

PLANNING BOARD
Meeting Minutes
Tuesday, January 15, 2013
Town Hall, 120 Main Street
7:00 PM

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

2 Absent:

3 Staff Present: J. Tymon, J. Enright

4

5 Meeting began at 7:02pm.

6

7 **ANR**

8 Molly Towne Road: Request to eliminate one lot.

9 J. Tymon: There are currently 16 approved lots in this subdivision. The applicant would like to
10 move lot lines and eliminate one of the lots. The Decision for the subdivision does not have any
11 language that prohibits further subdivision of the lots or changes to the lot lines.

12 Phil Christiansen, Christiansen and Sergi, Inc.: Reviewed with the Board the current, approved
13 lot lines and the recommended change to the lot lines.

14 **MOTION**

15 A motion was made by D. Kellogg to recommend the Town Planner approve the Form A
16 plan for Molly Towne Road. The motion was seconded by L. Rudnicki. The vote was
17 unanimous.

18

19 **LOT RELEASE**

20 72 Great Pond Road: Request for release of Lot 1.

21 Tom Zahoruiko: A Form J has been submitted to release the lot from the covenant.

22 J. Tymon: This is a three lot subdivision. Lot 1 has an existing home on it. This would release
23 Lot 1 from the covenant. The mylars have been endorsed, the site opening bond has been posted,
24 and the covenant has been recorded along with the Decision and plans. Everything that needs to
25 be done to start the process for development has been completed.

26 **MOTION**

27 A motion was made by D. Kellogg to release the Form J for Lot 1, 72 Great Pond Road. The
28 motion was seconded by R. Rowen. The vote was unanimous.

29

30 **PUBLIC HEARINGS**

31 **CONTINUED PUBLIC HEARING, 72 Great Pond Road:** Application for a Land Disturbance
32 Permit.

33 J. Tymon: An application for a Land Disturbance Permit was submitted and the public hearing
34 was opened. Lisa Eggleston reviewed the application and determined that the permit was not
35 necessary. Tom Zahoruiko is requesting to withdraw the application.

36 **MOTION**

37 A motion was made by R. Rowen to accept the Withdrawal Without Prejudice of the 72
38 Great Pond Road Land Disturbance Permit. The motion was seconded by D. Kellogg. The
39 vote was unanimous.

40

41 **CONTINUED PUBLIC HEARING, 1018 Osgood Street:** Application for Site Plan Review-
42 Special Permit for proposed construction of a 2,250 sq. ft. coffee shop with drive-thru and
43 associated site amenities including drive-thru lane and twenty five (25) parking spaces. In

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44 addition, applicant has filed for a Request of Determination of Applicability of Watershed
45 Protection District Requirements.

46 J. Tymon: Provided a summary of the stormwater, civil, and traffic review comments. The
47 concerns with stormwater management include; the capability or any subsurface system to
48 effectively recharge or treat ground water flow, the volume of discharge to Osgood Street would
49 be 2x existing conditions, and the proposed system does not provide TSS removal. Civil
50 reviewer suggests that section 8.1.8.f Land Bank Parking should apply to this project and that a
51 basis should be provided for the waiver request Fiscal Impact and Community Impact. The
52 Traffic reviewer has concerns that the queuing space from the exit driveway to the drive-thru is
53 not adequate, there should be a slight change in grade at entrance, sidewalks would be beneficial,
54 there is not enough adequate space for deliveries and truck circulation, lighting plan needs
55 revision, and elevations should have an architect stamp.

56 Mark Gross, MHF Design Consultants: Stated he will discuss the stormwater management
57 concerns with L. Eggleston. The issues are not insurmountable. There is a request for reduction
58 in parking from 27 required spaces to 19. Reviewed the trip generation, queuing and parking
59 analysis that was completed. Provided comparison data for the North Andover, Ma, Methuen,
60 Ma, and Salem, NH Dunkin' Donuts sites. Including sidewalks would be difficult because there
61 are no sidewalks currently on the abutting parcels and they can not construct a sidewalk that is
62 not on their property.

63 R. Rowen: Suggested installing a pathway to the abutting property for pedestrian traffic.

64 M. Gross: Will look into options for accommodating pedestrian access.

65

66 CONTINUED PUBLIC HEARING, 41 Second Street: Application for Special Permit-Site Plan
67 Review. Applicant proposes to demolish an existing dwelling and to construct a new 3-unit
68 residential building with an eight space, off street, parking lot.

69 J. Tymon: This has been reviewed by L. Eggleston. The applicant has addressed all of the
70 issues. An Operations and Maintenance Plan has been submitted and a swale has been added to
71 the plan.

72 J. Simons: What is the size of the existing structure and the proposed structure?

73 Bill MacCleod, Andover Consultants, Inc.: The gross floor area of the existing structure is 1,930
74 sq. ft. and the proposed structure is 5,212 sq. ft. This has been before the ZBA for a four unit
75 building and to accommodate the abutters it was reduced to three units. All of the abutters
76 concerns were addressed. Requested some edits to the draft Decision, including; lower the
77 proposed bond amount, eliminate the requirement for a draft copy of the Homeowner's
78 Agreement be provided for review by the Town's attorney prior to the start of site work or
79 construction, and to eliminate the requirement for an independent construction monitor.

80

81 **MOTION**

82 A motion was made by D. Kellogg to close the public hearing for 41 Second Street. The motion
83 was seconded by L. McSherry. The vote was unanimous.

84 A draft Decision was reviewed.

85 **MOTION**

86 A motion was made by R. Rowen to approve the Site Plan Review Special Permit for 41 Second

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87 Street, as amended. The motion was seconded by D. Kellogg. The vote was 5-0 in favor. J.
88 Simons abstained.

89

90 **OTHER BUSINESS**

91 J. Tymon: Advised the Board that there will be a need to discuss zoning regulations for
92 Medical Marijuana Dispensaries and for backyard chickens in the near future.

93 J. Simons: Requested that J. Tymon research what surrounding towns are going to do in
94 terms of zoning for medical marijuana. Also, raised a concern that the Town should start to
95 think about zoning regulations for wind turbines. The discussion related to backyard
96 chickens can wait until the public hearing or it can be discussed earlier.

97 R. Rowen: Whether we recommend in favor or against it there will be a vote at Town
98 Meeting that will require a two-thirds majority vote to pass.

99

100 **MEETING MINUTES**: Approval of December 18, 2012 meeting minutes.

101 **MOTION**

102 A motion was made by L. Rudnicki to approve the December 18, 2012 meeting minutes.
103 The motion was seconded by L. McSherry. The vote was 5-0 in favor. J. Simons abstained.

104

105 **ADJOURNMENT**

106 **MOTION**:

107 A motion was made by L. Rudnicki to adjourn the meeting. The motion was seconded by M.
108 Colantoni. The vote was unanimous.

109

110 The meeting adjourned at 8:20pm.

111

112 **MEETING MATERIALS**: Agenda, 1018 Osgood Street: Letter dated Jan. 4, 2013 from Daniel
113 J. Mills, PE, PTOE MDM Transportation Consultants, Inc., Letter dated Dec. 30, 2012 from
114 Joseph D. Peznola, PE Hancock Associates, Letter dated Jan. 7, 2013 from Lisa D. Eggleston,
115 PE Eggleston Environmental, Proposed Site Development Plans for Map 35 Lot 19 1018
116 Osgood Street, North Andover, Massachusetts 01845 dated 12/7/12, summary of review
117 notes dated 1/15/13, 41 Second Street: Draft Decision dated Jan. 15, 2013, Letter dated
118 1/15/13 from Judy Tymon, AICP re: medical marijuana, Letter dated 12/12/12 from Mike
119 Parquette, Comprehensive Planning Manager re: medical marijuana issues, FAQ Regarding
120 Medical Marijuana in Mass. Published 12/31/12, Letter dated 1/11/13 from Hillary
121 Stasonis re: backyard chickens, draft 12/18/12 meeting minutes.