

Town of North Andover  
Planning Board

Minutes of the Meeting

April 28, 2009

Town Hall, 7:00 PM

Members present: John Simons, Chairman  
Richard Rowen, regular member  
Timothy Seibert, regular member  
Michael Walsh, regular member  
Courtney LaVolpicelo, alternate

Staff present: Judy Tymon, Town Planner  
Mary Ippolito, Recording Secretary

Chair: called the meeting to order at approximately 7:10 pm. Judy: tonight's agenda contain articles that were not voted on at the April 21st PB meeting, and additional warrant articles were added as well.

**2009 Annual Town Meeting Warrant Articles:**

**Article #27** Report of the Community Preservation Committee and Appropriation From the Community Preservation Fund. To receive the report of the Community Preservation Committee and to see if the Town will vote to raise, borrow and/or appropriate from the Community Preservation Fund, in accordance with the provisions of Massachusetts General Laws Chapter 44B, a sum of money to be spent under the direction of the Community Preservation Committee; Or to take any other action relative thereto.

**Community Preservation Committee**

**RECOMMENDATION:**  Favorable  Unfavorable

Chair described the table included in the article. Stevens Estate Restoration, Ridgewood Cemetery, Machine Shop Village, Grogan's Field Building, Restoration of historical town records, Old Police Court, Hay Scales Building, Bingham Way, Fountain Drive, RCG will contribute \$25 to \$35K to Machine Shop Village. **Motion by RR to take favorable action on Article #27, 2<sup>nd</sup> by TS, vote was unanimous.**

1 **Article #28** **Acquisition of Land using Community Preservation Funds**

2 To see if the Town will vote to raise, borrow and/or appropriate a sum of money for the  
3 acquisition by purchase or eminent domain of a fee simple interest or lesser interest in a parcel of  
4 land of approximately 188 acres of land owned by any or all of the following: Marjorie V.  
5 Kittredge, the Kittredge Family Preservation Trust or the Trust for Public Land as described on  
6 Assessor’s Map 105A, Parcels 9,10, 12, 14 and 16 to be managed and controlled by the  
7 Conservation Commission of the Town of North Andover

8 **Community Preservation Committee**

9 **RECOMMENDATION:**  Favorable  Unfavorable

10 Win Rush Farm is on Lacy Street, Ms. Kittredge is trying to preserve this property, Town will  
11 buy 160 acres for \$2.5M, needs to get grant from open space institute, for preservation wildlife  
12 and \$500,000.00 grant. Open House this Saturday 1-4pm. **Motion by MW to take favorable**  
13 **action on Article 28, 2<sup>nd</sup> by RR, vote was unanimous.**

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16 **Article #32** **Amend Zoning Bylaw – Section 8.9 Wireless Service Facilities.** To see if  
17 the Town will vote to amend the Town of North Andover Zoning Bylaw, Section 8.9 Wireless  
18 Service Facilities in order to create a revised wireless service facility ordinance as shown below  
19 Or to take any other action relative thereto:

20 **Planning Board**

21 **RECOMMENDATION:**  Favorable  Unfavorable

22 TS: gave an update regarding actual Committee.

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24 Chair: wants to give people a shot at this at the next PB meeting of May 5th.

25 TS: e-mailed w/Matt Ginsburg he’s not going to present an amendment at the floor from the  
26 Committee. That option has probably been taken off the table. Committee will probably support  
27 Russo.

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29 Judy: didn’t get a response back from Mr. Russo on whether he would attend PB meetings.

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31 RR: committee didn’t show up last week or this week so they had their opportunities. RR: PB  
32 should vote on this tonight. If it exists it’s pre-existing.

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34 TS: enforce the issue and let the chips fall where they may.

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36 **Chair: Ask Charlie Salisbury to take these articles in order at Town Meeting.**

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38 Judy: made various previous edits to Article #32.

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40 RR: wants Judy to summarize the PB bylaw and give it as a handout at Town Meeting explain  
41 the changes and the reason for the change. **Motion by RR to take favorable action on article**  
42 **32, 2<sup>nd</sup> by MW, vote was unanimous.**

1 **Article #33** **Amend Zoning Bylaw –Section 8.9 (2) – Wireless Service Facilities.** To see  
2 if the Town will vote to amend the Zoning Bylaw, Section 8.9 Wireless Facilities, subsections  
3 (2)(u) through (2)(aa) to add a definition for Pre-existing Structures.

4 *Subsection 8.9(2)(u) through 8.9(2)(aa) is to be amended by removing the text shown as*  
5 *stricken, and adding the text shown as underlined.* **Section 8.9 Wireless Services Facilities**  
6

7 **Petition of Salvatore A. Russo and others**

8 **RECOMMENDATION:**  **Favorable**  **Unfavorable**

9 Judy: described the map containing parcels within 600 feet and 300 feet setbacks.

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11 RR: wording in Article #33 is worded better than the existing bylaw.

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13 MW: looked at Town of Wayland and they did what our PB is suggesting, it caused a battle and  
14 results were not good. It was appealed in Federal court and court told Town to cut a deal. **Hold**  
15 **off on this one.**  
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19 **Article #40** **Amend Zoning Bylaw – Add New Section-Section 18 – Downtown Overlay**  
20 **District.** To see if the Town will vote to amend the North Andover Zoning Bylaw by adding a  
21 new section, Section 18 Downtown Overlay District to read as follows: existing mixed uses of  
22 downtown North Andover.

23 **Planning Board**

24 **RECOMMENDATION:**  **Favorable**  **Unfavorable**

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26 Curt Bellavance: presented. The downtown area is currently made up of four different zoning  
27 districts G-B, R-4, R-5 and I-S. Proposed Downtown Overlay District combines several uses  
28 already allowed in the individual districts and allow the uses within the overlay. New overlay  
29 does not take away or change any existing zoning downtown but ads an alternative choice for  
30 Main Street development. Changes such as storefronts closer to the street, break up large  
31 buildings with separate doorway and separate façade, etc. (See Warrant Article for specifics.)  
32 Window display design allowed. Apply thru Site Plan Review process come to PB for approval.  
33

34 RR: on setbacks in downtown is edge of sidewalk the property line? Curt: doesn't know if this  
35 goes for every property most would have a 5-foot setback. RR: if we stated under what  
36 conditions drive thru would be allowed, add this into planning? Curt: G-B occupies most of  
37 downtown area, banks have drive thru now.  
38

39 Chair: Mixed-use structure, what's a mixed use structure? Chair: Cleveland St., is residential,  
40 now you would be allowing somebody to put a business in the middle of this block, this  
41 shouldn't happen because it doesn't make any sense. Curt: it would depend on what type of  
42 business they wanted to do, coffee shop/or retail shop. Curt: design criteria only allows parking  
43 on side or rear not out front. Curt: will present this at Town Meeting. Chair: do something about  
44 defining the mixed-use thing. Chair: allows for a combination of allowed uses on same structure.  
45 Judy: read 10.3 SP uses.  
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47 TS: will read Curt's edits once Curt sends them to him.

1 **Motion by RR to take favorable action on Article #40, 2<sup>nd</sup> by TS, vote was unanimous.**

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4 **Article #41** **Amend Zoning Map –Downtown Overlay District.** To see if the town will  
5 vote to amend the Zoning Map for the Town of North Andover to rezone the following:Or to  
6 take any other action relative thereto.

7 . **Planning Board**  
8 **RECOMMENDATION:**  Favorable  Unfavorable

9 **Motion by RR to take favorable action on Article 41, 2<sup>nd</sup> by MW, vote was unanimous.**

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13 **Article #42** **Amend Zoning Bylaw-Section 16.2- Corridor Development District 1-**  
14 **Permitted Uses.**

15 **Petition of Scott Hajjar, Oscar Pancorbo and others**  
16 **RECOMMENDATION:**  Favorable  Unfavorable

17 At April 21<sup>st</sup> PB meeting motion by TS to take **unfavorable action** on article 42, no one  
18 seconded the motion.

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21 RR: Mr. Hajjar and Mr. Pancorbo would like to provide drive thru for lots that don't abut  
22 residential lots. PB: discussed this a couple of years ago, PB made conscious decision not to  
23 allow drive thru in this district.

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26 Chair: PB made conscious decision not to allow drive-thru because CDD1 is tricky area, lot of  
27 small lots, not much depth, wetlands, and traffic issue exists, and there are existing structures.  
28 Problem to allow somebody to build on the lot that was too small for the district, then there  
29 would be more curb cuts than you really wanted.

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32 **Motion by RR move to vote unfavorable action on #42.....MW:** drive thru will increase  
33 traffic, but there will be an increase in traffic no matter what use PB approves. Mr. Hajjar and  
34 Mr. Pancorbo's lots don't back up to a residential area and it's been CDD1 now for a while and  
35 they haven't gotten any bites to develop it yet.

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38 Chair: market has impact, individuals want more than what the property is worth.

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41 MW: their little jog of red in located in the little area of gray, Countryside Realty is a carve out  
42 for Mr. Hajjar.

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45 Chair: is it going to increase revenue to Town? Chair: no it won't because what should/would be  
46 the highest and most valuable use, and not what's going to work right now.

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49 TS: there is more traffic with a drive thru.

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52 RR: if the existing Dunkin Donuts is probably 80 feet off the road, and Mr. Hajjar property will  
53 be a lot closer to the road then it won't take much to back up cars onto the highway.

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1 Courtney: agrees w/MW that what was done w/CDD1 isn't working to attract developers to this  
2 site. They will never get all of these properties combined to sell all at once.

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4 Chair: that's because these people aren't as combined/unified as the Eaglewood property.

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6 RR: recommends unfavorable action, he would be willing to listen to a developer as to what  
7 would be favorable.

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9 Chair: recommends get somebody to come in and have a workshop w/PB.

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11 **Motion by RR to take unfavorable action on Article #42, 2<sup>nd</sup> by TS, vote 3-2 for**  
12 **unfavorable action.**

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16 \***Article #4 Authorization to Accept Grants of Easements.** To see if the Town will vote to  
17 authorize BOS and School Committee to accept grants of easements for access, water, drainage,  
18 sewer, roadway and utility purposes on terms and conditions the Board and Committee deem in  
19 the best interest of the Town.

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21 **RECOMMENDATION:  Favorable  Unfavorable** **Petition of BOS**  
22 **Motion by TS to take favorable action on Article #4, 2<sup>nd</sup> by RR, vote was unanimous.**

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26 \***Article #5 Authorization to Grant Easements.** To see if the Town will vote to authorize  
27 the BOS and School Committee to grant easements for access, water, drainage, sewer, roadway  
28 and utility purposes on terms and conditions the Board and Committee deem in the best interest  
29 of the Town.

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31 **RECOMMENDATION:  Favorable  Unfavorable** **Petition of BOS**  
32 RR: if they grant easements to DPW ok, if they grant easements to private developers no way.  
33 Curt will provide more information to the PB on Article #5 before the PB takes a vote tonight.  
34 **Table this until May 5 PB meeting.**

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37 \***Article #12 Amend Capital Improvement Plan Appropriations from Prior Years.**

38 **RECOMMENDATION:  Favorable  Unfavorable** **Petition of BOS**  
39 **Get Bruce Thibodeau, DPW engineer, to come in for Article #22 for discussion. Get Gene**  
40 **Willis, DPW engineer, to come in for discussion. This is for article #12 as well as article**  
41 **#22.**  
42 **Table until May 5 PB meeting.**

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46 \***Article #22 Capital Improvement Plan Appropriation Fiscal Year 2010.**  
47 **Petition of BOS**

