

Approved
Dec 10, 2013

Town of North Andover
ZONING BOARD OF APPEALS

Albert P. Manzi III, Esq. Chairman
Ellen P. McIntyre, Vice-Chairman
Richard J. Byers, Esq. Clerk
D. Paul Koch Jr. Esq.
Allan Cuscia



Associate Member
Michael P. Liporto
Deny Morganthal
Doug Ludgin
Zoning Enforcement Officer
Gerald A. Brown

DRAFT MINUTES
Tuesday, October 22nd, 2013 at 7:00 PM
Town Hall 120 Main Street, North Andover, Massachusetts

Members present: Ellen McIntyre, Richard Byers D. Paul Koch Jr., Esq., and Allan Cuscia
Associate Members Michael Liporto and Deney Morganthal
Also in attendance: Curt Bellavance and Edith Netter

McIntyre called this special meeting to order at 7:03

Pledge of Allegiance

Acceptance of Minutes for October 1, 2013

Cuscia made the motion to approve the Minutes
Byers second the motion.

Those voting in favor to approve the minutes; McIntyre, Byers, Koch, Cuscia, Liporto and Morganthal

McIntyre stated that we will be moving onto the Continued Public Hearing.

**North Andover Holdings, LLC 16 Berry Street/Riding Academy Preserve, North Andover, MA
(Map 106.D, Parcel 0032).**

M.G.L. Chapter 40B, Section 21 for a Comprehensive Permit

McIntyre stated that Curt Bellavance will bring us up to date on the work sessions with the applicant and to review the new plan. McIntyre stated the other purpose for this meeting is for the Board Members to give their input on this project to the applicant. McIntyre stated she wants to give the applicant a clear understanding of what the Board and residence want from this project.

Bellavance stated that at the last workshop the applicant presented a modified plan. Conservation Administrator, Jen Hughes was present and she as well as others at the work session offered suggestions to the applicant.

Bellavance stated at the workshop they spoke of architectural rendering, the new conceptual plan, drainage, dumpster location, and ongoing Maintenance.

Bellavance also stated they discussed what the Board will be expecting at tonight's meeting.

Eric Loth, for North Andover Holdings walked up to the podium and showed the revised plan to the Board, the same plan that was presented at the Workshop. Loth stated that he also showed this same plan to some of the representatives of the Berry Street Association.

Town of North Andover
ZONING BOARD OF APPEALS

Albert P. Manzi III, Esq. Chairman
Ellen P. McIntyre, Vice-Chairman
Richard J. Byers, Esq. Clerk
D. Paul Koch Jr. Esq.
Allan Cuscia



Associate Member
Michael P. Liporto
Deney Morganthal
Doug Ludgin
Zoning Enforcement Officer
Gerald A. Brown

Loth spoke of the reasons why they moved the buildings in these locations and also utilizing more open area. Loth stated that they wanted to concentrate the buildings in a particular area. Loth also spoke of the top lot, parking and also that Buildings B, C and D will provide parking under the apartment buildings.

Loth stated that they tried to incorporate some of the comments they heard at past meetings and workshops into the modified plan.

Byers asked Loth to point to the buildings that will have parking underneath the building.

McIntyre questioned Loth regarding submitting calculations to the Board. McIntyre had asked Loth to provide the Board with an overall calculation of the number of units per acreage. Loth did not have this information available to supply to the Board yet.

Byers asked about the breakdown in the number of 1, 2 and 3 bedrooms.
Loth stated that 10% will be 3-bedrooms and the remaining will be 1 and 2 bedrooms.

Cuscia asked of the height. Loth responded it will be 4 stories high and will be higher in the back part of the buildings also the height will be 55-56 feet.

Cal Goldsmith, from GPR stated that they will be meeting at tomorrow night's meeting with the Conservation Commission. They will be showing them the conceptual plan and they will be looking for feedback from them. When they have more details they hope to provide Lisa Eggleston with more information.

Goldsmith spoke briefly of pavements, parking, buildings and infiltration. Goldsmith stated that this newer plan reduces the amount of pavement.

Goldsmith commented that no construction will take place on the hill with this new plan.

Conservation has asked them to restore the shore line of the pond and they have done that.

Goldsmith also wanted the Board to know that they reduced the plan by 10% from 240 units to 216 units.

Loth showed a picture of Building A to the Board, and spoke of the changes and why they made these changes. Loth felt it was a better visual. Loth spoke of the architectural design such as the gables, and balconies on the building and talked of various angles that they proposed for each of the buildings on the property. Loth also commented that each of the buildings will drop a story from 4 to 3 stories on each end of the buildings, just to soften the look of the buildings.

Loth stated that they are still playing around with materials and colors that will be used.

Edith Netter asked to see the previous rendering of the building. Bellavance supplied Loth with a copy. Netter reviewed both plans to see if she could find any differences.

Town of North Andover
ZONING BOARD OF APPEALS

Albert P. Manzi III, Esq. Chairman
Ellen P. McIntyre, Vice-Chairman
Richard J. Byers, Esq. Clerk
D. Paul Koch Jr. Esq.
Allan Cuscia



Associate Member
Michael P. Liporto
Deney Morganthal
Doug Ludgin
Zoning Enforcement Officer
Gerald A. Brown

Netter asked of lengths of all 4 buildings. Loth responded Building A will be 44 units and the length will be 223 feet. Building B will be 64 units and the length will be 285 feet. Building C will be 60 units and the length will be 310 feet. Building D will be 48 units and the length will be 223.

McIntyre asked the Board to state their opinions and suggestions on this project in order to give some direction to the applicant.

Cuscia stated that he is a numbers guy. Cuscia also stated we need to compromise in numbers. Cuscia went on to talk of a book about Tip O'Neil, called "Man of the House" and that in the book Tip O'Neil's main message was to compromise. Cuscia used an example from a specific chapter of the book to explain his views and thoughts on this project and how the applicant should consider the number of units and compromise.

Cuscia told a story from that chapter of the book about an argument between umpires over whether a baseball player was safe or out while running the bases. Eventually they compromised and put the player on first base. Five people thought he was safe, five people thought he was out, but 10 people knew he had a single.

Using that example of compromise to the applicant, Cuscia then said, we need to compromise and cut this project in half. He said what he sees tonight is a good starting point, but it is not the number or compromise that he is looking for.

Liporto questioned the ecstatic such as balconies and thought it was a bit busy. Liporto did appreciate the fact that the applicant has been working with the neighbors.

Liporto went on to say that he also feels that the number of units are a bit much, but also understands there is a financial equation involved.

Koch stated that he has been reluctant to give his opinion or feedback, but agreed it is all about the numbers too and agrees with Cuscia. Koch felt that the neighborhood was the most important feature. Koch stated that if it was less units he could probably get behind it. Koch stated 120 is a number that feels rational and comfortable, but 180 units feel ok. Koch said that 40B's are extremely powerful. Koch also agreed with Liporto on the issues with the balconies and feels that it contributes to the chopiness and busyness of the façade as well. Koch then commented that on the plans the balconies are shown in white so it may just give that appearance, the balcony may be beneficial to a renter, and offers them part of the outdoors.

Koch agreed that this is an improvement over the original plan. Koch went on to say that no plan can be perfect and make everyone happy.

Koch also commented on some of the lengths of some of the building are too long. Koch also stated that if the applicant came up with 180 units it may be hard for him to say no.

Koch stated the height of the buildings were not one of his greatest concerns.

Town of North Andover
ZONING BOARD OF APPEALS

Albert P. Manzi III, Esq. Chairman
Ellen P. McIntyre, Vice-Chairman
Richard J. Byers, Esq. Clerk
D. Paul Koch Jr. Esq.
Allan Cuscia



Associate Member
Michael P. Liporto
Deney Morganthal
Doug Ludgin
Zoning Enforcement Officer
Gerald A. Brown

Byers agreed with a lot of what Koch said. Byers went on to say that he liked the fact they moved the buildings around and opened it up. He would like to see what Building A and Building C look next to each other. He liked the effort made by the applicant, and was happy to see they made open space, but Byers still felt, that this project still had too many units.

Byers thought the new plan is a start in the right direction, but there are too many units and it seems to be a wall of buildings when you come down Berry Street.

Morganthal stated his opinion and said that he agrees with a lot that was said tonight from the Board Members and that if he lived in this neighborhood he would have a tough time with this. He talked of the neighbors comfort levels with this project. Morganthal made a comment to Loth, what is the number the neighbors want. Like Koch, Morganthal sort of liked the 180 units.

Design wise he thought that the project looks great, but thought building C was too long.

McIntyre told the applicant that they have been hearing these very same comments from day 1, such as too many units, buildings are too high, and various concerns from neighbors. This is what the Board wanted all along. McIntyre stated that she wanted a nice development for the Town.

Robert Michaud, from MDM spoke of traffic and improvements proposed. Michaud spoke of the letter from VHB, and stated that VHB agreed with their approach. Michaud also spoke of turns onto Route 114 and level of Service.

Michaud stated that they had various discussions with Gene Willis and that one of the things that he wanted to see was to have the school bus turn around at the complex. Michaud spoke of the sharp curve and how they propose to flatten and widen that area of the road.

Koch commented that he would prefer the school buses be off the street when it came to drop off and pick up and would like to see the buses go into the complex instead of the street.

McIntyre turned the comments over to the neighbors, but stated that she wanted to limit the comments to the new plan.

Jeffery Moon, of 141 Berry Street spoke that they met with the applicant and appreciates that they took the time to listen to their concerns. Moon stated 10% of the units will be 3 bedrooms, 60% will be 2 bedrooms, and 30% will be 1 bedroom.

Moon still feels that the number of units and heights of the buildings are the key elements of the Berry Street Associations concerns. The egress and traffic onto Route 114 and Berry Street still remained very concerning to him. Moon also expressed his feeling with traffic backups especially during rush hour. Moon encouraged the Board to visit the Berry Street Association website. He spoke of a video that he especially felt the Board should see regarding traffic and safety.

Town of North Andover
ZONING BOARD OF APPEALS

Albert P. Manzi III, Esq. Chairman
Ellen P. McIntyre, Vice-Chairman
Richard J. Byers, Esq. Clerk
D. Paul Koch Jr. Esq.
Allan Cuscia



Associate Member
Michael P. Liporto
Deney Morganthal
Doug Ludgin
Zoning Enforcement Officer
Gerald A. Brown

Moon also spoke that these proposed buildings (units) will all have a Berry Street address and should not be compared with any of the buildings and building sizes on Route 114.

Moon said that this is an inappropriate project and his concerns have always been with height, traffic, safety and the amount of units.

Debbie Labrie, of 25 Winsor Lane spoke of her traffic concerns and did not agree with what the applicant presented in regards to the traffic. Labrie expressed her thoughts regarding traffic and the danger and safety issues that concerned her.

Labrie also felt the scope of the project is way too big.

Judy Ferris, of 31 Oxbow Circle stated that she was concerned with the traffic on Colonial Avenue and Old Cart Way and felt that this area needs to be looked at with a traffic study.

Ferris felt that the height of the buildings were too high for this neighborhood. Ferris spoke of her concerns with where the snow would be stored.

Ferris questioned how conservation and endangered species would be protected during construction.

Pat Levy, of 259 Campbell Road was still concerned with the number of units, heights, and length, along with roadway and traffic issues. Levy felt that the applicant does not really address the traffic problems and he asked the board to view the video on their website that was discussed earlier by Moon.

Will Edwards, shared the same concerns as his neighbors. Edwards also talked of Sustainability and how the applicant should incorporate these energy conservation measures and design principles into this project.

Brendan Murphy, of 296 Berry Street, spoke of car movements and traffic. He felt the traffic will triple especially during soccer season. This is not safe for the residence. They polled the neighborhood and some of the neighbors stated that they will move.

Morganthal asked Murphy what he thought was appropriate for this project. Murphy's response was to construct the buildings 2 stories high and he also expressed his ongoing concerns with the traffic growth.

Loth walked back up to the podium and told Cuscia that he is also a numbers guy too. Loth also stated that he felt that 240 units were always appropriate because it was a large piece of land. Loth also wanted the Board to know that this is the best 4-story building that they could build. Loth stated that they want to keep the balconies because he liked the look of the details that the balconies give to the buildings, rather than a flat look.

Loth also addressed Ferris's concerns with the traffic on Colonial Avenue and stated that this is an existing problem and is not one that they will be creating and does not think a traffic study is the

Town of North Andover
ZONING BOARD OF APPEALS

Albert P. Manzi III, Esq. Chairman
Ellen P. McIntyre, Vice-Chairman
Richard J. Byers, Esq. Clerk
D. Paul Koch Jr. Esq.
Allan Cuscia



Associate Member
Michael P. Liporto
Deney Morganthal
Doug Ludgin
Zoning Enforcement Officer
Gerald A. Brown

solution. Loth also spoke of the need for this project and affordable housing. He spoke of how some people in Massachusetts are living in hotels because of the lack of available housing.

Byers responded to a statement made by Loth and stated that he thought that North Andover has done a good job with growth and multifamily homes in the town.

McIntyre commented to the applicant that you have clearly heard tonight what the Board and residence want from this project.

McIntyre talked of the next meeting, Tuesday, November 12th we will have our regular scheduled meeting at 7:00pm then we will continue this 40B meeting on the same day but at 7:30pm. Location will be at Town Hall.

McIntyre asked what the Board can expect from the applicant at the next meeting.

Loth stated at the next meeting he would like to work on the plans and take the feedback that they heard tonight along with advanced engineering on the project, along with new calculations.

McIntyre also reminded Loth they need to see a new list of waivers from them.

Byers made a motion to continue Berry Street till November 12th, 7:30 pm at the Town Hall.

Koch second the motion

Those voting to continue the meeting were; McIntyre, Byers, Koch, Cuscia, Liporto and Morganthal.

Adjourn Meeting

Byers made a motion to adjourn the meeting.

Koch second the motion

Those voting in favor to adjourn were McIntyre, Byers, Koch, Cuscia, Liporto and Morganthal

Adjournment: 8:40