

1 Town of North Andover  
2 Planning Board  
3 Minutes of the Meeting  
4 January 6, 2009  
5 Town Hall, 7:00 PM  
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8 Members present: John Simons, Chairman  
9 Richard Rowen, regular member  
10 Timothy Seibert, regular member  
11 Michael Walsh, regular member  
12 Jennifer Kusek, regular member  
13 Courtney LaVolpicelo, alternate  
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16 Staff present: Judy Tymon, Town Planner  
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21 Chair called the meeting to order at approximately 7:00 PM.  
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23 **Chair announced the following POSTPONEMENTS:**  
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25 ● **John Cahill** – 166 Salem Street, Map 37D, Parcel 21. Definitive Subdivision  
26 known as The Captain Nathaniel Berry Homestead, consisting of a new 292 foot long  
27 roadway and 3 new proposed lots each containing 25,000 s.f. & existing lot containing  
28 32, 174 s.f. with existing single-family dwelling within R-3 zoning district. Meeting not  
29 closed. Waiver on file until Feb of 2009  
30

31 ● **John Cahill – 166 Salem Street, Map 37D, Parcel 21.** Watershed Special  
32 Permit to construct a new 292 foot long roadway and 3 new single-family homes,  
33 portions of the roadway, one house and a storm water detention/infiltration basin will be  
34 within the non-discharge buffer zone. Meeting not closed. Waiver on file until Feb. of  
35 2009.  
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37 ● **674 Turnpike Street, Theodori Londi**, Site Plan Review Special Permit to allow  
38 for demolition of a 2 story residential dwelling in order to construct a 2,800 s.f.  
39 Commercial building consisting of 1,400 s.f. restaurant and 1,400 s.f. retail within CDD2  
40 zoning district. Waiver on file until January 28, 2009.  
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42 **Chair called for the following vote:**

43 Motion by RR to accept the waivers for timeframe from the applicant for decision for 166 Salem  
44 St, 2<sup>nd</sup> by JK, vote was unanimous.  
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46 **Chair called for the following DISCUSSIONS:**  
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1 • **Discussion only with Merrimack Valley Planning Commission, Mike Parquette**  
2 regarding "Priority Growth Strategy".  
3 Mike Parquette presented The Merrimack Valley Planning Commission Regional Growth  
4 Strategy/Plan. Each community, including N. Andover, had submitted to MVPC their  
5 preferences for Priority Development Sites. For NA, the site is 1600 Osgood St.  
6 The Growth Strategy allows communities to work collaboratively on issues such as  
7 Transportation, Open Space, Development and Growth Centers.

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9 MW asked if grant funds are available for redevelopment of downtown areas. Mike  
10 responded that there are Downtown Initiative Grants available from DHCD, but they are  
11 very competitive.

12 JS asked about the best way for a community to focus on issues. Mike responded that the  
13 designation by the community of Growth Centers, such as 1600 Osgood, is one way to  
14 focus the community's energy.

15 Mike also mentioned that the public is invited to contact MVPC with any feedback and  
16 questions about the Growth Strategy.

17 JS requested that the MVPC presentation be made available on the town's web site.

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19 **Chair called for the following discussion:**

20 • **Omnipoint Communications, pre-application conference for Wireless**  
21 **Facility application.** Attorney Brian Grossman was present to discuss plan to apply for  
22 a Special Permit for a Wireless Facility at 70 Elm St. Mr. Grossman stated that he  
23 wanted to come before the board so that they would have the opportunity to ask any  
24 questions of him regarding the application. He expects to apply in late January or early  
25 February.

26 Omnipoint is planning to install 4 antennas in the steeple of the church and 3 equipment  
27 cabinets in the library room on the ground floor.

28 J. Tymon requested that he provide a sample of material for the windows so that it can be  
29 reviewed by the Historic Commission. Also needed is a more detailed landscape plan  
30 than what was presented on the pre-liminary plan.

31 MW asked whether there was an existing lease agreement with the church. Mr.  
32 Grossman replied that the church is in discussion with Omnipoint regarding a lease and  
33 that he did not know the current status.

34  
35 Thea Fournier of 247 Main St. asked why the Planning Board would allow an illegal  
36 application to be presented to the PB.

37 JS responded that the Building Inspector/Zoning Code Enforcement Officer has provided  
38 a written statement to the PB, stating that any installation of a wireless facility at 70 Elm  
39 St. was in compliance with the setback provision of the Bylaw, specifically, section  
40 8.9.c.v.2.

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42 L. Fennessey of 77 Elm St. asked where the Building Inspector received his authority.  
43 JS responded that she should read a copy of the statement from the Building Inspector.

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45 **Chair called for the following discussion:**

1 The North Andover School Department Site Plan Review memo. a motion was made by  
2 RR and 2<sup>nd</sup> by TS to change the wording on the first page of the Site Plan Review  
3 document to read as follows: “After a public hearing given on the above date, the Board  
4 recommended the attached conditions be imposed on the project:”. The vote was  
5 unanimous.

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7 TS left the meeting.

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9 **Chair called for the following discussion:**

10 Zoning – Stormwater Bylaw: J. Tymon provided an update on the progress with the draft  
11 of the town’s Stormwater Bylaw. J. Tymon, G. Willis and J. Hughes are currently  
12 working on a draft and will have that draft reviewed by both John Smolak and Ben  
13 Osgood Sr. Both had expressed interest in the bylaw and had suggested changes at ATM  
14 08.

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16 Zoning – Downtown Overlay District: J. Tymon provided the board with an update on  
17 the status of the draft of the overlay district for downtown. A consultant had been hired  
18 in 2008 to draft the zoning language and had also recommended a layout for the district.  
19 A copy of the layout was presented to the board.

20 JS stated that the town needs to determine what it wants to accomplish by establishing an  
21 overlay district. There is also a need for more outreach to neighbors and abutters. Re-  
22 zoning may not be the solution. There are physical limitations to the downtown area  
23 (lack of depth, parking). If there is an interested business or businesses that want to re-  
24 locate to the downtown area, the zoning should be addressed at that time. This bylaw  
25 needs more work and is not a priority at this point in time. It may be more beneficial to  
26 focus on the area at Elm and High Streets, where recent redevelopment has taken place at  
27 the existing mill buildings.

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29 MW left the meeting at this point.

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31 **Chair called for the following discussion:**

32 Wireless application at 70 Elm St., applicant MetroPCS. The board stated that MetroPCS  
33 should make a formal request to the town regarding the town’s desire to place an  
34 additional wireless monopole at the Steven’s Estate. This request should be made before  
35 the next public hearing for this application.

36 The board also announced that the next Planning Board meeting would be held on  
37 January 27th. The MetroPCS public hearing will be continued at that meeting. JS  
38 requested an email reminder be sent to the board regarding this date change.

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41 **APPROVE MINUTES OF THE MEETING:**

42 A motion was made by JK and 2nd by RR to approve the minutes of the November  
43 18, 2008 and December 2, 2008 meetings, with one change: the town of  
44 residency of one of the speakers at the December 2 meeting, Diana Warren,  
45 was misspelled. The correct spelling is “Wayland”. The vote was unanimous.

1 **PLANNING BOARD MEETINGS:**

2 January 27, 2009

3 February 3, 2009

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5 Motion to adjourn by RR, 2nd by MW, vote was unanimous. The meeting adjourned at  
6 approximately 9:30 PM.

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20 **By order of the Planning Board**

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23 **Approved** \_\_\_\_\_  
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