

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

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

2 Absent:

3 Staff Present: J. Enright

4  
5 Meeting began at 7:05pm.

6  
7 **ANR**

8 401, 391, 381 Stevens Street: Change of lot lines

9 Tom Patenaude, Developer: Lots X, Y, and Z are not to be buildable lots and are to be combined  
10 with and become an integral part of land of C. Douglas & Megan W. Evans. The remaining lots  
11 still have sufficient lot area.

12 **MOTION**

13 A motion was made by R. Rowen to direct the Town Planner to approve the Form A for 401,  
14 391, and 381 Stevens Street. The motion was seconded by D. Kellogg. The vote was  
15 unanimous.

16  
17 **POSTPONEMENT**

18 CONTINUED PUBLIC HEARING, 1077 Osgood Street: Application for a Watershed Special  
19 Permit and Site Plan Review Special Permit. Applicant proposes to construct a 3,672 sq. ft.  
20 single story retail bank, parking lot, and stormwater structures within the Non-Discharge Zone  
21 and Non-Disturbance Zone of the Watershed Protection District. There is actually

22  
23 **PUBLIC HEARINGS**

24 CONTINUED PUBLIC HEARING, 250 Clark Street: Application for Special Permit-Site Plan  
25 Review. Applicant proposes to expand the existing building. The expansion will include an  
26 additional hanger as well as additional office space, research and development space and storage  
27 space. The expansion will also provide additional parking, a larger septic system and stormwater  
28 facilities.

29 Jill Mann, Representing the applicant: The Health Department has approved the location and  
30 design of the proposed septic system. The Conservation Commission has issued an Order of  
31 Conditions. The plans have been updated to relocate a propane tank on the parcel.

32 **MOTION**

33 A motion was made by D. Kellogg to close the public hearing for the Site Plan Special Permit  
34 for 250 Clark Street. The motion was seconded by L. McSherry. The vote was unanimous.  
35 A draft Decision was reviewed.

36 **MOTION**

37 A motion was made by R. Rowen to approve the Site Plan Special Permit for 250 Clark  
38 Street as amended. The motion was seconded by M. Colantoni. The vote was unanimous.

39  
40 CONTINUED PUBLIC HEARING, 0 Great Pond Road: Application for a Watershed Special  
41 Permit. Applicant seeks to construct a single family dwelling with appurtenances on a presently  
42 undeveloped, buildable lot.

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43 M. Colantoni: Read notes related to 0 Great Pond Road written by Town Planner, Judy Tymon,  
44 dated May 7, 2013.

45 Phil Christiansen, Christiansen & Sergi: L. Eggleston has reviewed the plans. Her comments  
46 were received after the first hearing. Changes have been made to the plans in response to her  
47 comments; including, a construction sequence has been included, notes were added to the plans  
48 related to the landscaping, and the amount of area disturbed has been reduced. Soil testing was  
49 conducted on Monday. The open issues are the size of the house, amount of land disturbance,  
50 and the issue of whether this is a new lot or an existing lot. The house will be connected to town  
51 water and sewer. The lot area is 94K sq. ft. The proposed amount of disturbance is  
52 approximately 19K sq. ft. If the home was to be built at the top of the hill there would be  
53 approximately 35K sq. ft. of disturbance. There are other lots nearby that get steep very quickly  
54 in the front and are flat at the top. This lot stays level in the front and gets steep in the back. The  
55 driveway has been revised from a pervious surface to a normal driveway with a pitch so the  
56 water will flow towards an infiltration trench on the side. The trench has water stops  
57 approximately every 20'. If the trench were to fill up and overflow the water would runoff and  
58 generally flow down and through the stone wall towards the lake. There are five drywells to  
59 collect the roof runoff. The soil type is fairly silty and is slow draining.

60 J. Simons: Are there any complexities anticipated during the development process and how will  
61 they be handled? When you build anything on a slope there are risks when you open up the  
62 ground.

63 P. Christiansen: That was the main reason for wanting the house lower on the lot. This will help  
64 to minimize any potential catastrophic event from the site. The construction sequence plan is  
65 developed to minimize risk. This project has been filed with the Conservation Commission as  
66 well.

67 R. Rowen: What is the slope in the cut area?

68 P. Christiansen: From the garage to the edge of the cut area is approximately a 5 to 1 slope. If  
69 the house has to be moved back the slope gets greater.

70 P. Christiansen: Along the backyard there is a 4' retaining wall. There will be stone run behind  
71 the wall and a pipe in the wall for an outlet. The water would drain into the backyard. The soil  
72 on the hill is a Paxton soil which does not retain a lot of water.

73 R. Rowen: Advised that if there are springs that are interrupted it is far better to direct the water  
74 to someplace where it can escape. There should be a condition in the Decision for mitigation in  
75 the event this becomes an issue.

76 L. Rudnicki: Recommended that the swale along the driveway be widened in the area that the  
77 driveway widens.

78 P. Christiansen: A change can be made to widen the swale in that area.

79 J. Simons: What fundamental difference would it make if the interpretation J. Tymon has  
80 regarding the year the lot was created is accepted?

81 P. Christiansen: J. Tymon said in her letter that the Conservation Zone is 100'; however, in the  
82 Zoning Bylaw the Conservation Zone for lots created after 1994 is 150'. There is a table in the  
83 Bylaw that states 100' but the text describing the Conservation Zone states 150'. If it is 100' the  
84 proposed house is outside of the Zone. There is some clearing within the Zone. If it is 150' the  
85 house would have to be moved back approximately 35'.

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86 J. Simons: If we look at it from a strictly environmental perspective an argument could be made  
87 that this is the best location for the house. If it was moved back 30 or 40 feet there would be  
88 more impact.

89 P. Christiansen: There is a 15 to 20 foot grade difference if the house had to be moved back.  
90 The driveway would have to be longer, the backyard gets much steeper, instead of one 4'  
91 retaining wall there may need to be two 4' retaining walls or one 8' wall. There would be  
92 approximately 5,300 sq. ft. of additional disturbance.

93 J. Simons: It seems that if this was being designed from scratch this is where the house would be  
94 placed. Substantively the project went through the same process with the ZBA.

95 R. Rowen: What variances were requested and granted from the ZBA and how would they be  
96 different if J. Tymon's interpretation of the Lot is correct?

97 P. Christiansen: The only variance requested was to have the house at the front of the Lot and  
98 that variance was granted. The variance request would have asked to build in the Conservation  
99 Zone but it would have been the same plan. The variance was granted to build in the Non-  
100 Disturbance Zone. There is a note on the Variance plan which has been signed by the ZBA that  
101 says the subject property was created prior to 1984 and it was designated at that time as Map 35  
102 Parcel 38 and then in 2001 there was frontage and area added to the Lot but it is still the same  
103 Map and Parcel number. It is not a new Lot.

104 J. Simons: We should be able to finish for the next meeting as long as all issues resolved with L.  
105 Eggleston. The next meeting will be June 4, 2013.

106

107 NEW PUBLIC HEARING, 100 Dale Street: Application for a Watershed Special Permit. The  
108 project consists of two (2) building lots. Structures on Lot 2 are to be demolished. A single  
109 family home with associated clearing, grading, utilities and stormwater maintenance features is  
110 proposed for Lot 1 and Lot 2.

111 Phil Christiansen, Christiansen & Sergi: This project has received a variance from the Board of  
112 Appeals for lack of frontage. Each Lot is approximately 90K sq. ft. One Lot has 77' of frontage  
113 and the other has 151'. The existing house will be razed and two new homes constructed. All of  
114 the proposed construction is located outside of the Non-Disturbance Zone. The project is in the  
115 Non-Discharge Zone. Provided the Board a printout from MassGIS's online printing tool. The  
116 Special Permit being requested is for both Lots. Reviewed three wetland areas depicted on the  
117 plans. L. Eggleston has reviewed the plans and a change to the driveway location has been made  
118 based on her comments. The soils are very good. A second review from L. Eggleston states that  
119 she agrees that confirmatory soil testing does not need to be done at this time and could be made  
120 a condition of approval. Also based on L. Eggleston's comments a construction sequence has  
121 been added and stormwater facilities maintenance has been added.

122 R. Rowen: Can the driveway for the house that sits further back be reconfigured where it meets  
123 Dale Street to minimize any potential issue with headlights facing the closer house as a car enters  
124 the driveway?

125 P. Christiansen: It is located as far left as possible and is perpendicular to Dale Street.

126 J. Simons: Explained the regulatory process and the variance that was granted by the ZBA to the  
127 abutters at the meeting.

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128 ABUTTERS:

129 Dinelle Bere, 40 Berrington Place: Provided the Board an aerial view of the of the area that  
130 included her home, review comments from Eggleston Environmental dated April 26, 2013, email  
131 response comments from Phil Christiansen dated May 2, 2013, and a letter from Phil  
132 Christiansen to Judy Tymon dated May 6, 2013. These papers included some hi-lited comments  
133 that she requested to be honored.

134 J. Simons: There is a certain amount of overlapping jurisdiction between Planning and  
135 Conservation. Conservation is generally the authority for wetlands.

136 P. Christiansen: This project is not within 100' of a wetland therefore it is not before  
137 Conservation.

138 D. Bere: L. Eggleston expressed her concern that an ANRAD had not been filed nor had a NOI  
139 been filed. She stated in her review that it is her understanding that either one of these will be  
140 filed with the Conservation Commission.

141 J. Simons: The wetlands will be confirmed. She is the technical consultant and every comment  
142 will be addressed.

143 D. Bere: Reviewed the first comment from L. Eggleston's review letter dated May 7, 2013.  
144 Stated that she also has privacy issue concerns. The applicant was granted 96' of frontage for the  
145 variance granted which made the Lots extremely thin and limited where the houses could be  
146 placed. The proposed new home will be located directly behind her home and there will be clear  
147 cutting for the driveway within 5' of her property line. The garage is situated on the side of the  
148 home. The headlights of the cars will be shining into her home. The existing home is off center  
149 behind her house and at a lower topography. The proposed home is directly behind her house  
150 and will be raised up to the elevation of the land. Questioned whether the setback requirement is  
151 being violated on the plan.

152 P. Christiansen: The proposed house meets the required setbacks.

153 D. Bere: Expressed a concern about where the water will go. There will now be two  
154 foundations on the property. It is an extremely wet area.

155 R. Rowen: Can the driveway on the left be eliminated and instead have a common driveway.  
156 Can the proposed house be located closer to where the existing house is?

157 P. Christiansen: In order to avoid using the same foundation hole as the existing home the  
158 proposed home was moved. Also, the land drains to the left. There is a tree cut line shown on  
159 the plans between the proposed house and Berrington Place. Will talk to the developer about the  
160 possibility of a common driveway, moving the proposed house closer to the existing house, and  
161 will look into the possibility of a headlight issue. There is an alternative, if there is going to be a  
162 problem with lights, to put up barriers or screening.

163 D. Bere: The minutes from Nov. 2012 state that the Lots are not buildable until you sign off on  
164 it. They did receive the variance however the plans need to be approved by the Board. The  
165 plans seem to be comfortable and convenient for their potential new buyers. Thankful her  
166 concerns are being taken into consideration.

167 Michele Rutter, 59 Berrington Place: Stated that she agreed with the concern that the wetland  
168 areas should be confirmed. There are multiple flags that appear to be marking a wetland that  
169 would be very close to the proposed house on Lot 1.

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170 J. Simons: Both the Town Planner and Conservation Agent will work together to look at this and  
171 someone will go out there.

172 P. Christiansen: That area was marked by a botanist. H. Gaffney, Conservation Field Inspector,  
173 specifically reviewed that area to determine if it was a wetland under North Andover statutes and  
174 she determined that it wasn't.

175 J. Simons: Requested H. Gaffney to submit a letter regarding that site visit.

176 P. Christiansen: Requested to have a Decision for the next hearing.

177 J. Simons: We will do it as fast as we can but will not make any promises. There is too much  
178 open-ended.

179

180 CONTINUED PUBLIC HEARING: Annual Town Meeting Zoning Articles

181 **Town Meeting Article to amend Sections 4.121 and 4.122 to allow the keeping of backyard**  
182 **hens in Residence 1, Residence 2, Residence 3 and Residence 4 Zoning District.**

183 Hillary Stasonis, 1514 Salem Street: Since the Citizen's Petition was already signed the  
184 recommended changes at the last meeting could not be made. They would have to be made on  
185 the floor at Town Meeting.

186 J. Simons: Suggested the Board would recommend favorable actions subject to certain revisions.  
187 Discussed ways the motion could be moved on the floor.

188 R. Rowen: Reviewed the two recommended changes discussed at the last meeting.

189 Thomas Ralph, 1483 Salem Street: The goal is to come up with a good ordinance that people are  
190 satisfied with. Any reasonable amendments would be listened to.

191 L. Rudnicki: Stated she did not agree that the 40' buffer was enough.

192 **MOTION**

193 A motion was made by R. Rowen to recommend favorable action subject to minor modifications.  
194 D. Kellogg seconded the motion. The vote was 5-1. R. Rowen, L. McSherry, J. Simons, D.  
195 Kellogg, and M. Colantoni voted in favor. L. Runicki voted opposed.

196

197 **Town Meeting Warrant Article to amend Section 6.5 Prohibited Signs to prohibit off-**  
198 **premise signs and overhanging signs.**

199 This will be voted on at the next Planning Board meeting.

200

201 **Town Meeting Warrant Article to amend Section 8.11 in order to put in place a one-year**  
202 **Moratorium for Regulations for Wind Energy Facilities.**

203 The Board requested J. Tymon email the red-line changes to the proposed language based on the  
204 feedback received from Board members.

205 This will be voted on at the next Planning Board meeting.

206

207 **Town Meeting Warrant Article to amend Section 18.2 Downtown Overlay District to**  
208 **require a Special Permit for developments with more than 10 residential dwelling units.**

209 This will be voted on at the next Planning Board meeting.

210

211 **DISCUSSION**

212 Planning Board Report for Annual Town Meeting

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213 The Board requested an additional meeting be scheduled for May 20, 2013 at 8:00am to discuss  
214 all Articles not voted on at this meeting.

215  
216 **Planning Board Report – DRAFT April 29, 2013**

217 The Planning Board makes the recommendations regarding the following Town Meeting warrant  
218 articles as required by M.G.L. c.40A, Section 5 and Chapter 2, Section 9 of the Town Code:

219  
220 **Article 4. Authorization to Accept Grants of Easements.** To see if the Town will vote to  
221 authorize the Board of Selectmen and the School Committee to accept grants of easements for  
222 access, water, drainage, sewer, roadway and utility purposes on terms and conditions the Board  
223 and Committee deem in the best interest of the Town;

224  
225 Or to take any other action relative thereto.

**Board of Selectmen**

226  
227 This will be voted on at the next Planning Board meeting.

228  
229 **Article 5. Authorization to Grant Easements.** To see if the Town will vote to authorize  
230 the Board of Selectmen and the School Committee to grant easements for access, water,  
231 drainage, sewer, roadway and utility purposes on terms and conditions the Board and Committee  
232 deem in the best interest of the Town;

233  
234 Or to take any other action relative thereto.

**Board of Selectmen**

235  
236 This will be voted on at the next Planning Board meeting.

237

238

239 **Vote Required:       Majority Vote**

240

241

242 **Article 11: Citizen’s Petition – Conveyance of Property from Orchard Village, LLC to**  
243 **Town of North Andover.** To see if the Town will vote to authorize the Board of Selectmen to  
244 accept, for no monetary consideration, the conveyance of the following property from Orchard  
245 Village, LLC, upon terms and conditions deemed by the Board of Selectmen to be in the best  
246 interest of the Town.

247

248 That certain parcel of land, together with all buildings and improvements thereon, including  
249 without limitation the water pump station and all equipment and pump station apparatus, located  
250 off of Salem Turnpike in North Andover, Essex County, Massachusetts, and more particularly  
251 described as Lot 33 on a plan of land entitled: “Definitive Subdivision Plan For ‘Orchard  
252 Village’ in North Andover, Mass. Record Owners: Agnes M. Kmiec 1996 Realty Trust, 1001  
253 Turnpike Street, North Andover, MA 01845, Applicant: Orchard Village, LLC, 44 Great Pond  
254 Road, Boxford, MA 01921, Christiansen & Sergi Professional Engineers Land Surveyors, 160  
255 Summer St. Haverhill, MA 01830, Tel. 978-373-0310”, dated April 2, 2009, last revised on June

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256 9, 2009, and filed with the Essex North Registry of Deeds District of the Land Court on October  
257 16, 2009 as Plan Number 18083E, to which plan reference may be had for a more particular  
258 description of said Lot 33 (hereinafter referred to as the "Subdivision Plan"). The above Lot is  
259 designated "Not a Building Lot" and contains 2,047 square feet (.0470 ac), more or less,  
260 according to said Subdivision Plan. Said property shall be conveyed subject to the following  
261 conditions:

- 262
- 263 1. The fee in the roadway shown as the "Proposed Road" and Lot 34 on the  
264 Subdivision Plan shall be reserved to the Orchard Village, LLC. There shall be  
265 conveyed herewith the right to use, in common with the Orchard Village, LLC and  
266 those claiming by through or under the Orchard Village, LLC and others lawfully  
267 entitled thereto, the way shown on the Plan as Proposed Road (now known as  
268 Empire Drive) for the purpose of ingress and egress to the property granted herein.  
269
  - 270 2. Orchard Village, LLC shall reserve unto itself, its heirs and assigns, all easements  
271 affecting the premises conveyed to the Town and shown on the Subdivision Plan.  
272 This conveyance shall be subject to the easements, conditions, and restrictions  
273 contained in the Subdivision Plan, and all other easements, reservations, covenants  
274 and restrictions of record, insofar as the same are in force and applicable, and  
275 acceptable to the Board of Selectmen, however not intending to revive any of the  
276 same.  
277
  - 278 3. Orchard Village, LLC shall also grant to the Town a permanent and perpetual right  
279 and easement to re-install, maintain and repair the water mains and associated pipes  
280 and fixtures now located within said Lot 34, in common with Orchard Village, LLC  
281 and those claiming by through or under the Orchard Village, LLC and others  
282 lawfully entitled thereto to use Lot 34 for all purposes that street and ways are  
283 currently used in the Town of North Andover. The Grantor shall also reserve the  
284 right to install, maintain and repair utilities in Lot 34, excluding the water mains and  
285 associated pipes and fixtures.  
286
  - 287 4. Upon any exercise of the easement rights that disturb the surface of the ground of  
288 Lot 34, the Grantee shall reasonably restore the ground to its previous condition. By  
289 acceptance of this conveyance, the Town shall accept responsibility for the  
290 maintenance, operation and repair of the water booster pump station and all related  
291 improvements and equipment located on said Lot 33 and the water mains and  
292 associated pipes and fixtures located within said Lot 34.  
293
  - 294 5. There is reserved unto Orchard Village, LLC an easement and right to connect  
295 Orchard Village LLC's remaining land to the water mains and associated pipes and  
296 fixtures located within said Lot 34, upon the payment of customary connection fees  
297 to the town,  
298

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299 Or take any other action related thereto.

300

301

**Petition of Douglas B. Small, et al**

302

303

304 **Board of Selectmen Recommendation: Favorable Action**

305 This will be voted on at the next Planning Board meeting.

306

307 **Vote Required: Majority Vote**

308

309

310 **Article 20: Appropriation – Capital Improvement Plan for Fiscal Year 2014.** To see if the  
311 Town will vote to fund the Capital Improvement Program as listed under the heading “Board of  
312 Selectmen/Finance Committee/Town Manager Recommendations” and with the language  
313 included,

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314

<b>FY14 CIP</b>					
<b>Recommendations</b>					
		<u>Board of Selectmen</u>	<u>Other Funding</u>		<u>Authorized to</u>
		<u>Finance Committee</u>	<u>(Grants, Chapter 90</u>		<u>Borrow under</u>
<u>Line #</u>	<u>Project Description</u>	<u>Town Manager</u>	<u>CPA &amp; Spec Rev)</u>	<u>Excess bond</u>	<u>Chapter 44</u>
		<u>Recommendations</u>		<u>Proceeds</u>	
1	Ambulance	\$ 260,000		\$ (20,688)	\$ 239,312
2	Roadway Improvements	\$ 1,115,000	\$ (775,000)	\$ (29,476)	\$ 310,524
3	Sidewalks Reconstruction	\$ 75,000			\$ 75,000
4	Building Maintnenace	\$ 150,000			\$ 150,000
5	Front End Loader	\$ 230,000			\$ 230,000
6	District Wide Paving	\$ 100,000		\$ (7,309)	\$ 92,691
7	Town Farm: Construction of Playing Fields (Phase I)	\$ 300,000	\$ (300,000)		\$ -
8	Facilities Master Plan Implementation	\$ 3,895,500			\$ 3,895,500
9	IT Room Air Conditioning	\$ 76,839			\$ 76,839
10	Municipal IT	\$ 50,000			\$ 50,000
11	Tractor and Brush Cutter	\$ 125,000			\$ 125,000
12	School IT	\$ 127,131			\$ 127,131
13	Water & High Street Lights, Intersection, Road Improv	\$ 110,000			\$ 110,000
<b>General Fund Total</b>		<b>\$ 6,614,470</b>	<b>\$ (1,075,000)</b>	<b>\$ (57,473)</b>	<b>\$ 5,481,997</b>
14	Replacement of Carbon Filter Actuators	\$ 220,000		\$ (172,809)	\$ 47,191
15	Emergency Power Upgrade WTP	\$ 220,000			\$ 220,000
<b>Water Enterprise Fund Total</b>		<b>\$ 440,000</b>	<b>\$ -</b>	<b>\$ (172,809)</b>	<b>\$ 267,191</b>
16	School St & Bunkerhill St Sewer Replacment	\$ 300,000		\$ (300,000)	\$ -
17	Improvements to vaious Sewer Pump Stations	\$ 1,462,381		\$ (1,462,381)	\$ -
<b>Sewer Enterprise Fund Total</b>		<b>\$ 1,762,381</b>	<b>\$ -</b>	<b>\$ (1,762,381)</b>	<b>\$ -</b>
<b>Total All Funds</b>		<b>\$ 8,816,851</b>	<b>\$ (1,075,000)</b>	<b>\$ (1,992,663)</b>	<b>\$ 5,749,188</b>

315

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<b>that to meet this appropriation:</b>			
(1) The Treasurer with the approval of the Board of Selectmen is authorized to borrow \$5,749,188 under chapter 44 of the Massachusetts General Law or any other enabling authority,			
(2) a portion of the appropriation for item 1 above shall be funded with the transfer from the following projects in the amounts set forth below, said sum represents excess bond proceeds not needed for the completion of the projects:			
<b><u>Amount</u></b>	<b><u>Project</u></b>	<b><u>Date/Article Number</u></b>	<b><u>Date Bonded</u></b>
\$ 4,108.02	Fire Truck	2010 / Art 1	
\$ 1,490.11	Drainage Improvements 2007	2006 / Art 24 Sec 3	2/17/2011
\$ 8,090.00	Senior Center Roof Replacement	2010 / Art 28 Sec 3	6/15/09
\$ 6,999.87	Dump Truck w/plow, sander and basin cleaner	2011 Art 27 Sec 10	2/17/2011
<b>\$ 20,688.00</b>			5/17/2012
(3) a portion of the appropriation for item 2 above shall be funded with the transfer from the following projects in the amounts set forth below, said sums represent excess bond proceeds not needed for the completion of the projects:			
<b><u>Amount</u></b>	<b><u>Project</u></b>	<b><u>Date/Article Number</u></b>	<b><u>Date Bonded</u></b>
\$ 1,996.00	Internet Telephone System	2011 / Art 27 Sec 3	5/17/2012
\$ 223.00	School Data Storage and Intergration	2011 / Art 27 Sec 8	5/17/2012
\$ 2,156.00	Network Connection Upgrade	2008 / Art 14 Sec 7	6/15/2009
\$ 25,101.00	Emergency Generator	2011 / Art 27 Sec 7	5/17/2012
<b>\$ 29,476.00</b>			
(4) a portion of the appropriation for item 6 above shall be funded with the transfer from the following project in the amount set forth below, said sum represents excess bond proceeds not needed for the completion of the project:			
<b><u>Amount</u></b>	<b><u>Project</u></b>	<b><u>Date/Article Number</u></b>	<b><u>Date Bonded</u></b>
\$ 7,309.00	Fire Sprinkler System - Kittridge School	2010 / Art 28 Sec 12	2/17/2011
<b>\$ 7,309.00</b>			

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(5) a portion of the appropriation for item 14 above shall be funded with the transfer from the following projects in the amounts set forth below, said sum represents excess bond proceeds not needed for the completion of the projects:

<u>Amount</u>	<u>Project</u>	<u>Date/Article Number</u>	<u>Date Bonded</u>
\$ 4,000.28	Lake Co	1991 / Art 12 Sec 20	6/15/2001
\$ 113,925.00	Bear Hill Reservoir	2004 / Art 11 sec 22	6/15/2005
\$ 40,507.28	Water Main Rehab	2007 / Art 21 Sec 19	6/17/2008
\$ 14,376.44	Foxwood Booster Pump	2008 / Art 14 Sec 16	12/15/2009
<b>\$ 172,809.00</b>			

(6) the appropriation for item 16 above shall be funded with the transfer from the following projects in the amounts set forth below, said sum represents excess bond proceeds not needed for the completion of the projects:

<u>Amount</u>	<u>Project</u>	<u>Date/Article Number</u>	<u>Date Bonded</u>
\$27,424.62	East Side Interceptor	2001 / Art 8 Sec 14	refunding bonds 6/15/03
\$5,927.41	Sewer System Ext Phase IVA	2001 / Art 8 Sec 15	refunding bonds 6/15/03
\$30,913.66	Sewer System Ext in Watershed	2002 / Art 11 Sec 24	6/15/2003
\$1,945.00	Angus pump	1992 / Art 21	1/15/1996
\$128,993.07	Sewer Sy Ext Phase 3C	1998 / Art 10 Sec 27	refunding bonds 6/12/08
\$73,875.67	West Side Sewer Trunk Relief	1998 / Art 10 Sec 26	6/15/2001
\$2,439.51	Sewer System Phase III D	2000 / Art 14 Sec 25	4/1/2002
\$900.00	Sewer System Ext Phase IV	2000 / Art 14 Sec 16	4/1/2002
\$897.94	Eastside Sewer Replacement Design	2000 / Art 14 Sec 28	4/1/2002
\$3,000.00	New Bonny Lane Pump Station	2004 / Art 11 Sec 28	6/13/2005
\$23,683.12	Sewer Ext Phase 4D	2005 / Art 10 Sec 5	9/20/2006
<b>\$300,000.00</b>			

(7) a portion of the appropriation for item 17 above shall be funded with the transfer from the following projects in the amounts set forth below, said sum represents excess bond proceeds not needed for the completion of the projects:

<u>Amount</u>	<u>Project</u>	<u>Date/Article Number</u>	<u>Date Bonded</u>
\$123,477.35	Sewer Ext Phase 4D	2005 / Art 10 Sec 5	9/20/2006
\$938,406.39	Waverly Road Relief Sewer Main	2007 / Art 21 Sec 23	6/1/2008
\$400,497.31	Eastside Trunk Sewer 11	2008 / Art 14 Sec 17	12/15/2009
<b>\$1,462,381.05</b>			

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318 or to take any other action relative thereto.

319

320

**Town Manager**

321

322 **Board of Selectmen Recommendation: Favorable Action**

323 **Finance Committee Recommendation: Favorable Action**

324 This will be voted on at the next Planning Board meeting.

325

326 **Vote Required: Two-third (2/3) Vote**

327

328

329

**EXPLANATION:** A capital improvement plan is a major, non-routine expenditure for new construction, major equipment purchase, or improvement to existing buildings, facilities, land or infrastructure with an estimated useful life of five years or more, and a cost of \$25,000 or more. Items in this plan are funded by debt; the Town will issue bonds of 10, 15 or 20 years (depending upon the project) and pay principal and interest payments over that term. The bonds may be general obligation (funded by the general tax levy) or special obligation (funded by water or sewer rates).

337

338

339

340 **Article 21: Report of the Community Preservation Committee – Appropriation From**  
341 **Community Preservation Committee Fund.** To receive the report of the Community

342 Preservation Committee and to see if the Town will vote to raise, borrow, transfer and/or  
343 appropriate from the Community Preservation Fund, in accordance with the provisions of  
344 Massachusetts General Laws Chapter 44B, a sum of money to be spent under the direction of the  
345 Community Preservation Committee,

346

347 or to take any other action relative thereto.

348

349 **List of Approved Projects – Community Preservation Fund**

350

<u>Description</u>	<u>Amount</u>	<u>Category</u>
351 Preservation of Second Burying Ground	\$ 30,000	Historical Preservation
352 McEvoy Field and Facility Refurbishment	\$ 903,350	Open Space Protection
353 Town Farm: Construction of Playing Fields 354 (Phase II)	\$ 300,000	Open Space Protection
355 North Andover Historical Society: 356 Building Preservation (per Master Plan)	\$ 397,000	Historical Preservation

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359	Stevens Estate – Roofing/Flashing/Coverings	\$ 436,950	Historical Preservation
360	Scholfield Mill – Stabilization, Exterior		
361	Restoration, and Interior Restoration	\$ 130,000	Historical Preservation
362	Ridgewood Cemetery – National Registry of	\$ 7,500	Historical Preservation
363	Historic Places		
364	Veterans’ Housing	\$ 461,894	Affordable Housing
365	Foster Street (Parcel 104D-0014): Purchase of fee		
366	interest in approximately 8.05 acres of open field		
367	wetlands and adjoining conservation land owned by		
368	Essex County Greenbelt, plus closing costs (final		
369	purchase price not to exceed appraised value of		
370	property, total cost to be reduced by amount of		
371	any government grants or private contributions).		
372	Purchase contingent on seller paying any and		
373	all roll back taxes per M.G.L. c61A	\$ 500,000	Open Space Protection
374	Administrative Costs	\$ 30,000	Administrative and
375			Operating Expenses
376			
377	<b>Total for Approved Projects</b>	<b>\$3,196,694</b>	
378	<b>From CPA Affordable Housing Reserve</b>	<b>\$ 251,000</b>	
379	<b>Net New Appropriations</b>	<b>\$2,945,694</b>	

**Community Preservation Committee**

**Board of Selectmen Recommendation: To be made at Town Meeting**  
**Finance Committee Recommendation: Favorable Action**

J. Simons: Provided an overview of each line item.

**MOTION**

A motion was made by D. Kellogg to recommend favorable action on the CPA Article excluding the Foster Street line item. The motion was seconded by L. McSherry. The vote was 5-0 in favor. J. Simons recused himself.

**Planning Board Recommendation Favorable Action with the exclusion of the Foster Street (Parcel 104D-0014) line item**

**Vote Required: Majority Vote**

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397 **EXPLANATION:** The Community Preservation Act (CPA) addresses community issues  
398 such as acquisition and preservation of open space, creation and support of affordable  
399 housing, acquisition and preservation of historic buildings and landscapes, and creation  
400 and support of recreational opportunities. The CPA, adopted at a Special Town Meeting in  
401 January 2001, and by the voters at the Town Election in March 2001, levies a 3%  
402 surcharge on property taxes with two exemptions: \$100,000 of the value of every residential  
403 property, and a complete exemption on property owned and occupied by people who  
404 qualify for low-income housing or low- or moderate-income senior housing.  
405

406 The Community Preservation Committee (CPC) annually recommends how funds should  
407 be spent or set aside for future spending among the allowable categories of a) open space;  
408 b) historic preservation; c) affordable housing; and d) land for recreational use, with a  
409 minimum of 10% required in each of the first three categories. In addition, a maximum of  
410 5% may be spent on administrative expenses by the CPC. Town Meeting may either  
411 approve or reduce the recommended expenditures, but cannot add to them. North Andover  
412 received matching funds equal to \$404,528 or 29.65% in FY13 from the Commonwealth.  
413

414  
415  
416 **Article 26: Authorize the Acquisition of the Rea’s Pond Sewer Pump Station.** To see if the  
417 Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or eminent  
418 domain the sewerage pump station and contiguous sewer lines, manholes, conduits and other  
419 appurtenances necessary for the flowage of sewerage and associated with the operation of the  
420 sewer system known as the Great Pond Road Pumping Station by Rea’s Pond, including but not  
421 limited to all right, title and interest in any easements associated with said sewer system, and all  
422 right, title and interest to all and every property interest, real or personal, in any manner  
423 associated with the sewer system, which are located in the areas shown as “Easement1” and  
424 “Easement 2” on plan of land entitled “Easement Plan, Rea’s Pond Pumping Station, Great Pond  
425 Road, North Andover, Massachusetts,” dated March 8, 2013, Scale 1” = 50’, drawn by Merrill  
426 Associates, Inc., Hanover, MA, and to pay no damages for said eminent domain taking,  
427

428 or to take any other action relative thereto.  
429

430 **Town Manager**

431  
432 **Board of Selectmen Recommendation: Favorable Action**

433 **Conservation Commission Recommendation: Favorable Action**

434 This will be voted on at the next Planning Board meeting.  
435

436 **Vote Required: Two-third (2/3) Vote**  
437  
438

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439 **EXPLANATION:** The Town is planning substantial upgrades to an existing sewer pump  
440 station at Rae’s Pond (see Article 20 above). This town owned pump station is located on an  
441 easement previously acquired from the Conservation Commission. This Article is a legal  
442 requirement prior to commencing work on said pump station.  
443

444  
445 **Article 27: Approve Special Legislation for Easement at Rea’s Pond Sewer Pump Station.**

446 To see if the Town will vote to authorize the Board of Selectmen to file a petition to the  
447 Legislature to authorize, notwithstanding the provisions of Article 97 of the Constitution of the  
448 Commonwealth of Massachusetts, or any general or special law to the contrary, the Conservation  
449 Commission of the Town of North Andover to grant to the Town of North Andover Board of  
450 Selectmen a permanent easement upon the land shown as “Easement 1” and “Easement 2” on  
451 Plan entitled “Easement Plan, Rea’s Pond Pumping Station, Great Pond Road, North Andover,  
452 Massachusetts,” dated March 8, 2013, Scale 1” = 50’, drawn by Merrill Associates, Inc.,  
453 Hanover, MA, which land is currently under the care, custody and control of the Conservation  
454 Commission, to be used for the use and replacement of the existing sewerage pump station and  
455 contiguous sewer lines, manholes, conduits and other appurtenances associated with the  
456 operation of the sewer system known as the Great Pond Road pumping station,

457  
458 or to take any other action relative thereto.

459 **Town Manager**

460  
461 **Board of Selectmen Recommendation: Favorable Action**

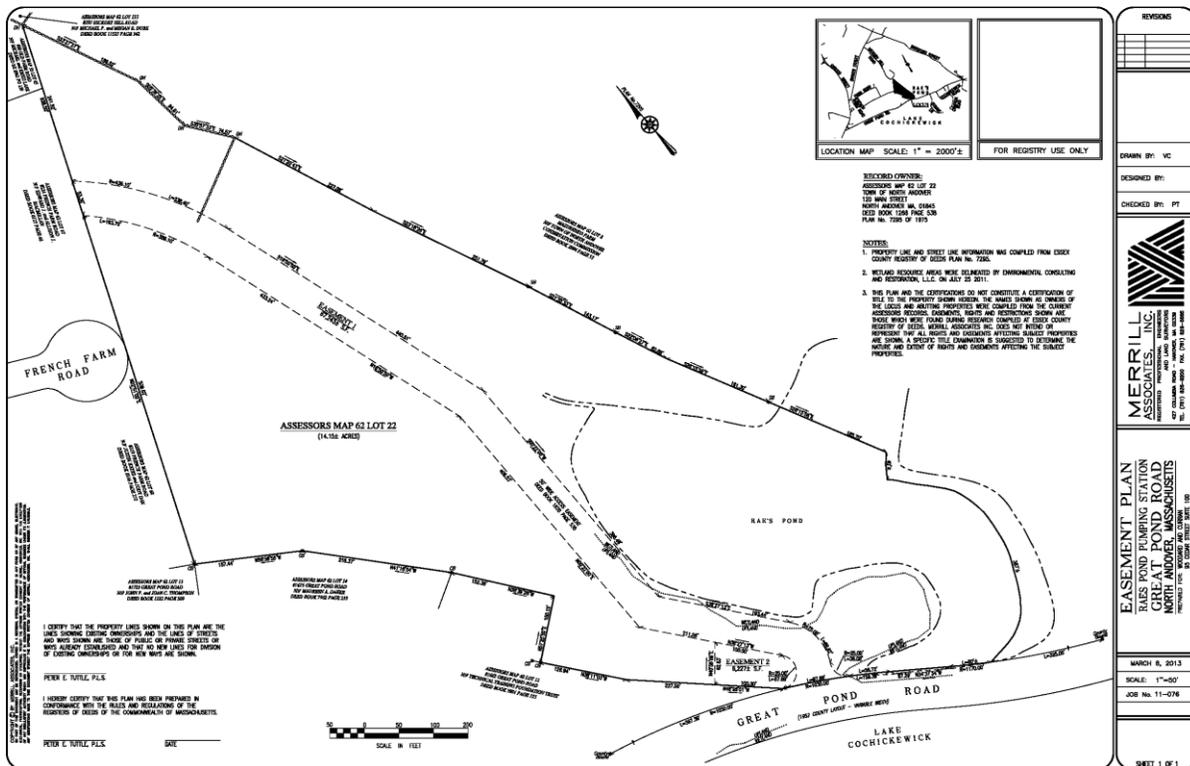
462 **Conservation Commission Recommendation: Favorable Action**

463 This will be voted on at the next Planning Board meeting.

464  
465 **Vote Required: Majority**

466  
467 **EXPLANATION:** See EXPLANATION for Article 26 above.  
468  
469

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**MEETING MINUTES:** Approval of April 16, 2013 meeting minutes.

**MOTION**

A motion was made by L. Rudnicki to approve the April 16, 2013 meeting minutes. The motion was seconded by L. McSherry. The vote was unanimous.

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**ADJOURNMENT**

**MOTION:**

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

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The meeting adjourned at 9:10 pm.

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**MEETING MATERIALS:** Agenda, 250 Clark Street: draft Decision, Site Plan dated March 26, 2013, Site Plan (4 pages) dated May 6, 2013, Operations & Maintenance Plan dated April 9, 2013, Response letters to Stormwater Review dated April 10 and April 3, 2013 from Williams & Sparages, revised 0 Great Pond Road: Site Plan of Land Great Pond Road Variance and Watershed Special Permit dated 5/1/13, Notice of Intent Plan Construction Details dated 5/1/13, : Site Plan of Land Great Pond Road Variance and Watershed Special Permit dated 5/6/13, Watershed Special Permit Site Plan Details dated May 6, 2013, Eggleston Environmental

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492 Stormwater Review dated April 22, 2013, email from Phil Christiansen, PE to Lisa Eggleston  
493 dated 5/2/2013 re: responses to stormwater review, email from Lisa Eggleston to Phil  
494 Christiansen, PE dated 5/1/2013 re: Scuito, 100 Dale Street: Site Development for Watershed  
495 Special Permit Plan dated 4/4/2013, Site Development for Watershed Special Permit Plan dated  
496 5/6/2013, Wetland Location and Soil Types for Watershed Special Permit dated May 3, 2013,  
497 Eggleston Environmental Stormwater Review dated 4/26/2013, email from Phil Christiansen, PE  
498 dated May 2, 2013 re: 100 dale st., Web Soil Survey (3 pages), MassGIS Online Mappoint Tool,  
499 aerial view Bere home and existing home, Planning Board Report—Draft dated 4/29/2013,  
500 4/16/13 draft meeting minutes.