

Town of North Andover
PLANNING BOARD-Meeting Minutes

Approved
11-3-15

John Simons, Chairman
Lynne Rudnicki
Peter Boynton



David Kellogg
Lora McSherry
Regina Kean (Associate)

Tuesday October 20, 2015 @ 7 p.m. Town Hall, 120 Main Street, North Andover, MA 01845

1 Present: J. Simons, L. Rudnicki, L. McSherry, D. Kellogg, R. Kean

2 Absent: P. Boynton

3 Staff Present: J. Enright, B. Wolstromer

4
5 J. Simons, Chairman: The Planning Board meeting for Tuesday, October 20, 2015 was called to order at 7 p.m.

6
7 **BOND RELEASES:**

8 107 Campion Road, Dimitrios Saragas: Applicant requests release of a \$4,000 performance bond associated with
9 an August 5, 2014 Watershed Special Permit.

10 J. Enright: A Watershed Special Permit was issued in August of 2014 to construct a single family home. The
11 engineer has submitted a certification letter and an as-built plan, and a deed restriction has been recorded for the
12 property. The independent monitor has confirmed that some of the plantings that didn't survive summer have been
13 replaced. Conservation has released their funds on this lot.

14 **MOTION:** D. Kellogg made a motion to release the bond for 107 Campion Road in the full amount of \$4,000. L.
15 McSherry seconded the motion. The vote was 4-0, unanimous in favor.

16
17 242 Dale Street, Rob Barter/Julie Nigro: Applicants request release of a \$1,000 performance bond associated with
18 a July 10, 2015 Watershed Special Permit.

19 J. Enright: A Watershed Special Permit was issued in July of 2015 to install a pool, deck, retaining wall, fencing,
20 and for the removal of four trees. The as-built plan, engineer certification letter, deed restriction have been
21 submitted. A hot tub was installed within the footprint of the deck which was not on the original plan. It is shown
22 on the as-built. The Conservation Field Inspector has informed the applicant that the erosion control needs be
23 removed

24 **MOTION:** D. Kellogg motioned to release the full amount of the bond \$1,000, for 242 Dale Street. L. Rudnicki
25 seconded the motion. The vote was 5-0, unanimous in favor.

26
27 **WAIVER REQUEST:**

28 660 Great Pond Road, Daniel Koravos on behalf of New England Conference of the United Methodist Church:
29 Applicant requests a Watershed Special Permit waiver for the construction of three gravel parking spaces,
30 resurfacing of existing pavement, and construction of a new walkway within the Non-Disturbance Zone and Non-
31 Discharge Zone of the Watershed Protection District.

32 J. Enright: The applicant would like to create three gravel parking spaces at the beginning of the Lower Entrance
33 (immediately abutting golf course parcel). The second request is to resurface and stripe an area for parking along
34 the Moses building and create a 462 sq. ft. walkway (300+ ft. is within the Non-Disturbance Zone). This walkway
35 would be the only new impervious area. The proposed work is within both the Non- Discharge and Non- Disturb
36 Zones of the watershed.

37 J. Simons: This is ultimately to the benefit of the town. The proposed gravel parking spaces are per the
38 Conservation Restriction Plan for public use.

39 Dan Koravos, DK Engineering (Applicant's engineer): An exterior handicapped lift to gain access from the
40 parking area to the second story will be added at the end of the Moses building. The building has multi levels and
41 access is difficult for the impaired. Handicap spaces will be striped. The proposed parking area is currently paved;
42 however, resurfacing is needed. In order to deal with runoff from the proposed walkway a small 6-12" berm can
43 be added to the plan. This berm would delay runoff and allow some of the sediment to settle out. There is very
44 little impervious area above the proposed berm. Sheeting would run over the berm and it would act as a level
45 spreader. Stone can be added to the base to allow some water to filter flow through. Believes the wetland is

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46 connected to the Lake and that it was original constructed to handle drainage. There us a catch basin at the bottom
47 of it and a pipe that goes out of it in the direction of the Lake. It appears the very old, 8” pipe, is crumbled.
48 **MOTION:** L. Rudnicki made a motion to waive the Watershed Special Permit for 660 Great Pond Road and
49 directed the Interim Town Planner to work with the applicant and Conservation Department to resolve the
50 remaining berm issue. D. Kellogg seconded the motion. The vote was 5-0, unanimous in favor.

51
52 **PUBLIC HEARING:**

53 [Continued Public Hearing]: 1600 Osgood Street: OSGOD Permit for Solar Project (Map 34 Lot 17) – Applicant
54 seeks approval for construction of a rooftop and parking canopy mounted solar photovoltaic system (6MW and/or
55 roughly 19,500 solar modules). [No evidence was heard]

56 J. Enright: Progress has been made in terms of answering outstanding questions from the previous hearings and
57 revised plan sheets have been submitted. The Fire Department submitted comments from the state Fire Marshal’s
58 office stating that they have reviewed the revised site plan and it appears to be compliant with regulations, a
59 resident has submitted comments, the City of Lawrence Department of Airport submitted a letter stating the
60 applicant is required to file a request for Airspace Review with MA DOT Aeronautics Division and they may have
61 to file an Obstruction Evaluation with the FAA. Mr. Leary submitted the filing last week and anticipates a
62 response within a week to two. The Board received a revised Landscape Buffer Plan, a revised Signage Plan, a
63 Lighting Exhibit Plan, Drainage Plan, Operations & Maintenance Plan and a Parking and Array Analysis. This
64 analysis depicts a shift in array locations since mid-September (Board of Selectmen discussed this application
65 September 28, 2015). Notably, a 22% reduction on the South side and a 50% increase on the roof. Some peer
66 review concerns have been satisfied and some concerns are being deferred to the Board for input/decisions. Peer
67 Review comments were received at 4:30 this afternoon. Michael Rosen, applicant’s attorney: The array revisions
68 were made after the Selectmen’s meeting and before the last Planning Board meeting.

69 J. Simons: There’s new additional material that’s been provided but still some open issues and questions. I want
70 to just address the open issues tonight.

71 J. Enright: The filing with the MA DOT Aeronautics Division review has been submitted by the applicant and that
72 review will not be received for a week or two. There are open items listed in the Peer Review letter submitted. The
73 Board needs to review one-by-one to determine if the applicant has satisfactorily met requirements or if a waiver
74 could be issued.

75 Mr. Rosen: Asked how many voting members are present and the Chair confirmed there are four voting members
76 present.

77 Mr. Rosen: Confirmed the North Andover has adopted the policy that Mr. Boynton would be allowed to review
78 tonight’s deliberation and certify that he had reviewed and that he would still be able to vote on the basis that as it
79 would be only one missed meeting. The Board confirmed this is correct.

80 Mr. Rosen: Inquired as to what the required vote would be if the hearing was closed and voted on– simple
81 majority or super majority (4 out of 5).

82 J. Simons: My opinion is you do need the super majority. You don’t agree with that, but that is our interpretation.

83 M. Rosen: Indicated that he thought Town Counsel was to weigh in on this. (M. Rosen left meeting to confer with
84 his clients and returned to continue discussion). Upon return made two requests of the Board; 1) that they seek
85 guidance from Town Counsel as to the vote requirement and 2) that the hearing be continued until Tuesday,
86 November 3rd with time to file a Decision until November 10th.

87 J. Simons: We haven’t gotten through the substance of the submissions and do not know what the open issues will
88 be at the end of the meeting. [No evidence was heard].

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89 **MOTION:** L. McSherry made a motion to accept the written request to continue the hearing to render a Decision
90 for 1600 Osgood Solar to the November 3, 2015 hearing and time to file a written Decision until November 10,
91 2015. The motion was seconded by L. Rudnicki. The vote was 5-0 unanimous in favor.

92 L. Rudnicki: Clarified that the canopies will be parallel to the grade.
93

94 **DISCUSSIONS:**

95 Watershed Informational Mailer:

96 Water Quality Research:

97 Planning Board Rules & Regulations:
98

99 **MEETING MINUTES APPROVAL:**

100 Approval of September 1, September 15 & October 1, 2015 Meeting minutes.

101 **MOTION:** L. Rudnicki motioned to approve the September 1, 2015 meeting minutes. L. McSherry seconded the
102 motion. The vote was 5-0 unanimous in favor.

103 **MOTION:** L. Rudnicki motioned to approve the September 15, 2015 meeting minutes. D. Kellogg seconded the
104 motion. The vote was 5-0 unanimous in favor. (Lake clean-up is November 7th – see the town website)

105 **MOTION:** October 1, 2015 minutes-Line 127, change-“front to rear” to read (“south side”). L. Rudnicki
106 motioned to approve the October 1, 2015 meeting minutes as amended. L. McSherry seconded the motion. The
107 vote was 5-0 unanimous in favor.
108

109 **ADJOURNMENT:**

110 **MOTION:** L. Rudnicki made a motion to adjourn the meeting. The motion was seconded by D. Kellogg. The
111 vote was 5-0, unanimous in favor. Meeting adjourned 7:45 p.m.
112

113 **MEETING MATERIALS:**

114 October 20, 2015 Agenda; DRAFT October 1, 2015 Meeting Minutes; DRAFT September 1, 2015 Meeting
115 Minutes; DRAFT September 15, 2015 Meeting Minutes; 107 Campion Road: 107 Campion Rd As-Built Plan,
116 Deed Restriction, Engineer Certification Letter, Recorded Decision; 242 Dale Street: As-Built Plan, Deed
117 Restriction, Engineer Certification, Recorded Decision; 660 Great Pond Road: 151020 Lower Parking Spaces
118 2015-10-13, 151020 Moses Building 2015-10-13, 151020 WSP Waiver Request 2015-10-13, Locus; 1600 Osgood
119 Street: 2005 Conceptual Master Plan, 150929 Plan Approval Set REV3, 151001 A. Maylor correspondence
120 Osgood, 151001 Conservation Administrator Comments, 151020 Revised Signage (2) 101615, 151020 – Peer
121 review response letter updated for 102015, 151020_Buffer Planting_101415, 151020 Lighting Exhibit_2_101415
122 (1), 151020-Affidavit, Stormwater Connections, 151020 AUTOTURN SET, 151020 DRAINAGE EXHIBIT
123 PLAN, 151020-Drop Box Index as of 10152015, 151020 Lighting Narrative 10 14 15 R1, 151020 Operations &
124 Maintenance, 151020-Parking and Arrays (1), 151020-Revised Signage Plan, Fire Chief Comment, Fire Marshal
125 Comment email Letter from Mass. Fire Marshal’s Office, Law Municipal Airport Comment, MASSDOT
126 Brochure-Airspace Review & Obstruction Evaluations, Resident Comment, Resident Feedback—More solar
127 feedback, 151020-Airspace Response Letter_10-19-15, 151020 Civil Review Final Comments, 151020
128 Stormwater Final Review Comments Eggleston #2, Site Photos, 151020 Parking Analysis Updated 102015.

