

PLANNING BOARD
Meeting Minutes
Tuesday, February 5, 2013
Town Hall, 120 Main Street
7:00 PM

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

2 Absent: M. Colantoni

3 Staff Present: J. Tymon, J. Enright

4

5 Meeting began at 7:00pm.

6

7 **BOND RELEASE**

8 358 Dale Street: Stephen Smolak requests release of a \$4,000 performance bond.

9 J. Tymon: This was a new single family home that received a Watershed Special Permit. The
10 project is complete and an as-built plan has been provided. There are no open issues.

11 **MOTION**

12 A motion was made by D. Kellogg to release the remaining bond funds including interest for 358
13 Dale Street. The motion was seconded by R. Rowen. The vote was unanimous, 5-0.

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15 **PUBLIC HEARINGS**

16

17 **CONTINUED PUBLIC HEARING**, 1018 Osgood Street: Application for Site Plan Review-
18 Special Permit for proposed construction of a 2,250 sq. ft. coffee shop with drive-thru and
19 associated site amenities including drive-thru lane and twenty five (25) parking spaces. In
20 addition, applicant has filed for a Request of Determination of Applicability of Watershed
21 Protection District Requirements.

22

23 **NEW PUBLIC HEARING**, 1018 Osgood Street: Application for a Watershed Special Permit
24 and Parking Special Permit for proposed construction of a 2,250 sq. ft. coffee shop with drive-
25 thru and associated site amenities including drive-thru lane.

26 J. Tymon: Tonight opens the public hearing for the Watershed Special Permit hearing and the
27 public hearing for the Special Permit for reduced parking. Parking and queuing were discussed
28 previously. The applicant is requesting a reduction in parking spaces from the required 27 to 19
29 spaces. Peak parking and queuing data has been submitted for two Dunkin' Donut locations, one
30 located on Osgood St. in North Andover and one in Methuen, Ma. Based on those peak numbers
31 the peer reviewer, MDM Transportation Consultants, is recommending more spaces be provided
32 than the proposed 19 spaces. The peer reviewer is also recommending 13 queuing spaces as
33 opposed to the proposed 11 queuing spaces. Stated that, based on the discussion at the last
34 meeting, her opinion was that the 19 parking spaces and the 11 queuing spaces are enough. It is
35 the Board's decision as to whether there are enough spaces based on all of the information
36 provided.

37 R. Rowen: If we are wrong about the number of spaces needed there is room for cars to circle
38 around the building and leave the property. It is not going to cause a problem for the Town or a
39 problem with traffic.

40 Mark Gross, MHF Design Consultants: Explained that the national study for the parking space
41 and queuing analysis used by the peer reviewer was for Starbucks. Starbucks offers a different
42 variety of coffee product than Dunkin' Donuts. A queuing analysis done specifically for
43 Dunkin' Donuts yielded the 11 queuing spaces. In addition to the queuing analysis that was

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44 done specifically for Dunkin' Donuts counts have been performed at two site locations and an 11
45 vehicle queue is more than adequate for this site. If a customer arrives and feels the queue is too
46 long they will either park or leave the site.

47 J. Simons: Are the peak queuing numbers and the peak parking numbers during the same time
48 period?

49 M. Gross: No, they occur at different time intervals.

50 J. Simons: It does not seem that there is any possibility that the queuing would back into the
51 street which would be a safety issue.

52 J. Tymon: The traffic peer reviewer also commented that, in their experience, January is
53 typically a below average season for Dunkin' Donuts and that the queue storage is typically
54 designed for a 95th percentile queue length under peak season conditions.

55 M. Gross: That is an assumption that is not correct. Transaction data for the 982 Osgood Street
56 store shows that each month's total sales are within 1% or 2% of each other.

57 J. Tymon: The site distance issue has been resolved. There are no issues with the trip generation
58 data. The Fire Department has submitted an approval letter stating they do not see any issues. A
59 revised lighting plan has been submitted. The elevations are stamped by an architect from New
60 York. The building plans will be stamped by a Mass. architect. The applicant has addressed all of
61 the Sewer Department comments. The outstanding issues are related to stormwater. These issues
62 will require further conversation with Lisa Eggleston, peer reviewer. Based on test pit data it is
63 possible that the bottom of the drainage system designed for the front of the building is in the
64 seasonal high water table.

65 M. Gross: Additional test pits have been conducted and this information probably was not
66 presented on the plan as clearly as it should have been for L. Eggleston's review. L. Eggleston
67 has also raised the issue of volume. Typically only rate is of concern because you want the rate
68 pre and post development to be the same. L. Eggleston's interpretation of local drainage
69 requirements is that you have to mitigate volume too. This requires more storage of water on
70 site. Since the infiltration rate is not great one or more of these systems will have to be made
71 larger in order to accommodate more runoff. The plans will be revised and re-submitted to L.
72 Eggleston for review. The issues can be resolved.

73 J. Simons: This can be held over until the next meeting.

74

75 NEW PUBLIC HEARING, 108 Campion Road: Application for a Watershed Special Permit.
76 Applicant proposes to re-grade a portion of back yard, remove existing trees and existing
77 landscaping in order to re-landscape back yard, remove a portion of existing abutting driveway
78 with encroaches onto the lot, and reconstruct a stonewall.

79 J. Tymon: There has been some clearing of vegetation and re-grading on the property. The
80 property is in the Watershed Protection District and the area that this work took place in is in the
81 Non-Disturb Zone. The Board did ask that the applicant apply for a Watershed Special Permit
82 and the application fee was waived. We do not have a plan of the prior conditions. The
83 applicant's engineer will review a plan of what currently exists and a planting plan. There have
84 been extensive conversations with the Conservation Agent, Jennifer Hughes, regarding native
85 species. All of the proposed plants are native species. There is a lawn area also being proposed.
86 In an area where there had been a certain grading and trees there will now be lawn. There is a

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87 difference in how the environment and how the water works when there is a lawn area verses
88 trees. Typically we try to stay away from lawn in the watershed and within the Non-Disturb
89 area. The Board may want to constrict this lawn area. Displayed an aerial view of the property
90 prior to the clearing and re-grading.

91 Bill Macleod, Andover Consultants, Inc.: Barbara Montopoli has owned the house for 25 years.
92 She went to the Building Department to discuss putting a gazebo in the backyard. The Building
93 Inspector sketched on a plan where the gazebo could be located on the property and advised her
94 to come in and get a building permit for the gazebo when she was ready to build it. There was
95 no mention of Conservation or Planning. The yard was cleared. The wetlands were not altered.
96 Reviewed the disturbed area on the lot and where the lawn area is proposed.

97 Barbara Montopoli, 108 Campion Road: Described where there the lawn area on the property
98 was prior to the disturbance.

99 R. Rowen: Were the trees there when you moved in or did you plant them?

100 B. Montopoli: Some were there and some were planted. When the house was purchased there
101 was existing path on the property that was being used by a lot of people and there were
102 motorized vehicles traveling over it to the lake. A landscape designer helped to make it a usable
103 yard and to cut down on people cutting across the driveway and people driving trucks and
104 motorcycles down to the lake. Because the path is being used by others the insurance company
105 has advised us that we need to maintain the area. If there are hazards we need to remove them
106 because we will be held responsible from a liability standpoint.

107 B. Macleod: When Conservation told B. Montopoli to stop the work and file a Notice of Intent
108 she did. The area has been stabilized. The wetland is not on the Montopoli property. It is on the
109 Brooks School property. They want to plant new plants and shrubs and seed it. The lawn area
110 will actually be less than what was there previously. Conservation would like the Planning
111 Board's answer before they finalize theirs.

112 J. Tymon: Showed photographs of the cleared area.

113 **MOTION**

114 A motion was made by R. Rowen to close the public hearing for 108 Campion Road. The
115 motion was seconded by D. Kellogg. The vote was unanimous, 5-0.

116 A draft Decision was reviewed.

117 **MOTION**

118 A motion was made by R. Rowen to approve the Watershed Special Permit for 108
119 Campion Road as amended. The motion was seconded by L. McSherry. The vote was
120 unanimous, 5-0.

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122 **DISCUSSION**

123 Release of accumulated interest on performance bonds.

124 J. Tymon: There are two bonds that have been filed in perpetuity. One is for the property at
125 1025 Osgood Street and the other at 1003 Osgood Street. Usually when a bond is closed out it is
126 released with the accumulated interest. Does the Board want to establish a process for releasing
127 interest from a bond that is held in perpetuity?

128 R. Rowen: The cost of performing, if needed, could potentially increase at a faster rate than the
129 interest.

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130 J. Simons: This is effectively an insurance policy against future work.
131 The Board did not want to establish a procedure for interest release. Requests will continue to be
132 handled on a case by case basis.

133

134 **MEETING MINUTES**: Approval of January 15, 2013 meeting minutes.

135 **MOTION**

136 A motion was made by L. Rudnicki to approve the January 15, 2013 meeting minutes. The
137 motion was seconded by D. Kellogg. The vote was unanimous, 5-0.

138

139 **ADJOURNMENT**

140 **MOTION**:

141 A motion was made by R. Rowen to adjourn the meeting. The motion was seconded by D.
142 Kellogg. The vote was unanimous, 5-0.

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144 The meeting adjourned at 7:55pm.

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146 **MEETING MATERIALS**: Agenda, 1018 Osgood Street: summary of reviewer comments
147 prepared by J. Tymon dated 1/15/13 and 1/30/13, Traffic Peer Review Response letter #3
148 dated 1/25/13 from MHF Design Consultants, Inc., Site Plan Review Response #3 letter
149 dated 1/25/13 from MHF Design Consultants, Inc., Response to Eggleston Environmental
150 Review Comments letter dated 1/28/13 from MHF Design Consultants, Inc., Grading and
151 Drainage Plan dated 1/23/13, Transportation Peer Review Comments Letter #5 dated
152 1/30/13 from MDM Transportation Consultants, Inc, Final Peer Review Summary dated
153 1/30/13 from Hancock Associates, 108 Campion Road: Landscape Plan by Judy Wright,
154 Notice of Intent Plan #108 Campion Road dated 12/13/12, Four aerial photos 108
155 Campion Road, Draft Decision 108 Campion Road, draft 01/15/13 meeting minutes.