

PLANNING BOARD
Meeting Minutes
Tuesday, April 5, 2011
Town Hall, 120 Main Street
7.00 PM

1 Present: J. Simons, R. Rowen, C. LaVolpicelo, T. Seibert, R. Glover

2 Absent: M. Colantoni

3 Staff Present: J. Tymon, J. Enright

4 Meeting began at 7:05

5 **POSTPONEMENT**

6 **CONTINUED PUBLIC HEARING: 1679 Osgood Street,** Definitive Subdivision for 8 single-family
7 residential lots within the R-3 District, submitted by GMZ Realty.

8 **CONTINUED PUBLIC HEARING: 288 Sutton Street** “Mathews Way” Proposal of a Five (5) Lot
9 Definitive Subdivision.

10

11 **ANR**

12 **1049 SALEM ST.,** applicant Gail Halloran. Applicant is requesting approval for an ANR plan to create
13 two lots, each with one dwelling unit. Existing lot currently contains two dwelling units.

14 **J. Tymon:** The property is located on Salem St. and currently has two dwelling units on it that were pre-
15 existent to subdivision regulations. Each dwelling has its own address but exist as one lot. The applicant
16 would like to divide the lot so that she can sell one property with its own lot.

17 **MOTION**

18 Richard Rowen made a motion to direct the Town Planner to sign off on the Form A as it does not
19 constitute a subdivision. The motion was seconded by T. Seibert. The vote was unanimous.

20

21 **PUBLIC HEARINGS**

22 **CONTINUED PUBLIC HEARING: 125 Flagship Drive,** Application for Wireless Facilities Special Permit-Site
23 Plan Review. Proposal for construction of a 140 foot multi-carrier wireless tower, with associated equipment at the
24 base of the tower and the installation of 9 panel antennas with associated equipment cabinets in the Industrial 1
25 zoning district.

26 **J. Tymon:** Handed out a draft Decision. Stated that R. Glover is not eligible to vote.

27 **MOTION**

28 A motion was made by T. Seibert to close the Public Hearing for the application of Florida Tower
29 Partners for 125 Flagship Drive. The motion was seconded by C. LaVolpicelo. The vote was unanimous,
30 4-0. R. Glover did not vote.

31 **MOTION**

32 A motion was made by R. Rowen to approve the Wireless Special Permit—Site Plan Review, as amended
33 this evening. The motion was seconded by T. Seibert. The vote was unanimous, 4-0. R. Glover did not
34 vote.

35

36 **NEW PUBLIC HEARING: WARRANT ARTICLES**

37 **Article D. Authorization to Accept Grants of Easements.** To see if the Town will vote to
38 authorize the Board of Selectmen and the School Committee to accept grants of easements for access,
39 water, drainage, sewer, roadway and utility purposes on terms and conditions the Board and Committee
40 deem in the best interest of the Town;

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41 Or to take any other action relative thereto.

Board of Selectmen
RECOMMENDATION: Favorable Unfavorable

44 We currently do not know of any easements that are coming up.

45
46 **Article E. Authorization to Grant Easements.** To see if the Town will vote to authorize the
47 Board of Selectmen and the School Committee to grant easements for access, water, drainage, sewer,
48 roadway and utility purposes on terms and conditions the Board and Committee deem in the best
49 interest of the Town;

50 Or to take any other action relative thereto.

Board of Selectmen

RECOMMENDATION: Favorable Unfavorable

53 We currently do not know of any easements that are coming up.

54
55 **Article N. Amend Capital Improvement Plan Appropriations from Prior Years.** To see if
56 the Town will vote to amend prior Capital Improvement Plan Appropriation for prior Fiscal Years as
57 voted by:
58 See Attachment N1: Re-program funds for Elm Street Project
59 See Attachment N2: Re-program funds for Two Track Loaders with Attachments
60 See Attachment N3: Re-program funds for Water System Improvements
61

62 Bond Counsel will draft article.

63 Or to take any other action relative thereto.

Board of Selectmen

RECOMMENDATION: Favorable Unfavorable

66 Tim Willet, Department of Public Works, Division Operations Manager, provided an explanation of each
67 item listed in Article N.

68

Article S. Capital Improvement Plan Appropriation Fiscal Year 2012.

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To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow under the provisions of Massachusetts General Laws, Chapter 44, the sums of money necessary to fund the Town Capital Improvement Program for Fiscal Year 2012 as detailed below, provided that, pursuant to Massachusetts General Laws and Chapter 59-5 C of the General Bylaws of the Town of North Andover, for any capital project in excess of \$500,000 or any other appropriation, the Town may, by vote of the Town Meeting, have the following condition added to it: "provided that this appropriation and debt authorization be contingent upon passage of a Proposition 2 1/2 debt exclusion referendum under General Laws Chapter 59, Section 21C(k)":

69	General Fund	
70	Roadway Improvements:	\$390,000
71	Fire Alarm Boxes and Panels	\$100,000
72	Internet Telephone System	\$402,000
73	Middle School Roof Replacement	\$1,000,000
74	Defibrillator Replacement	\$43,000
75	Police Station Parking Lot and Exterior Lighting	\$125,000
76	Emergency Generator at Public Works Facility	\$38,000
77	School Dept. Data Storage and Back Up Systems	\$165,000
78	Vehicle Fuel Pump System	\$45,000
79	Dump Truck with Plow, Sander and Basin Cleaner	\$210,000
80	Sargent School Roof Replacement	\$240,000
81	Atkinson School Window Replacement	\$1,700,000
82		
83	Sewer Enterprise Fund	
84	Sewer Utility Truck	\$78,000
85	Water Enterprise Fund	
86	Heating, Ventilating and Air Conditioning Equipment	
87	At Water Treatment Plant	\$690,000
88	Valve and Hydrant Replacements and Installation	\$260,000
89	Solar Power Equipment at Water Treatment Plant	\$376,000

90
 91 Or take any other action relative thereto.

Board of Selectmen

RECOMMENDATION: Favorable Unfavorable

94 Jim Mealey, School Department Business Administrator, and Tim Willet, DPW, provided an explanation for
 95 each of their respective department's line items. The Solar Power Equipment at Water Treatment Plant
 96 has been removed from Article.

97
 98 **Article V. Report of the Community Preservation Committee and Appropriation From**
 99 **the Community Preservation Fund.** To receive the report of the Community Preservation
 100 Committee and to see if the Town will vote to raise, borrow, transfer and/or appropriate from the
 101 Community Preservation Fund, in accordance with the provisions of Massachusetts General Laws

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102 Chapter 44B, a sum of money to be spent under the direction of the Community Preservation
103 Committee;

104 (Information to be provided by CPA Committee prior to warrant being signed).

105 Or to take any other action relative thereto.

106 **Community Preservation Committee**

107 **RECOMMENDATION:** Favorable Unfavorable

108 J. Simons explained some potential projects the CPC will be supportive of.

109 **Article W. Authorization to Borrow Money To Be Paid Back Using Community**
110 **Preservation Act Funds.**

111 (Information to be provided by CPA Committee prior to warrant being signed).

112 Or to take any other action relative thereto.

113 **Community Preservation Committee**

114 **RECOMMENDATION:** Favorable Unfavorable

115
116 **Article Y. Amend Zoning Bylaw, Section 8.9 Wireless Service Facilities.** To see if the
117 Town will vote to amend Section 8.9 of the Zoning Bylaw for the Town of North Andover by deleting
118 Section 8.9 in its entirety and replacing it with the following which includes a Wireless
119 Telecommunications Overlay District:

120 Or to take any other action relative thereto

121 **Board of Selectmen**

122 **RECOMMENDATION:** Favorable Unfavorable

123
124 Board had discussion as to whether there should be a separate Special Permit for a wireless structure
125 and wireless facilities.

126 Tom Urbelis, Town Counsel, provided an overview of the history and purpose of the warrant article.

127 J. Tymon and T. Urbelis will meet to discuss R. Rowen's written comments.

128 Board had discussion on what constitutes a change of technology.

129 Board had discussion as to whether a monopole could be constructed without an associated wireless
130 carrier. It was determined that it was not possible due to the criteria for approval of the Special Permit.

131 This will be voted on at the next meeting.

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133 **Article Z. Amend Zoning Bylaw – Section 3 Zoning Districts and Boundaries,**
134 **Subsection 3.1 Establishment of Districts.** To see if the Town will vote to add a new district to the
135 list of designated districts within the bylaw.

136 *Section 3, Subsection 3.1, is to be amended adding at the end of listed districts, the text shown*
137 *as underlined.*

138 **Wireless Telecommunications Overlay District**

139 Or to take any other action relative thereto.

140 **Board of Selectmen**
141 **RECOMMENDATION: Favorable Unfavorable**

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143 **Article AA. Transfer of Town Owned Land to the Care, Custody and Control of the**
144 **Conservation Commission**

145 To see if the Town will vote to transfer the care, custody and control of two town owned parcels located
146 on Berry Street, shown as Lot 12 and Lot 62 on Assessors' Map 108C, to the care, custody and control of
147 the Conservation Commission pursuant to M.G.L. Chapter 40, Section 8C, said parcels further described
148 as follows:

149 Lot 1-E, containing 3.1 acres, more or less, and Lot 2-E, containing 3.010 acres on Plan of Land entitled:
150 "Plan of Land located in North Andover, Mass., prepared for Reginald Landry; Scale: 1" = 40' " and
151 recorded with North Essex Registry of Deeds as Plan No. 10082. For title reference, see Final Judgment
152 in Tax Lien Case No. 105879, recorded with said Deeds at Book 6062, Page 220 and Final Judgment in
153 Tax Lien Case No. 105880, recorded with said Deeds at Book 6062, Page 221.

154 Or take any action relative thereto.

155 **Board of Selectmen**
156 **RECOMMENDATION: Favorable Unfavorable**

157 T. Urbelis: This is a result of the Town Farm. We took certain land out of Article 97 and the state is
158 requiring that we put some land back into protected category.

159
160 **Article EE: Road Way Acceptance: Carter Field Road**

161 To see if the Town will vote to accept and name Carter Field Road as a public way, as laid out by the
162 Board of Selectmen, and as shown as "Carter Field Road" on a plan entitled, "Street Layout Plan, Carter
163 Fields Subdivision prepared for Tara Leigh Development, LLC, Scale 1" = 40'; Date March 14, 2011, by
164 MHF Design Consultants, Inc." and to accept deeds to all related open space parcels and easements,
165 shown on Plans recorded as Plan No. 14969 and Plan No. 14471 at the North Essex Registry of Deeds
166 and on the above referenced Street Layout Plan.

167 Or take any action relative thereto.

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Planning Board

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RECOMMENDATION: Favorable Unfavorable

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T. Urbelis stated that his office has reviewed the deed and; assuming that the many documents that need to be signed prior to Town Meeting are signed, he is ok with all the documents.

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J. Tymon stated she has received letters from the Dennis Bedrosian, Bruce Thibodeau, and Gene Willis and that there is a punch list for the pump station. They are recommending that the Board go forward with the process. The developer has agreed to address the items before the road is accepted by the Town.

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Article GG: Authority to Dispose of Interest in Land-200-203 Bunkerhill Street – Rear of Chickering Plaza Route Authority to Dispose of Interest in Land

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To see if the Town will vote to transfer the care, custody and control of the interests of the Town in the way or paper street portion of the property known as Bunkerhill Street, which is appurtenant to the Town's ownership interest in the property at 200-203 Bunkerhill Street, shown on Assessors Map 84, Parcel 14 , to the Board of Selectmen for disposition and to authorize the Board of Selectmen to dispose of the interests of the Town in said way or paper street (at the rear of Chickering Plaza) upon terms and conditions that the Board of Selectmen deem to be in the best interest of the Town, even if the Town receives no consideration therefor, or to take any other action relative thereto.

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Board of Selectmen

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RECOMMENDATION: Favorable Unfavorable

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T. Urbelis: this land is located behind Chickering Plaza. The Town as well as some abutters own the land. This would allow the Selectmen to convey the Town owned land to Chickering Plaza. The intent is to have them expand their parking area.

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MEETING MINUTES

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MOTION

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A motion was made by T. Seibert to approve the meeting minutes for the Planning Board meeting held on 03/15/2011. The motion was seconded by R. Rowen. The vote was unanimous.

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ADJOURN

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MOTION

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A motion was made by R. Rowen to adjourn the meeting. The motion was seconded by T. Seibert. The vote was unanimous.

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The meeting adjourned at 8:45 PM.

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Meeting Materials: 4/5/2011 Agenda, 1049 Salem St. ANR, Draft Decision 125 Flagship Drive, Warrant Article AA parcel location map, Annual Town Meeting Warrant (April 4, 2011), R. Rowen comments related to Article Y, T.

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Urbelis version Article Y, Map for Article Y, Letters related to Carter Field Road Street Acceptance: 3/2/2011 B.

207

Thibodeau, 3/30/2011 B. Thibodeau, Street Acceptance Checklist, 3/1/2011 G. Willis, Meeting minutes 3/15/2011