Approved 11·17·15

*Town of North Andover*
*PLANNING BOARD*

*John Simons,* **Chairman**
*Lynne Rudnicki*
*P. Boynton*

*David Kellogg*
*Lora McSherry*
*Regina Kean (Associate)*

***Tuesday November 3, 2015 @ 7 p.m. Town Hall, 120 Main Street, North Andover, MA 01845***

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

J. Simons, Chairman: The planning board meeting for Tuesday, November 3, 2015 was called to order at 7 p.m.

**BOND RELEASES:**

129 Winter Street, Salvatore Messina: Applicant requests release of a $4,000 performance bond associated with a July 15, 2014 Watershed Special Permit

J. Enright: This WSP allowed the construction of a 416 sq. ft. addition to an existing garage. The as-built and engineer certification letter have been received. There was a change reflected in the engineer's certification letter. The original plan called for a drip trench to run along the side of the garage and the rear of the garage. The drip trench with added gutters and rain leaders has been constructed in the rear only. The project was within the Non-Disturbance Zone; within 150' of a wetland that is a tributary to the lake. There is no record of prior approval of the change.

J. Simons: Let's invite their engineer back. He hasn't conformed with the conditions of the bond.

[No bond release at this time]

500 Great Pond Road, North Andover Country Club: The applicant requests release of a $4,000 bond associated with a December 6, 2011 Watershed Special Permit to allow the reconstruction and resurfacing of four tennis courts and replacement of an existing fence.

J. Enright: An engineer certification letter was received with minor modifications and an as-built plan has been submitted. There were several minor changes to the original plan documented in the memo. Conservation was heavily involved due to the proximity to the lake and was made aware at the time the modifications were made. Conservation has released their bond.

P. Boynton: There is currently demolition debris on the lake embankment, near the northwest corner of the courts. It appears to be a fence post with a cement footing and it needs to be removed.

S. Kohr: Agreed to remove the debris. The Town Planner will confirm.

**MOTION:** D. Kellogg made a motion to release the bond in the full amount of $4,000 for 500 Great Pond Road contingent upon the removal of debris on the shoreline of the property. The motion was seconded by P. Boynton. The vote was 5-0, unanimous in favor.

0 Methuen Avenue (Lot 30), Walter Ericson: Applicant requests release of a $5,000 Site Opening Bond associated with a one lot Definitive Subdivision Plan approved September 6, 2011.

J. Enright: The applicant placed the lot under the covenant; however, a Form J has never been approved to release the lot. The house has been constructed, sold and occupied. The Decision required a deed restriction regarding the further subdivision of the lot, as noted in Special Condition #6 as well as easement documents and maintenance agreements concerning the private driveway. These documents were to be submitted for Town Counsel review and approval. As an alternative to these documents the applicant submitted a Quitclaim Deed that states that this property is subject to any conditions, restrictions and notes shown on the plan entitled "Proposed Roadway Improvement Plan at Methuen Avenue….". Per the applicant this deed was acceptable to the Town Planner at the time. The DPW has a concern with the manhole and the applicant will work directly with the DPW to resolve that issue. A roadway bond was required; however, it was never established for this subdivision.

J. Simons: If the developer didn't satisfy his responsibilities, then we cannot relinquish the bond. Did the extension of the roadway get built according to our specifications?

J. Enright: Tim Willet signed off and he's fine with the water, sewer and roadway construction previously. The issue with the manhole was just discovered. I will forward the Deed to Town Counsel for review to make sure it adequately covers the requirements in the Decision.

[No bond release at this time]

**PUBLIC HEARINGS**

[Continued Public Hearing]: Osgood Solar LLC: OSGOD Permit for Solar Project at 1600 Osgood Street (Map 34 Lot 17) – Applicant seeks approval for construction of a rooftop and parking canopy mounted solar photovoltaic system (6MW and/or roughly 19,500 solar modules).

J. Enright: A revised plan set was submitted which includes an array reduction of 70% from the Sept. 15 filing. (Of the 70%, 50% has been relocated to the roof and 50% has been relocated to the rear/west side of the parking lot.) There has been no material change to stormwater, landscaping, or any other type of plan. The lighting plan came with a narrative specifying they'll meet standards and regulations once final design is approved. MDOT has confirmed an aerospace review is not required; they may have additional comments if changes are considered. Civil Peer Review has reviewed the revised plans and submitted final comments. Since there was no change to the stormwater management proposal the Stormwater Peer Review comments are the same as the previous submittal. The State Fire Marshal's Office has reviewed the revised plan as well and had no further comment. One canopy roof on the west side of the building overhangs a non-jurisdictional drainage swale. Both Conservation and Eggleston Environmental have reviewed the location and do not believe it will have a negative impact on the swale. The peer review comments need to be reviewed at tonight's meeting. There are several items that the reviewer has deferred to the Board to determine if bylaw compliance is required or if waivers can be granted.

J. Simons: I want to focus on changes and the substantive impact of those changes this evening.

D. Leary: Reviewed the revised locations of arrays. There are approximately 10 acres of "covered" area; approx. 5 acres located on the ground.

L. Rudnicki: What is the underside and top color of the parking canopies and will they be painted?

D. Leary: The underside of the solar panels is white (15% transmittal of light); the tops are a deep blue glass. The parking structures will be galvanized, unfinished, gray steel. All the hardware is stainless steel. (Referred to "Solar Sites Examples for Planning Board", dated (9/11/15). The footings, columns, purlins and beams in this photo are similar to the design to what we are proposing.

L. Rudnicki: Many of the sites you sent us to (i.e. Danversport Yacht Club, Whole Foods) had painted columns as opposed to galvanized steel? Painting the structures makes them more aesthetically pleasing.

P. Boynton: One of the improvements/changes you previously made at the support columns was to provide curbing to protect column canopy bases at the end of the units? I believe this comment regarding curbing was included in the peer review from Hancock Engineering.

D. Leary: No, there will be no curbing to protect the columns as shown in this photo. We are focusing on providing as much parking as we can up close to the building. The proposed end columns are inset, not at the end of the canopy as depicted in the picture.

D. Kellogg: When you relocate some of the panels to the roof, how will they be mounted on the roof?

D. Leary: It is a ballasted, flat roof system. They may or may not be visible. You cannot see much on this roof at all. There may be structural reasons that some may need to be mounted higher. We added 383 KW (1200 modules) to the roof and may need to present to you the difference.

P. Boynton: Previously, we were shown the profiles of roof mounted arrays and the relation of the panels to the parapet.

J. Simons: Prior, you told us the panels on the roof would not be visible. You would have to come before us again if that is not the case?

M. Rosen: We've added 383 KW to the roof and if they are to look different we realize we would need to come back to the Board.

D. Kellogg: Solar panels installed on flat roofs require a structural engineering review. Will you provide that review and do you know the maximum weight per sq. ft. of these panels?

D. Leary: When we apply for a building permit that will present itself. The current panels on the roof comply with MA code of regulations.

L. Rudnicki: Questioned whether the 4' spacing modification that broke up the length of the canopy created a safety hazard in the winter with water and ice dripping off the edges. Maybe they should be contiguous or you incorporate "low light" landscaping beds. You can't have a drip edge with nothing to absorb it.

R. Waite: Regarding curbing and the ends of the rows. The leading columns are inset and aren't located near the edge of the travel ways. Our poles don't align with the end edge of the arrays, thus no curbing. The columns aren't in the travel ways. Hancock's comment was relative to buffer planting outside the array rather than within it. We've asked for a waiver on this condition.
P. Boynton: I thought Hancock's opinion on curbing was related to traffic flow, establishing lanes and to prevent drivers from cutting through the arrays.
J. Enright: My concern was for the arrays behind the cooling towers adjacent to the main tractor trailer route. I would suggest delineating the roadway from the end of the canopies in this area. There are currently no road markings.
L. Rudnicki: There are no south side delineating roadway markings, centerlines, edging lines, no passing lines, the truck turning lane has old concrete blocks with signage. In Section 2 -are those blocks to be removed; they're not to code as a barrier? Signage is mounted to concrete. The current concrete blocks and traffic lane don't align with the existing gates. You need to evaluate existing conditions to the extent items fall in a traffic lane or roadway and confirm you will remove and reconfigure items for safety and clarity.
J. Simons: We would require all general travel traffic lines, roadway markings, etc. The lighting plan doesn't seem to answer all the questions, either.
M. Rosen: Hancock's conclusion was that the applicant has stated that the issue is to be resolved at a later date as described in the "Site Lighting Narrative.
J. Simons: The landscaping has multiple utilities, channeling traffic & pedestrian flow, aesthetics, drainage, etc.
M. Rosen: We've chosen to do landscaping outside of the arrays and parking lot areas. All the arrays have snow guards. We proposed white pine trees 8-10 ft. high, planted 8-10 ft. apart for year round screening.
P. Boynton: Plantings integrated with the arrays is desirable. In your examples of existing arrays they show end plantings (i.e. Whole Foods). Within your examples, the configuration where the first post is inset and curbing islands are placed beyond the end of the arrays, protects traffic flow and provides an opportunity for landscaping.
R. Kean: The master vision for this site displays a lot of greenery and if you look at the photo of what you are providing, there's no greenery proposed for this parking lot?
L. Rudnicki: Our bylaw calls for a parking lot with integrated landscaping.
J. Simons: How much has the sq. footage of panels on the ground been reduced?
M. Rosen: It has gone from approximately 400,000 sq. ft. to 202,000 sq. ft.
L. Rudnicki: Commented on the need for an ADA site review. Many of the pedestrian walkways and ramps are not handicapped accessible or compliant, trench drain locations, lack of HC hand rails, ramp grades, crumbling ramps, walkway widths, etc. Your handicapped spaces are abutting this; the building access is not safe and in compliance. Dangerous entranceways need to be closed off.
R. Waite – I agree with most of your comments, but not all. Wherever we propose HC spaces we will make them HC compliant. There are existing HC spaces on all four sides of the building. The existing HC spaces located to the west go nowhere. You can't use those spaces today unless major renovations are made. To the south, I agree with you 100%. The bus stop accessibility is questionable. We relocated spaces to where they are more accessible than the existing bus stop spaces. The north and south would need to be reviewed by the Building Dept. We are not proposing anything on the east side.
L. Rudnicki: The west side HC spots are marked and that "assumes" access to the building is successful. It makes sense to remove them.
R. Waite: I agree and we can omit the HC spaces located to the west on the plan.
M. Rosen: We understand removing the HC spaces from the west and bringing the sidewalks and ramps north and south into compliance, but with respect to upgrading entrances to the buildings- I don't think the applicant could agree to that as a condition? They meet ADA compliance to the extent they need to but to say all entrances will be HC compliant is excessive? Walkways, ramps, sidewalks, curbing, slope, parking spaces?
L. Rudnicki: The north and south entrance ramps are not acceptable by ADA & OSHA standards. The sidewalk ramps don't need to be re-graded but the two foot wide potholes that are two feet deep?

R. Waite: There used to be approx. 12-14 parking spaces proposed at the bus stop location. J. Peznola asked us to move spaces to the right because the existing accessibility to the building at the bus station was questionable. We left a couple there and moved the rest to the other parking lot area that is more HC accessible.
L. Rudnicki: The switchback on that ramp looks plausible. That makes sense. There is a HC ramp that was built fairly recently however without a handrail. The walkway that crosses the fire lane appears to be close to correct grade and fairly handicap accessible. It makes sense to have the HC parking there. Fix the specific areas to make them HC compliant. Provide handrails, proper stops at the bottom of ramps, etc.
R. Waite: The grade is fine, the sidewalk is horrible. I see the problem at the bus stop.
J. Simons: The New England Tractor Trailer School (NETTS) will it remain on site? For safety reasons we need to protect the west side canopies and pedestrians. We want to make sure there is no impact between the trucks and the canopies. We would condition it and segregate it for safety reasons.
L. Rudnicki: There are barbed wire fences falling down on the ground in that area.
L. McSherry: You aren't planning to eliminate the soccer fields to put up a driving school? Can we condition that they remain, because those fields actively used and are very important to the town?
M. Rosen: As part of the TIFF, we protected them for the town, they had a set period of time and use which renews one year annually each spring.
J. Enright: The OSGOD Bylaw requires some stormwater management. The plan proposes to have three stormceptors installed on the south side which is a net improvement to the lot. There is currently no treatment provided. This is the only area of the lot with a proposed improvement. The peer review comments are presented and Lisa defers some items to the Board to determine if this a reasonable amount of improvement.
L. Rudnicki: On the north side, there's a trench drain that has completely failed and has never been cleaned out and the catch basins have no sump. It doesn't make sense to have a trench drain going to nowhere. It's pretty long, i.e. 10-15 ft. What is the plan to rectify that? It is in front of the electric car charging station. We don't know where the north drain goes? It's a safety hazard.
R. Waite: We have tried to figure out the existing stormwater on site and the area on the west side has no drainage whatsoever, that trench drain can't be understood, there are no sumps, and there's limited ability to improve the situation. We took a contributing area for our entire project and matched it on the south side of the site. We aren't changing water quality but met the intent of treating a certain amount of areas. By installing three significant stormceptor systems we are meeting the intent. We can certainly clean out a catch basin in the north area.
L. Rudnicki: That concerns me even more if you have no idea where these drains are draining to. They could be discharging directly into the wetlands on the north side. This is our role and per L. Eggleston, the final decision is the Planning Board's.
J. Enright: The catch basins on the north side do not have sumps and therefore will not have sediment. The stormceptors to the south will have sediment and the plan calls for maintenance at certain triggers. L. Eggleston recommended a sweeping program for sediment and debris. Perhaps that should be conditioned in the O & M plan? She also recommends that the use of coal tar based pavement sealants should be prohibited. The north and west sides drain to the stormwater ponds around the property, but the improvement has been to the south side.
J. Enright: Reviewed a resident's letter who is concerned about the electrical trenching which we have confirmed will be underground (not looped on top), landscape buffering will be essential to the site, the south side roadway was shown in the footprint of a proposed 145K sq. ft. building proposed on in the Master Plan (the array footprint has been revised and is no longer in this footprint), and expressed disappointment for the abandonment of the original master plan for this site. Does the Board want to comment any further on the parking lot pavement/resurfacing?
R. Waite: The pavement area for the two canopy arrays, (section 4 of the plan) will be repaved.
J. Simons: We are ready to write a Decision and will need three full weeks to do it.
M. Rosen: There was one additional piece of evidence that was submitted and that was a letter from Town Counsel regarding voting requirement. Confirmed that the voting requirement is majority and not super majority. We don't have a problem with giving you three weeks to write a Decision, including conditions. How do you decide on a consensus to agreeing on the conditions?

J. Simons: We have a process that we go through to agree on the reasonable conditions we strongly support. The process results in a fair even handed result in compliance with the bylaw.
L. Rudnicki: I prefer to see the gaps in the canopies eliminated and shorten up a row and create the endcap to provide landscaping.
M. Rosen: We can agree to that and create covered pedestrian pathways.

**MOTION**: D. Kellogg made a motion to close the Public Hearing. The motion was seconded by L. Rudnicki. The vote was 5-0, unanimous in favor.
**MOTION**: L. McSherry made a motion to approve the Osgood Solar LLC OSGOD Permit subject to including certain conditions for the Solar Project at 1600 Osgood Street. The motion was seconded by L. Rudnicki. The vote was 5-0, unanimous in favor.
**MOTION**: D. Kellogg made a motion to accept a three week extension for the Interim Town Planner to render a Decision by November 24, 2015. The motion was seconded by P. Boynton. The vote was 5-0, unanimous in favor.

**DISCUSSIONS**
Watershed Informational Mailer
Water Quality Research: P. Boynton mentioned he will be meeting with the Water Dept. for an update on pre- treated water quality. The date of the annual Lake Cochichewick Cleanup is scheduled for November 7th at Stevens Pond Beach Parking lot from 8 a.m.-1 p.m.
Planning Board Rules & Regulations

**MINUTES APPROVAL**
L. Rudnicki made a suggestion to amend line 22 of the October 20, 2015 meeting minutes to include- "erosion control" in line 22.
**MOTION:** D. Kellogg made a motion to approve the October 20, 2015 minutes, as amended. The motion was seconded by L. Rudnicki. The vote was 5-0, unanimous in favor.

**ADJOURNMENT**
**MOTION**: P. Boynton made a motion to adjourn the meeting. The motion was seconded by L. Rudnicki. The vote was 5-0, unanimous in favor. Meeting adjourned @ 9:15 p.m.

MEETING MATERIALS:
November 3, 2015 Agenda; DRAFT October 20, 2015 Meeting Minutes; 0 Methuen Ave: Engineer Certification, Form J, Notice of Decision, Quitclaim Deed; 129 Winter Street: As-Built Plan, Deed Restriction, Engineer Certification, WSP Notice of Decision; North Andover Country Club: NACC As-built 6-24-14 Tennis Courts, NACC Engineer Certification Letter, NACC Notice of Decision; 1600 Osgood Street: 2005 Conceptual Master Plan, 151020 Airspace Letter_10-19-15 (1), 151020 Civil Review Final Comments, 151020 Fire Chief Comment, 151020 Parking Analysis Updated 102015, 151020-Peer Review Response Letter Updated for 102015, 151020 Resident Comment, 151020 Site Photos, 151020 Stormwater Final Review Comments Eggleston #2, Buffer Planting_101415, 151020-Affidavit, Stormwater Connections, 151020-Lighting Narrative 10 14 15 R1, 151020-Operations & Maintenance , 151103 (2) Civil Review Final Summary 11-2-15, 151103 Fire Chief Comment, 151103 MDOT Permit not required 10302015-15-LWM-03, 151103 Parking and Arrays Updated 103015, 151103 Plan Approval Amendments (2015-10-29), 151103 Plan Approval Set REV4 (2015-10-29), 20151103 Urbelis North Andover Planning Board Ltr