

Approved 6-7-2016

Town of North Andover  
PLANNING BOARD

John Simons, Chairman  
Lynne Rudnicki  
Peter Boynton



David Kellogg  
Lora McSherry  
Regina Kean (Associate)

Tuesday May 17, 2016 @ 7 p.m. 566 Main Street-School Administration Building, North Andover, MA 01845

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

2 Absent:

3 Staff Present: J. Enright, R. Oldham, B. Wolstromer

5 J. Simons, Chairman: The Planning Board meeting for Tuesday, May 17, 2016 was called to order at 7 p.m.

7 **PUBLIC HEARINGS**

8 CONTINUED PUBLIC HEARING: Verizon, Christopher Swiniarski, Cloud Radio Access Network Antennae on  
9 24 Utility Poles Town Wide: Application for Wireless Facilities Special Permit. Proposal for attachment of  
10 disguised Cloud Radio Access Network (C-RAN) antennae, a single 24.2” tall cylindrical canister weighing  
11 approximately 22 pounds, mounted to 24 existing utility poles.

12 R. Oldham: At the last Public Hearing, the Board requested a direct response to the issues raised by the review  
13 consultant and asked for a list of the poles with existing guy wires. The Applicant has provided both. Additionally,  
14 the Board requested a determination by the Building Commissioner on zoning. He referred to his determination in  
15 2008 stating, “the antennae was so placed on an existing structure and the existing structure was a non-conforming  
16 structure and zoning will not apply”. In this case the utility pole is the existing non-conforming structure.

17 Chris Swiniarski, Esq. Attorney Representing Verizon Wireless: The wireless review consultant requested that  
18 we provide a radiation safety report for all the antennae located lower than ten meters on the poles. The report we  
19 submitted concludes we are at 1% of the allowable emissions under the FCC regulations. The guy wire list shows  
20 that there are 16 out of 24 poles with existing guy wires. We have no control over the existing guy wires. The  
21 equipment we are placing on these poles is nominal, 22lbs.

22 L. Rudnicki: Do they make you get any structural engineering reports of these poles?

23 C. Swiniarski: The poles have been previously assessed and approved in-house by the utility company.

24 J. Simons: We’ll keep this open and vote at the next meeting.

25 [Continued to next Planning Board meeting June 7, 2016]

27 **DISCUSSIONS**

28 1636 Osgood Street, Ruff ‘n Tumble Playcare: Request for Waiver of Site Plan Review

29 R. Oldham: At the last meeting the Board requested ground photos vs. aerial views of Building 48. (Staff Planner  
30 displayed new photos of the building front, exterior dog park area, lighting, fencing that needs attention, stairway  
31 to the outside area and handicapped side entrance.) There is a project being proposed for this site that is going to  
32 impact the proposed parking plan for this project. They will still have the same amount of parking spaces, yet they  
33 have been relocated.

34 L. Rudnicki: It appears there is a handicapped parking space located in the fire lanes. I think we need the North  
35 Andover Fire Department to review this so that it doesn’t interfere with trucks.

36 Board: The Board reviewed the draft waiver provided by Planning Staff.

37 **MOTION:** D. Kellogg made a motion to waive Site Plan Review for Ruff ‘n Tumble Playcare, based on the  
38 findings of fact and conditions attached to the draft; as amended, for 1636 Osgood Street. P. Boynton seconded the  
39 motion. The vote was 5-0, unanimous in favor.

41 1755 Osgood Street, Kettle Pizza: Request for Waiver of Site Plan Review

42 R. Oldham: The Applicant came before the Board in April. They are proposing to reconnect the access from Route  
43 125 and widen the access from Bradford Street, improving the loading dock area and removing paving and curbing  
44 near the loading dock. The Board suggested the Applicant cut down on the width of the proposed entrance - 92 ft.

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45 wide, by creatively moving some parking spaces and moving the entranceway. The Applicant has provided a new  
46 proposal which eliminates two parking spaces, moving the entranceway 21 ft.; eliminating 15 ft. of the driveway  
47 and increasing the width of the driveway by 6ft. as opposed to the original 32 ft. At the last meeting the Board  
48 requested additional departmental reviews from the North Andover Fire Department (NAFD), North Andover  
49 Police Department (NAPD) and DPW. NAPD stated any construction that would have an impact on the public  
50 way would require police detail. The NAFD and DPW approved the proposal as submitted. At the request of the  
51 Board, as a courtesy, we notified abutters both in North Andover and Haverhill.

52 Phil Christiansen, Project Engineer: We spoke to Gerry Brown regarding the use which he has determined to be  
53 light industrial allowed by-right. There are occasional deliveries and shipments where tractor trailers will enter the  
54 property. We have determined there is a curb cut on record within MassDOT District 4 that will allow access from  
55 Route 125. Towns typically approve projects prior to the MassDOT's review, so we are unable to receive their  
56 confirmation until we receive the waiver.

57 D. Kellogg: Is there enough queuing room for the tractor trailers?  
58 P. Christiansen: Yes. (Reviewed truck turning plans)

59 George Peters, Applicant: Deliveries will occur approximately twice a day, depending on the season. Deliveries  
60 will not occur after 4:30 p.m. Hours for pick up will be 8-5 p.m.

61 Susan Carpenito, Abutter, 68 Bradford Street, Bradford, MA: We currently have traffic issues on Route 125 with  
62 tractor trailers which are supposed to be using Route 133. We have young children on this street. I don't believe  
63 your delivery estimate of 1-2 trucks per week. The size of tractor trailer trucks is excessive. Previously, L-Com did  
64 not use any tractor trailers. I have spoken to the police department several times about many issues on this street  
65 and this will impact our neighborhood.

66 Sarah Brush, Abutter, 2 Bradford Street, Haverhill, MA: I live at the corner of Bradford St. and Route 125 and I  
67 witness so many accidents that occur at this intersection. I believe a traffic study is imperative. People don't see  
68 the stop sign at the bottom of the hill. Additionally, my concern is that a year from now they increase their truck  
69 deliveries after approval. I'm also concerned about delivery trucks backing up and hearing reverse "beeping" at all  
70 hours.

71 R. Oldham: Displayed Google Earth photo of intersection.

72 J. Simons: The problem here is the "double out". From a planning perspective, we typically do studies when  
73 volume is sufficient.

74 Susan Carpenito: You may want to contact the NAPD because they have done traffic studies of this location.

75 J. Simons: Suggested the Planning contact Lt. Gray at the NAPD and the DPW to ask if they are planning any  
76 roadway improvement plans for this area.

77 Paula Macor Andreoli, Abutter, 15 Bradford Street: I am the resident with the most longevity on Bradford Street.  
78 My parents built in 1957. Firstly, I don't believe that Haverhill residents of Bradford Street were notified of this  
79 meeting. Secondly, my main concern is traffic. In my opinion, Bradford Street isn't wide enough to accommodate  
80 two lanes. There is gridlock when the tractor trailers back in and out and there will be a lot of congestion on Route  
81 125. I'm also concerned this might encourage other tractor trailer trucks to drive "up" Bradford Street. These  
82 gentlemen may expand and there could be more trucks. I have concerns for the noise and danger as well. Can't  
83 you use smaller trucks or access a local distribution area?

84 Gina Giangregorio, Abutter 4 Bradford Street, Haverhill MA: My house shakes from the traffic on Route 125. I  
85 am concerned for the children in the neighborhood. Making a right onto Route 125 is very difficult. It is very  
86 congested in the morning.

87 J. Simons: What would you say are the peak times for traffic at this intersection?

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88 Paula Macor Andreoli: I have missed so many head on collisions at this intersection every morning; it's very bad.  
89 It's a busy intersection with traffic all day long. Even on Sundays there's traffic. It's a residential neighborhood;  
90 we don't need any tractor trailers.

91 Kerry Vasquezi, Abutter 62 Bradford Street, Haverhill MA: I have two young children who are not allowed to  
92 play in the front yard because it is a very busy street. What is to prevent these tractor trailers from going "up"  
93 Bradford Street? Can signage be put in place? Taking a left hand turn out of Bradford Street onto Route 125 is  
94 very difficult and that's without tractor trailers coming and going. Perhaps they can be directed to make a right  
95 onto Route 125. Snowy weather is another concern, as the base of this street gets very icy at the bottom of the hill.  
96 The queuing of tractor trailer trucks becomes another issue for people in front of their private residences.

97 J. Simons: We will consult with the NAPD and DPW for review and will most likely need to visit the site.

98 P. Christiansen: Unfortunately, this residential neighborhood in Haverhill directly abuts an industrial zone in  
99 North Andover. We are trying to improve the situation for the neighborhood vs. creating something they wouldn't  
100 have otherwise.

101 G. Peters: We're trying to be proactive and we want to be good neighbors. Peak delivery months will be April,  
102 May and June. It will slow down during July and August and then pick up again October through December. I  
103 predict most deliveries will be UPS and FedEx box type trucks. There would be no reason for these trucks to travel  
104 up Bradford Street. We wouldn't accept deliveries prior to 8:30 a.m.

105 J. Simons: We'll meet with NAPD and the DPW on site. We may put our conditions in place and perhaps review  
106 the site 3 months later.

107 J. Enright: A courtesy mailing was sent certified mail to abutting residents in both Haverhill and North Andover.  
108 [Continued to next Planning Board meeting June 7, 2016]

109  
110 1600 Osgood Solar, LLC, Dan Leary: Review of recently submitted application for Special Permit Site Plan  
111 Review.

112 J. Enright: The application was submitted for Special Permit – Site Plan Review and time stamped on May 6,  
113 2016. The scope of the project is for a 3.6 megawatt ground mounted solar system at 1600 Osgood Street. The  
114 scope also includes demolition of out buildings and storage tanks on the property. The plan provided is conceptual  
115 and supplemental filings will be required. We have provided the applicant a draft legal notice referencing Bylaw  
116 section 8.3. The Applicant needs to approve the draft in order for the notice to be finalized submitted to the Eagle  
117 Tribune by Thursday. The applicant has indicated that he does not believe that this application requires a special  
118 permit. We had a TRC on May 11, 2016 and comments were supplied by Conservation, NAFD, Building and  
119 Planning.

120 D. Leary: Presented the conceptual plan. We have a critical timeline; this project needs to be turned on by the end  
121 of the year in order to obtain the financial gains. It is a 6 megawatt project, approximately 2.4 on the roof and the  
122 other 3.6 would be placed on the ground. We will need to demolish some existing out buildings and storage tanks.  
123 Unlike the original plan, this plan has no carpports.

124 J. Enright: The application for Site Plan Review is for ground mounted units only. The Applicant is proposing to  
125 obtain a Building Permit for the roof units.

126 D. Leary: We have a number of questions of how to best navigate the permitting process. The roof mounts are a  
127 non-issue from a site plan perspective. The ground mounts will be moveable, modular, ballasted, non-penetrating  
128 and non-disturbing and waist high. The system was designed to be moved if a better use of the land becomes  
129 available. The ground mount solar arrays are located on the western side placed on the pavement. The other  
130 location is placed to the north of the building on pavement. This plan is what we believe is the easiest and most  
131 expedient to permit. To the northwest there is a proposal for more panels that is a little more complex that we will

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132 discuss later. The area in red is the area we are looking to demolish and relocate the tractor trailer school. Our first  
133 question is regarding demolition to this area of the site. Does the structure in the photograph require Site Plan  
134 Review or just strictly a demolition permit?

135 J. Simons: The demolition component may not require a Site Plan Review, as long as it's less than an acre and  
136 there are no hazardous materials or other stormwater/ utility impacts.

137 J. Enright: I've spoken to the Building Inspector who believes the south side demolition can be managed through  
138 the Building Department with the appropriate monitoring required for such work. The future development and use  
139 of that area would trigger Site Plan Review.

140 D. Leary: The second area of interest is the water treatment area in the northwest. This whole block is mostly  
141 unused and inactive. We would like to demolish this area and believe this would be a great area for solar. Our  
142 question is whether we can demolish the existing tanks, permit the site and construct the site, by the end of this  
143 year. We are interested in your feedback regarding demolition to this area of the site.

144 L. McSherry: What was treated there?

145 L. Rudnicki: I believe they contain sewerage.

146 J. Enright: Part of this area is still functioning.

147 D. Leary: Yes, the plant is 95% inactive and we would not touch the area that is still servicing the building. There  
148 is opportunity to make better use of that land. However, we don't have a lot of confidence that we will be able to  
149 get this done in the timeframe we have.

150 J. Simons: It seems non-essential to this project. Is this area considered flexibility for the future? When would you  
151 know the carrying capacity of the area after demolition?

152 D. Leary: We would know well before we started. This is a question of special permit or not. If there is special  
153 permit, then there would be a timing issue that would add 3 to 4 months to the schedule.

154 Rick Waite, Project Engineer: This is why we are calling it Phase II of this project because of these complexities.  
155 Some of them are hundred year old utilities, piping, etc. If we file now, we don't know what those existing  
156 conditions are, or how we'll treat them. What are the drainage considerations on the site? There are a dozen or  
157 more manholes, etc. that drain to unknown areas. Also the blue area noted on the plans, is in wetland jurisdiction,  
158 triggering a permitting process that'll likely take months. We would need 6 to 8 weeks in order to study the area  
159 and know what type of capacity we have out there.

160 J. Enright: The ballasted system is easily relocatable and can be moved to that area in a phased approach as Phase  
161 II.

162 J. Simons: Exactly, assume you're not going to do it initially and file a demolition permit for that area. If you're  
163 concerned about time you don't want to tie the two project phases together.

164 J. Enright: Do you have any concerns about parking?

165 D. Leary: No, we don't. Because the ground mounts we are proposing are not disturbing the ground underneath  
166 and can easily be removed.

167 D. Kellogg: What type of wind loads can these panels take?

168 D. Leary: They are engineered to withstand 105 mile per hour wind loads, multiplied by a 1.4 safety factor, they  
169 are wind tunnel tested under Chapter 16 International Building code standards. They are designed to withstand  
170 more than 150 miles per hour winds.

171 D. Leary: Does the repaving of the NETTS parking lot trigger Site Plan Review?

172 J. Simons: The demolition is fine. However, repaving the site, screening and relocating the tractor trailer school  
173 will require Site Plan Review.

174

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- 175 D. Leary: If we are relocating a tenant activity and doing construction on the north site, we've avoided  
176 jurisdictional areas that would trigger stormwater requirements, would we require anything more than a building  
177 permit?  
178 J. Simons: For the ground mounts you need to complete a Site Plan Review.  
179 D. Leary: We believe that we can address Site Plan Review through the design and not necessarily go through the  
180 process.  
181 J. Simons: We are willing to expedite this and be flexible, but we are not willing to waive Site Plan Review.  
182 You've got a good proposal and it's clear. You outline what you are proposing to demolish and phase. It's not  
183 complicated. Are you going to put a fence around this installation? Will they effect circulation on the site? What is  
184 the stormwater and site drainage plan? These are all things that are discussed during the Site Plan Review process.  
185 D. Leary: Should we submit this project as two different projects? Weeks really matter in this project and if there  
186 is a way to get us to solar faster, we would welcome that. The Site Plan Review will take months and there are  
187 appeal periods and things of that nature that will make the process longer.  
188 J. Simons: It'll get done quickly if you're prepared.  
189 R. Waite: Solar Phase I on the west and north are not very complex projects and easy to permit. Regarding the  
190 demolition for NETTS; we don't want to hold this solar piece up if it is part of a Site Plan Special Permit.  
191 J. Simons: Just apply for a demolition permit for the demolition. As part of the Site Plan Review process we need  
192 to know the scope of the project and currently you can't provide those details so we cannot tell you what may or  
193 may not happen.  
194 D. Leary: For us, it makes sense to put this into two separate projects. Even if we have to update the notice which  
195 still needs to be submitted this week.  
196 J. Simons: You can't "unfile" – you've already filed. If you want to file a separate application then you have to  
197 start all over and file a separate application.  
198 J. Enright: We have only received the 2 page application and the sketch site plan. The supplemental information  
199 has yet to be provided and that would really provide the details of the project and the course of action.  
200 J. Simons: From your perspective, when do you want to start? When would you start on the ground panels?  
201 D. Leary: For the ground panels, we would start on July 15, 2016; and begin construction thereafter. Construction  
202 has to be completed by Thanksgiving in order for National Grid to turn it on.  
203 L. Rudnicki: You need to figure out your construction order of sequence.  
204 D. Leary: Demo for the south parking lot – we have a contractor lined up to start on that right away. NETTS move  
205 will take a few days to move. Ideally they'll move at the end of July. We can't start building the west side until  
206 NETTS moves. The north would be started as soon as it is permitted.  
207 J. Simons: We're not going to plan this project for you. You know what you need to do and this meeting is a  
208 discussion. In two weeks you need to come before the Board for your Public Hearing with all your materials. You  
209 now have a better understanding of the questions we will ask and how we will proceed. We are not waiving Site  
210 Plan Review for any part of the project.  
211 [Continued to next Planning Board meeting June 7, 2016]  
212  
213 Watershed Informational Mailer  
214 Water Quality Research  
215 Planning Board Rules & Regulations  
216  
217 **MINUTES APPROVAL**

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- 218 **MOTION:** L. Rudnicki made a motion to approve both the May 3, 2016 & May 10, 2016 meeting minutes. D.  
219 Kellogg seconded the motion. The vote was 5-0, unanimous in favor.  
220
- 221 **EXECUTIVE SESSION:** Approval of Executive Session meeting minutes.  
222 **MOTION:** L. McSherry made a motion that the Board go into Executive Session for confidential communications  
223 to discuss Executive Session meeting minutes only and not to discuss litigation and not to return to open session.  
224 L. Rudnicki seconded the motion. **Roll Call:** Peter Boynton voted to go into Executive Session. Lora McSherry  
225 voted to go into Executive Session. David Kellogg voted to go into Executive Session. John Simons voted to go  
226 into Executive Session. Lynne Rudnicki voted to go into Executive Session.  
227
- 228 **MEETING MATERIALS:** (REVISED) Planning Board Meeting Agenda May 17, 2016; DRAFT Planning Board  
229 Meeting Minutes May 3 & May 10, 2016; Verizon Wireless (CRAN): Location Site Plans (24),  
230 Application\_160318, Building Commissioner\_2008 Determination Letter, Building Permit Request\_151116,  
231 Existing List of Guy Wires, Isotrope Consultant Review\_160422, Map of N. Andover Utility Poles, Response to  
232 Isotrope Review\_160509, Selectmen Comments\_160125; 1636 Osgood Street, Ruff 'nTumble Playcare: 1636  
233 Osgood St. Site Plan Review Draft Decision\_160517, Building 48 Photo, Dog Park Outdoor Overview Photo,  
234 Exhibit A+B+C- Parking, Traffic Flow & Fencing, G. Brown Bylaw Reference, G. Brown Use & Parking  
235 Comments, Kennel Parking Concept, Lighting & Fence Photo, Locus Map, Outside Dog Park Detail, Parking Plan  
236 Exhibit B Detail, Platform Staircase Photo, Side Entrance Photo, Waiver Request 160423; 1755 Osgood Street,  
237 Kettle Pizza: T. Willett Comments 160322, Waiver Request 160401, DPW Comment 160513, DPW Revised  
238 Comments 160517, Existing & Proposed Conditions Draft 2-160401, Existing & Proposed Conditions Original  
239 160301, Existing & Proposed Conditions Revised 160509, Existing Curb Cut Osgood Landing Photo, NAFD  
240 Comment 160511, Loading Dock Across the Street Full View-Photo, Locus, NAPD Comment 160510, Truck  
241 Turn Movements 160509, Google Map View of Bradford Street-125 Intersection; 1600 Osgood Street-Osgood  
242 Solar: Application 160506, Attorney email Correspondence, Submitted Plans 160506, Demolition Cooling  
243 Towers-Tanks and Outbuildings Photo, Components of Treatment Facility & Tanks Photo, Panda Bear Ballasted  
244 Ground Mount Solar Photo, Polar Bear III 5 Degree Flat Roof Mounting System Photo, 1600 Osgood St. (Route  
245 125) Sketch Plan of Land Showing Proposed Ground Mount Locations-Roof Arrays-Demolition Area-Solar  
246 Project Phases, 1600 Osgood St. (Route 125) Sketch Plan of Land Showing Proposed Repavement Areas-  
247 Relocation of NETTS-Truck Access to Loading Dock; Executive Session Motion.