topography, sewer, erosion control, waiver compliance, etc.
L. Rudnicki: There are going to be changes to the landscaping; there already has been. You are gutting it completely. We want the roof drainage specifications and we'd like our outside consultant to review it and to bring it up to code.
J. Simons: If you applied for a Watershed Permit it would be cleaner and more transparent as an open public hearing process. Roof changes, dry wells, etc. all matter because of the proximity to the lake.

1211 Osgood Street (Map 35 Lot 8): Harry Kanellos seeks determination that his new business is allowed by right at location without a modification to the existing Site Plan Review. Applicant will also provide update on site improvements associated with proposed restaurant at the other end of strip mall.
K. Cheetham: I spoke with the Building Inspector and the Director of the BOH and Mr. Kanellos. We discussed the plans and what has been permitted on the site. The existing tenant in Unit 1 was a bakery. It was a by-right business in your GB district. It has a BOH certificate for 10 seats and ten parking spaces associated with its use. If he maintains this, there's no change to trigger an SPR or SPR Modification. His food service business is classified by the BOH as the same as the bakery. He's considered a fast food vendor (FFV) his business is not classified as a restaurant. Technically, he should be allowed to open his business regardless of anything going on at the site associated with another tenant. As co-owner of the plaza gives him additional responsibility associated with the other restaurant tenant. He can speak to landscaping and traffic secondarily.
L. McSherry: Unit 2 is occupied. It's open at night?
H. Kanellos: It's open early in the morning and 3-4 hours in the evening.
P. Boynton: Assuming no changes in seats or parking, is there a change in hours of operation?
K. Cheetham: His hours might be slightly different than the bakery.

L. Rudnicki: Did the Building Inspector determine what triggers the distinction between retail and restaurant. We don't have FFV classified anywhere in our bylaws? We can hear this, but we'll need an opinion letter from the Building Inspector stating this is retail. If it's not retail, it's a change of use.

J. Simons: We want to determine there are no externalities impacting the neighbors and ensure there is a decent entrance, parking and egress from the property.
H. Kanellos: The tenant "Lots of Eats" is opening within the month. I am working with a landscaper for the underscore plantings and they should be planted within the next two weeks.
K. Cheetham: The only issue with the site was the landscaping and the traffic analysis which would be done on a 6 and 12 month interval, once the restaurant is up and running. The back of the plaza has mature white pines. You could consider attractive streetscaping and understory planting at the corner near the restaurant.
L. Rudnicki: We promised a buffer to the back of the building for the abutters. You could provide hostas, day lilies, under the mature white pine trees on the street side. If your business grows and you want a restaurant in the future you may be locked into a situation as opposed to fixing it now. For example, you may want to join two units. If it's a retail establishment and it's in writing, then it remains as is. FFV is a finite definition. We could consider a minor modification rather easily.
J. Simons: We suggest your approval is contingent upon a signed letter from the Building Inspector stating the project is a fast food & retail establishment so the use will not change. If you want to become a restaurant at a later date then you will need to come to us with drawings explaining everything you are planning to do. Any commercial property abutting residential we take more scrutiny on. We wish you much success.

D. PUBLIC HEARINGS:

CONTINUED: 1600 Osgood Street (Map 34 Lot 17): OSGOOD Solar LLC seeks OSGOD Special Permit for construction of rooftop and parking canopy-mounted solar system. Property zoning is located within the I2 Zone and OSGOD.
J. Simons: I spoke with Town Council about our options and we talked about accepting the withdrawal, voting it down and the recommendation was to keep it open until a decision is made at the ZBA. That gives us flexibility moving forward. If the ZBA decides against it, that makes it easier and if it moves forward, we review it for its merits. The Board and applicant discussed what would be an appropriate extension and agreed on an extension to August 10, 2015.
MOTION: D. Kellogg made a motion to accept a written extension to August 10th. L. Rudnicki seconded the motion contingent upon receipt of a letter documenting the extension in writing.

CONTINUED: 242 Dale Street: Julie Nigro & Rob Barter (Map 64 Lot 30): Request for Watershed Special Permit to construct above ground pool, deck, patio, fencing and removal of four trees. Property R-1 Zoning.
K. Cheetham: This is a new Public Hearing. The applicants are here tonight with their backyard pool & patio home improvement project. It is not on the lake however they abut a wetland in the watershed district. They are seeking a Watershed Special Permit. The Conservation Commission approved the NOI but they are waiting to hear from Natural Heritage recognizing this area as an endangered species habitat.
L. Rudnicki: They've requested a Watershed Special Permit Waiver, so these plans haven't been reviewed by our consultant. We did notifications and it was a formal permit?
K. Cheetham: Yes, they have filed for a formal WSP and notified the abutters. They are asking to waive the cost of the consultant review fee. The letter from their engineer states why in their application narrative. It's an above

ground pool project and they can speak to the impervious surface around it. The engineer has written about the erosion control measures, their plantings and his recommendations. Conservation has walked the site as well.
Julie Nigro, Rob Barter 242 Dale Street: We are trying to put an above ground pool in our back yard. The land slopes down to the wetland. There's minimal amount of site work to level the pool. We want to build a wood frame deck stopping half way around each side of the pool.
J. Simons: This is old zoning being an older lot. What uses are allowed and how close is this from the tributary to the lake?
K. Cheetham: These uses are allowed under a Special Permit. They are within the hundred feet and the fifty – the non-disurbance zone and the watershed. The standards are different for the lake. They are in the 75-150 zone which is allowable.
J. Simons: When you have an above ground pool do you have to have a fence all the way around it?
L. Rudnicki: Yes.
J. Simons: If the edge of the pool is 68 feet from the edge of the wetland then how far are you going to disturb ie the edge of where the fence is and what's the distance from the edge of the pool to the fence?
R. Barter: The back portion of the fence is 26 feet in from the wetland flags. We are avoiding the 25 ft. buffer zone that Conservation had told us we needed to avoid.
J. Simons: This is the watershed vs. just a Conservation zone. It's unclear to me. What is going to be the impervious surface lakeside and how much grading is going to be done?
L. Rudnicki: Has Lisa Eggleston our consultant reviewed the plans?
R. Barter: Conservation approved the NOI at the last meeting, but we are waiting to hear from Natl. Heritage.
L. Rudnicki: We don't have the tributary mark, there is significant grade, a proposed new patio area, crushed stone under the wood deck. The whole reason for the WSP is to protect the lake with a quick review and I don't think we have enough information here.
R. Barter: The erosion control is already in place. We received a Conservation small project permit.
J. Simons: I feel like it is incomplete.
L. Rudnicki: I can see issuing a waiver for tree removal now but it needs to be reviewed by our consultant. This is a significant project, creating a fairly large pervious pavement area, and the offset underneath the deck.
J. Simons: Obviously it's a nonconforming lot. It's 16,000 sq.ft. in a 2 acre district. This house would not be built today.
R. Barter: Time frame for a review?
J. Simons: Next three weeks, July 7th Planning Board meeting. It's a relatively basic review. We're going to be sensitive to the expense.
K. Cheetham: What questions would you like verified?
L. Rudnicki: Standard watershed issues. You can move forward with taking the trees down if need be.
MOTION: This project is to be continued to the next meeting providing the applicants obtain an engineer's review.

E. GENERAL DISCUSSION:
Planning Board Membership & Signature Page for Registry- J. Simons will send a note to the Town Manager regarding his renewal. L. McSherry has yet to hear from the Town Manager's office regarding her renewal. Both have terms which expire June 30, 2015.

1116 Great Pond Road Violation & Enforcement Order Update-Conservation is satisfied with the progress. A site visit is planned for Conservation and Planning next week.

N. A. School Administration Building-Three outstanding conditions on site that need attention are: the site needs a retaining wall or safety guard rail on the north side of the parking lot due to the 10-11 ft. drop, drainage area could benefit from a more solid berm and all trees located on the site plan are not in place yet.

MINUTES APPROVAL

MOTION: L. Rudnicki made a motion to approve the June 2, 2015 meeting minutes as amended. The motion was seconded by D. Kellogg. The vote was 5-0 unanimous in favor. (Board commented the future minutes should be limited) It would be advisable to attach relative minutes in each project file after meetings. If they are collectively available it makes it easier to access them.

P. Boynton: Requested the Board entertain an update on the quality of our lake water (pre-treated) and how it is trending over time.

ADJOURNMENT

MOTION: L. Rudnicki made a motion to adjourn the meeting, motion seconded by J. Simons. The vote was 5-0, unanimous in favor. Meeting adjourned @ 9 p.m.

MEETING MATERIALS:

110 Sutton Street: 110 Sutton St. Revised Landscape Plan, 131203 Meeting Minutes, Aerial View, As-built and Landscape Plan, D. Mund notes re PB Meeting, Image of Landscaping, June 15 Image, June 15 Image 2, June Meeting Minutes 2014; 166,170 & 180 Salem Street: Aerial View, Debris in Roadway, G. Willis Review, Interim As-Built Plan 7.22.2013, Lydia Lane Planning Cert. 7.25.2013; 242 Dale Street: 242 Dale Base Map, 242 Dale Street WSP Decision Draft, Aerial View 242 Dale, Application WSP 5.14.2015, Request for Waiver 5.12.2015, SITE DEV PLAN 6.9.15, Site Development Plan 5.6.2015; 1211 Osgood Street: Abutter Ltr, Aerial Image 1211, Kanellos Roast Beef & Pizza TRC Info, Site Plan 1211 Osgood, SPR Modification for Restaurant, Tenant area & Parking Analysis; 1665 Great Pond Road: 1665 GPR Lot 12 Extension, 1665 GPR Site Plan 2013, 1665 GPR Stormwater Correspondence 2013, Aerial Image 1665 Lot 12, Base Map 1665 Lot 12, WSP Decision Map 62 Lot 12 7.2.13; Fountain Drive: Aerial View, Fountain Drive Decision, Fountain Drive Site Plan; DRAFT PB Meeting Minutes 6.2.2015, PB Agenda 6.16.2015, Staff Memo 6.16.2015