

PLANNING BOARD
Meeting Minutes
Tuesday, November 9, 2010
Senior Center 120R Main Street
7:00 PM

1
2 **Present:** J. Simons, T. Seibert, R. Rowen, C. LaVolpicelo
3 **Absent:** M. Colantoni, R. Glover
4

5 The meeting began at 7:05 PM.
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7 **POSTPONEMENT:** Public Hearing: 1003 Osgood Street. Watershed Special Permit and Site Plan Review
8 Special Permit for const. of a new 21,000 sq. ft. restaurant/office/retail building and relocation of a historic barn.
9

10 **DISCUSSION ITEMS:**

11 **195 Bridle Path**, R. Ercolini presented changes to a Watershed Special Permit approved plan .

12 Judy: Requested revisions to the Watershed Special Permit that was previously granted. There is a new wall,
13 expansion of the stairs and bluestone walk, and expansion of the patio area. There is a net increase of 500 sq. ft.
14 impervious surface. They are also adding some storm water mitigation. Two infiltration cisterns that are in the back
15 of the house serving the back patio and the addition and two cisterns close to the stairs. These are in addition to the
16 two that were already approved and installed.

17 Steve Stapinski, Merrimack Engineering, The cisterns collect the runoff from the patio. The crushed stone trench
18 with a PVC collection pipe next to the wall to be installed connects into the cisterns which are put into the ground.
19 The two on the backside that are under the driveway will collect the water runoff from the stairs going up to the
20 bluestone patio. The water is stored in the cistern then ex-filtrates into the ground and recharges the groundwater.

21 The applicant has submitted pre and post development calculations and submitted them to Conservation as well.
22 Judy: I have talked to Conservation about the scope of change. Usually I write up something for the file that states
23 exactly what the changes were so that they can be part of the as-built.
24

25 **MOTION:**

26 A motion was made by R. Rowen that the changes were slight enough so that they did not warrant a modification to
27 the Special Permit. The changes were heard and a document will be written into the record as part of the as-builts
28 but a formal modification to the Special Permit was not warranted. The motion was seconded by T. Seibert. The
29 vote was unanimous.
30

31 **MetroPCS**, Bill McQuade, presented the plan for an extension of the existing Wireless Monopole at the Steven's
32 Estate, along with the installation of a new Wireless Facility.

33 Judy: The existing Monopole has 3 carriers. MetroPCS would like to co-locate on that Monopole and I assume it
34 will be a joint application with TowerCo who owns the Monopole. This is a pre-application discussion. Due to the
35 height they will have to go to the ZBA for a variance.

36 Matt Bowles, NE Wireless Solutions representing MetroPCS: This is a 100 ft flagpole type antenna housing
37 currently being utilized by three carriers (T-Mobile, AT&T, Sprint). The first option we looked at was to place an
38 antenna at about 65 ft. but the RF analysis showed that we couldn't get the coverage we would need. Next option
39 was to do a small extension to house our antennas. TowerCo did a structural analysis to see if it was feasible and the
40 analysis came back indicating it was a viable option to pursue. This would entail putting a 12 ft. canister on top of
41 the tower to extend it. The antennas would be mounted inside the canister which matches what is currently there.
42 Everything would be within the existing fenced ground area. We have a letter from the Town Mgr allowing us to
43 proceed with the zoning process as well as a letter from TowerCo.

44 Judy: Verified that the diameter will be the same and Bowles confirmed that he believes it will.

45 R. Rowen: When the tower was originally built were there any restrictions saying there could only be three carriers?

46 Judy: Yes, the current tower is restricted to three by the tower company themselves. They determined it is only a
47 three carrier tower and an extension would be needed. We would ask for a full structural report as part of this
48 application.

49 R. Rowen: So there is no zoning regulation prohibiting a fourth carrier?
50 Judy: No, but there is a variance required for height.
51 J. Simons: What is the height limit?
52 Judy: I believe 10 ft above the tree line.
53 T. Seibert: we should verify that all other documentation for MetroPCS, for past permits, is up to date since they are
54 here for this application.
55 R. Rowen: Would the 12 ft extension be only for MetroPCS or would that add the capability for other carriers?
56 M. Bowles: That section would only be for MetroPCS. Each section for each carrier is approximately 12 feet.
57 R. Rowen: I would like to find out how many 12 foot sections could possibly be added before it becomes
58 structurally unsafe.
59 J. Simon: You should be coming back with coverage statistics, gaps, ect.
60 R. Rowen: You should also show why it wouldn't meet coverage requirements if the antennas were installed below
61 the existing three carriers.
62 Judy: I told the applicant they can file concurrently with the Planning Board and ZBA.

63
64 **58 Country Club Circle.** Applicant Donald Stanley, proposed build out of room above garage that was previously
65 permitted under Watershed Special Permit.

66 Judy: I am removing this from the agenda. The applicant has previously come before the Planning Board about two
67 years ago. The applicant received a Watershed Special Permit for a detached garage and one of the conditions was
68 that they do not build out the living space above. They came back to the Planning Board and the Board said they
69 could build out that area but it would require a Modification to the Special Permit. I have given the applicant that
70 message. They would have to complete an application, legal notice and notify abutters.

71
72 **PUBLIC HEARING:**

73
74 **Proposed zoning changes for Fall Special Town Meeting 2010 regarding CDD-2 District:**

75 Judy: The Applicant has submitted the warrant article as a citizen's petition to be presented at Town Meeting. The
76 specific verbiage is "to amend Section 16 Corridor Development District to add to 'Uses Subject to Special Permit',
77 Banks with a Drive-Through Facility on a parcel or parcels collectively comprising at least five (5) acres or more of
78 land within the CDD2 Zoning District".

79 John Smolak, Petitioner. Present with Ben Osgood, Project Engineer, Joe Pelich, Project Manager, and Al
80 McGregor, Site Owner of the property that comprises part of the CDD-2 District. Summarized what is being
81 proposed in the Warrant Article. Currently under the CDD-2 District provisions of the Zoning Bylaw banks are
82 permitted 'by right' but we feel that (to market this facility to a bank) all banks these days are looking for drive-
83 through facility as an essential component of a bank facility. Provided background and location of Mr. McGregor's
84 parcels. Mr. McGregor is in position to enter into an agreement with a bank to redevelop the site. Stated reasons
85 specific to the 2006 rezoning of this portion of Rt. 144 to the Corridor Development District were fourfold; the
86 Board had attempted to connect the abutting parcels to minimize curb cuts on the property, the District also would
87 provide a buffer to nearby residential properties, to eliminate the potential for the Corridor from becoming over
88 developed while at the same time trying to develop a cohesive architectural design for the entire corridor. There are
89 many site constraints within the District; wetlands, flood plane, paper streets, most of the lots are very small and
90 narrow. Unlike many of those parcels the McGregor property has a number of attractive features which distinguish
91 it from the other parcels. First, it has close to 1.5 to 2 acres of upland, it is close to 7 acres in size and most of the
92 developable portion of the site is clustered closer to the Rt. 114 side of the parcel, the site has been underutilized for
93 a number of years and this presents an opportunity to take a parcel and redevelop it and try to set the architectural
94 design standards for this area of Rt. 114, and by using a Special Permit process the Planning Board will maintain a
95 specific amount of control over the ultimate design of the project.

96 Ben Osgood, Jr., Project Engineer, presented distances to adjacent properties and a potential schematic for the
97 development of a property. Site constraints were taken into consideration in coming up with the layout including
98 wetlands. 2003 plans which B. Osgood stated were approved by the Conservation Commission were displayed.

99 J. Simons: If we approved this and you go forward with this project you would come in with a full delineation for
100 the process with Planning and Conservation Commission and that if you had to move the building because of
101 wetlands would obviously do that?

102 B. Osgood: Yes, these are schematic plans. This project wouldn't work without a drive-through. This is just our
103 vision of how the site should be developed. We haven't done the whole design yet. There is a whole process we
104 would have to go through including delineating the wetlands, dealing with Ma Highway, figuring out the utilities.....

105 J. Simon: Is there enough upland on the site to not create undue complications with queuing before you reach the
106 edge of what is developable?

107 B. Osgood: Yes. Described a typical bank queue as having three cars during busy times. Again, this is a
108 conceptual design.

109 R. Rowen: If we are leaning towards supporting this I would like some help in creating some rational as to why we
110 would allow a drive-through for a bank. Want to be able to have some rational why it would be appropriate here and
111 not across the street. There would be two aspects, one you have the distance and two you have a smaller queue.
112 Would like find out what the traffic studies would say for a fast food queue.

113 J. Simon: There is some rational that we already know; this property goes deeper and is not as impeded by the
114 wetlands to the extent it is across the street, the property is further away from any other residential, and (we would
115 want to validate) it is a less intensive use.

116 R. Rowen: Driving toward trying ensure we treat all applicants the same we would want to affirm; if you have this
117 much land and you have this much queue distance and the anticipated queue length is such.....

118 C. LaVolpicelo: I would like to point out that the applicant across the street did not come to us with plans of what
119 his future ideas were. This applicant has given us enough supporting information to help us make an educated
120 decision on whether or not we are going to back it.

121 B. Osgood: Reviewed some potential architectural and landscaping designs.

122 R. Rowen: Asked if the fence company would go away if the bank went forward and the answer was yes.

123 T. Seibert: Is Woodlea Rd uphill from the wetland?

124 B. Osgood: Yes, about 6-8 feet above the wetlands.

125 J. Smolak: This evening I submitted a letter to the Board reaffirming our commitment and types of improvements
126 that we are looking to implement on the site.

127 Jennifer Hughes, Conservation Administrator for the Town of North Andover, Stated she does not have issues with
128 the Zoning Bylaw change. Showed the Board what she termed a more accurate delineation of the wetlands. This
129 delineation was done for an abutter at some point after the 2003 delineation that was shown earlier. This delineation
130 extends the wetland along Saville Street (paper portion) as well as along Turnpike St.

131 J. Simons: Something can be built on this property. There is a big enough footprint of development that something
132 can be built there and you can say that with confidence.

133 J. Hughes: Stated her concern is that you get a visual when you see this plan with a nice pictures of a bank and it is
134 superimposed on the lot in the location that looks nice but under the town's Wetlands Protection Bylaw that would
135 not be a feasible location for this bank and hence those distances, the superimposed photo, and the plan showing it
136 right up front on Rt. 114 are not very likely. When across the street went for their zoning change they came with
137 basic plans. This petitioner is putting something very specific in front of the town at a Town Meeting. If you are the
138 Conservation Commission who then has this project come in front of them later and you are denying it or saying it
139 can't be located there you have people wondering why didn't someone bring this up ahead of time. That is why I
140 am here and the Chairman of the Conservation Commission as well.

141 T. Seibert: asked for clarification on where J. Hughes was stating the wetlands were and who determines if there is
142 a wetland.

143 J. Hughes: Described the process an applicant would go through in terms of having a delineation performed and
144 then the review that would be done by the Conservation Commission.

145 J. Smolak: This is something that will go through the formal delineation process down the road. Until this is
146 complete you won't know where the land lies.

147 J. Simons: Agrees with J. Hughes that the exact, final shaped of the building and how it sits on the site is subject to
148 some change but we do know that there is a big enough footprint for development of a building and accommodate a
149 drive-up. That is really the scope of what we are here for tonight.

150 J. Hughes: Restated her concern that the project is being presented in a specific location that an approved wetland
151 delineation shows it this may not be a feasible location.

152 R Rowen: Understood the concern and felt that people may vote in favor or not in favor of the re-zoning based on
153 the pictures presented.

154 J. Simons: Suggested possibly presenting alternative locations that would be considered if a formal wetland
155 delineation indicates that wetlands prohibit the location currently indicated on the drawings.

156 Steven Perlmutter, abutter on Saville Street: Questioned if the bank is the only development proposed for the
157 parcel?

158 J. Simons: all we are doing is discussing the proposed zoning change. We can't speak for the applicant on use of
159 the entire property. Everything they do will have to conform with zoning.

160

161 S. Perlmutter: Are there plans for public viewing that show what area is actually buildable on the parcels?
162 J. Simon asked B. Osgood to point out the various plans that have been presented to date.
163 T. Seibert pointed out No-Build and No-Disturb zones based on the wetlands presented to try to indicate where
164 likely development could happen and where it could not happen.
165 J. Simons explained that the next steps are going before Town Meeting for approval of the Article for the zoning
166 change. After that the applicant would have to go forward with an application. The same notification of abutters
167 will happen.
168 Lou Napoli, Chairman of Conservation Commission for the Town of North Andover: On record that he is favor of
169 Al McGregor developing his property. Understands going through the full wetland and stormwater management
170 design to potentially go before Town Meeting to be denied a drive-up window is an expense they shouldn't have to
171 incur, however; does not agree with bringing pictures/drawings to a meeting that say potentially the bank will be
172 located here when in reality it may not be. Does not believe the pictures of the building should be shown in a
173 location where potentially the building will not be allowed to be placed.
174 J. Simon and R. Rowen: Suggested presenting types of design and buildings but not a specific location. These
175 would be representative of the quality of design and the concept.
176

177 **MOTION:**

178 R. Rowen made a motion to recommend favorable action on the proposed amendment. T. Seibert seconded the
179 motion. The vote was unanimous.
180

181
182 Judy: Requested guidance from the Board in regards to a cell tower application currently before the Zoning Board
183 of Appeals and coming to the Planning Board at the next meeting. The Zoning Board is in the process of
184 determining which RF consultant they would like to hire. She would like them to use the Planning Department's RF
185 consultant, Mark Hutchins. The Zoning Board has not made a decision after several meetings. If they go with a
186 different consultant Judy does not think we should force the applicant to use two separate consultants. The Board
187 recommended we use the same consultant as long as they are fair and do not have an agenda.
188

189
190 J. Simons: Discussed the seminar he attended that covered the changes to the Opening Meeting Law.
191 Recommended that the material be distributed to the rest of the Board.
192

193 **MOTION:**

194 R. Rowen made a motion to accept the October 19, 2010 Planning Board Meeting minutes. The motion was
195 seconded by T. Seibert. The vote was unanimous.
196

197 **MOTION:**

198 T. Seibert made a motion to adjourn the meeting. R. Rowen seconded the motion. The vote was unanimous.
199

200 The meeting adjourned at 8:20pm.
201

202 Meeting Materials: 2007 02 06 58 Country Club Circle WSSP, Nov 9 2010 Agenda, November 17 2010 Special
203 Town Meeting-Citizen Petition-Amend CDD2 District (2), Oct 19 2010 meeting minutes, Proposed zoning Change
204 CDD-2 District, Revised Ercoline, Urbelis RE Wireless Communication Letter, Wetland delineation prepared for
205 Londi.