

1 Town of North Andover
2 Planning Board
3 Minutes of the Meeting
4 April 7, 2009
5 Town Hall, 7:00 PM
6

7 Members present: John Simons, Chairman
8 Timothy Seibert, regular member
9 Michael Walsh, regular member
10 Courtney LaVolpicelo, alternate
11
12 Member absent: Richard Rowen, regular member
13
14 Staff present: Judy Tymon, Town Planner
15 Mary Ippolito, Recording Secretary
16

17 Chair called the meeting to order at approximately 7:05 pm.
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19 Chair announced there are no public hearings tonight; he will hear Messina's Plaza, and
20 then hear 1003 Osgood St., then proceed to hear the other discussion items.
21

22 **POSTPONEMENTS:**
23 none
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25 **Chair called for DISCUSSION Down Town initiative zoning.**
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27 ■ Curt Bellavance, Director, Community Development, submitted an outline to the
28 PB. Received a grant thru the State for \$30K and hired a consultant to look at our
29 downtown area. Received some feedback from residents/business owners. Asked them to
30 create design criteria for down town; parking, signs, etc. Drafted language and now
31 coming forward with changes for the future. From Main St. to Sutton St. up to where St.
32 Michael's church is located there are 4 different zoning districts that you go thru. Drafted
33 a map.
34

35 Chair: doesn't know if PB questions were ever resolved, -R-4, R-5, General Business and
36 Industrial zones? Curt: Created overlay put in allowed uses and SP uses, took mix of
37 existing uses and put them into down town overlay district. Overlay district relates to
38 General Business, as that district already exists down town. Bed and breakfast isn't
39 allowed in G-B. However, it's up to PB if they want to grant this rezoning. VHB
40 worked w/Lincoln and Curt, didn't included Machine Shop Village or Davis and Furber
41 at that time? Looked at property at Waverly Rd. and included them into overlay district.
42 Chair: Cleveland St. is residential why tie into overlay? Houses on Cleveland St. are they
43 allowed to do something in a commercial district? Curt: they had to come in front of PB
44 to meet the PB criteria siding, frontage, parking/display window in store, setback if
45 building already existing, further landscaping or if there is existing alleyway already
46 there between buildings. Curt: there is an economic down turn at the present time.

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2 MW: asked if Bradstreet school, a town property, could be used as parking, or municipal,
3 or commercial use? This is an important part of an overlay district. Curt: feels there are
4 permitted uses thru the overlay district, parking needs to be at rear of building or side,
5 structure would be raised and moved closer to street.

6
7 MW: proposal for Machine Shop Village doing signage, does it have impact on what
8 you're proposing now? Curt: no there were changes made to sign bylaw last year, sign
9 setback issue.

10
11 Chair: better chance of making the two mills a focal life of community development in
12 down town area, make this area engine and have Main St. pick up as a result of this rather
13 than the other way around, may even put more retail use in the mill to make it a mix-use
14 area. Curt: agrees Water St. is key to making the connection.

15
16 Judy: this is on agenda for public hearing. Curt: received changes from Tom Urbelis and
17 at public hearing PB will be provided most recent version. TS: RCG would be agreeable
18 to what PB is proposing? Chair thanked Curt for presenting tonight.

19
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21 **Chair called for DISCUSSION Bond release:**

22 ■ **Judy Reilly, 316 Johnson Street** – requests a \$2K Watershed Special Permit
23 performance G bond be closed out. Applicant is finished with project for 3-stall garage,
24 kitchen expansion, mudroom, front porch, screened rear porch, new driveway, sewer
25 connection and associated grading and landscaping. DPW Engineer's have no issues.
26 Judy to make site visit.

27
28 Judy provided as-built from Con/Com and engineer submitted a letter. Judy made a site
29 visit to property and it's all-complete, drainage is working and there are no issues,
30 Con/Com didn't have any issues. Gene Willis is fine with this project. Motion by MW
31 to release and close out a Watershed SP performance G bond in the amount of \$2K, 2nd
32 by TS, vote was unanimous.

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35 **Chair called for DISCUSSION:**

36 ■ **Messina Plaza, San Lou Realty, Main Street** – insubstantial changes to newly
37 constructed plaza.

38
39 Chris Huntress presented, he wants to modify this to make it a better project, he met
40 w/Judy and outlined minor changes to the plan. See his letter dated March 17, 2009 for
41 the record. Sidewalk has 3 trees planted in the middle of it, it's in disrepair, Messina's
42 will remove guardrail, trees and re-pour this sidewalk. Street trees will be planted along
43 that edge. Existing tree will remain (in front of Chowder Shop). Another tree will
44 remain. Entry widened to 28 feet and 2' rumble strip has been added. Eliminate
45 sidewalk on returns better for pedestrians walking there. Sign conforms to all respects to
46 sign bylaw and submitted to Building Inspector for approval. 3 proposed street trees

1 have been relocated to First St. Parking lot island closest to Main St. are proposed as a
2 painted island also making it easier to remove snow.

3
4 Chair: parking is tight, makes it difficult to get in and out with landscaped island and he's
5 in favor of modification tonight.

6
7 One street light installed W of entrance off First St., plant material modified along N
8 edge of parking lot adjacent to First St.

9
10 Judy: visited site a few times to discuss the changes, they make sense she has no issues,
11 Messina's have been very cooperative.

12
13 CL: Keep landscape island in entrance make them smaller? Chris: creates a problem
14 when they plow snow. Chair: even with entrance being widened a bit, it's still a narrow
15 entrance, if those islands were left there a car would not be able to ease in and make a
16 turn easily.

17
18 TS: citizens will be happy with the widening of the entrance.

19
20 PB feels there are insubstantial changes so go ahead.

21
22 **Chair called for DISCUSSION:**

23 **■ Tony Grasso, 12 Bonny Lane**, Watershed Special Permit previously approved
24 for 12 Bonny Lane. Mr. Grasso is in the process of purchasing 12 Bonny Lane from
25 current owner and wants to make changes to footprint.

26
27 Judy: if any changes to plan applicant should come back to PB. The new owner is
28 proposing a slight shift to footprint, but doesn't change any approved setback.

29
30 Atty. Don Borenstein is representing his client Realty Trust. There is a buyer for this
31 property who is Tony Grasso and he's requesting a Watershed SP waiver of this project.
32 This lot was never built out. In 2007 got a Watershed SP granted by the PB. Mr. Grasso
33 is now requesting a modification from ZBA, and requesting approval from Con/Com to
34 move house closer to the street. Precise geometry of footprint is slightly different, less
35 jogs in Mr. Grasso's footprint. Wetland setback remains exactly the same. Well outside
36 of front setback. Disturbance area stays the same; impervious area reduces by 50 s.f. will
37 lose only a little bit of driveway. This will save a couple more trees located in the back.
38 Also gives him less driveway to put in. Would like to give Gerry Brown, Building
39 Inspector, the green light to issue a building permit.

40
41 Chair: presumes footprint of building is the same or slightly less? Atty. Borenstein: it's
42 about a wash it's 50 s.f. difference. He wants tonight's plans to be referenced for the file
43 and not the previous plans.

1 Motion by TS, for 12 Bonny Lane, to accept a modification to the plan and deem them as
2 minor modifications and would not require any further public hearing, 2nd by MW, vote
3 was unanimous.
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7 **Chair called for DISCUSSION:**

8 ■ **Nicholas Leonardi, 61 Johnson Circle**, requesting a waiver of a Watershed
9 Special Permit to construct a 12'x12' three season porch off first floor living room at rear
10 of house. Received Order of Conditions from Con/Com.
11

12 Judy: Mr. Leonardi has existing deck and 3-season porch, proposing to take off porch
13 and use deck as footprint for enclosed porch. Has filed w/Con/Com and they have
14 approved it in February 2009.
15

16 Mr. Leonardi: footprint has not changed; porch is further away from wetland about 30
17 feet, prior it was about 7 feet. Lot is created prior to 1974. Topo won't change, adding
18 additional vegetation, some improvement on site because of this plan. See before and
19 after pictures. No plan for roof gutters.
20

21 Motion by TS that no Site Plan Review SP or Watershed SP is required on this project
22 with regard to 61 Johnson Street, 2nd by MW, vote was unanimous.
23

24 Chair: Judy write a short note for the file and send it to PB in time for the next meeting.
25

26
27 **Chair called for DISCUSSION:**

28 ■ **Dean Chongris, Redgate Subdivision**, stabilization needs to be monitored weekly.
29 **Environmental monitor report** to be submitted at April 7, PB meeting.
30

31 Judy: Dean is here to request a release for lot 1 and lot 2. Now he's talking about release
32 for lot 1. Jennifer Hughes of Con/Com submitted memo tonight. Gene Willis, DPW,
33 pointed out areas on the slope that were deteriorating. (See handout tonight for the
34 record). Judy: wants a weekly monitoring report done and Dean should provide at least
35 one report now and get an agent to put together a plan and he's done this w/Ben Osgood
36 Jr.
37

38 Jennifer: was at the site yesterday and even with silt fences up sediment was flowing into
39 catch basins etc. (See photos taken yesterday).
40

41 Judy: went to site today w/Jennifer and there is deterioration at slope. Siltation built up
42 quite a bit now. Catch basins on road should be protected by hay bales. See pictometry
43 view provided by Judy tonight. Catch basin on Salem St. could filter into Mosquito
44 Brook.
45

46 Dean: presented he's been managing this site for 3 years; he hasn't had any silt leave the
47 site. He used smaller sections of silt fence to allow water to get by the area. No silt on

1 bottom of basin. Has problem w/Con/Com because they want hay bales and check dams
2 to be put in front of Mr. Cyr's property. Dean: wants to meet w/Judy and Con/Com to
3 make conditions better.

4
5 Chair: there are always problems when building on hills, won't release a lot before he
6 fixes problem, clean the mess up and come back here and demonstrate that you've fixed
7 the problem and then PB will release the lot. He goes by the site and it looks like a
8 mess. Dean: said no problem.

9
10 Judy: will work closely w/Dean and Mr. Cyr.

11
12 Mr. Cyr presented tonight he's been here since 1996 when Redgate subdivision was
13 created. He's not a big fan of this project. He's had problems for 3 years with runoff of
14 water in east side, and onto adjacent lot that belongs to his mother. No hay bales for a
15 long time. Fear water may enter his finished basement, no doubt silt is running thru catch
16 basins, water is colored light brown and runs into Mosquito Brook. Pond is too small
17 water runs out of the pond. Mother's property is not built on yet it's located to his right.
18 Gene Willis, DPW, was out there last week, said noticed deterioration on slope. Chair:
19 said Mr. Willis should take a technical look at this.

20
21 Dean: will show Judy a series of check dams before it gets to swale it's holding behind
22 them. Swale is pitched and will drain itself to that basin. Hay bales get wet and plug up.
23 Wants to use wood chips or crushed stone to allow water to flow quicker. Gene Willis
24 has to get involved in the mix.

25
26 Mr. Cyr disagrees w/Dean. After storm there was dam affect from hay bales and silt
27 fence, water was backed up over the catch basin. Pond is not big enough it's too small.
28 Chair instructed Judy to do a punch list of things that need to be fixed and come back at
29 our next meeting.

30
31 Mr. Cyr submitted pictures tonight. Mr. Cyr will drop some pictures by to Judy. Photos
32 were taken this Monday.

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35 **Chair called for DISCUSSION:**

36 John Grasso, 1003 Osgood Street, is requesting a modification of Watershed
37 Special Permit to proceed with a mixed-use project.

38
39 Chris Huntress, Atty. John Smolak, and Chris Tamula, are present. Chris: This site is
40 adjacent to Mad Maggie's ice cream stand, and existing barn, open field in back.
41 Got Site Plan Modification SP a few years ago to realign 1025 Osgood St. w/1003
42 Osgood St. by a shared driveway entrance and shared parking etc. Wishes to push barn
43 back further on the site. Met w/Judy and John Grasso, needs relief for amount of parking
44 and shared parking on site.

1 Judy: this project was granted a Site Plan Review SP in 2004 and Watershed SP for
2 renovating exiting structures in their current location. And a modification in 2005 and a
3 modification Site Plan Review SP and Watershed SP. Original permit was to provide a
4 soccer field, however, that was changed so \$25K was provided to youth services instead,
5 there was a covenant placed on deed restricting further development and types of uses
6 regarding the open field. Language carried over into 2007 for modification and deed
7 restriction be placed restricting future development (for shared driveway). Recording
8 shows book and page information for 2005. Now tonight's plan increases square footage,
9 restaurant, more parkingwhich stopped at 250 non-disturbance line..... this is
10 proposed to be used for parking and the barn is being proposed to be relocated there.

11
12 Chair: this site is a sensitive one due to rezoning from residential to office use and
13 preserve field to natural state. Chair: this didn't happen not strong enough statement by
14 PB regarding use. Chair: house is in bad shape now the barn is in pretty good shape
15 now. Protect the barn as we move forward on this project. Concerned about
16 encroachment of parking, PB has agreed upon area, and this is close to the lake the most
17 extensive Watershed SP and put developer thru a lot because it's so close to the lake.

18
19 Chair: applicant has work to do, be creative about layout out parking, and look at total of
20 parking for two sites. How much do you actually need? Issue is pull some of parking
21 back a little if possible.

22
23 TS: discussed the parking overlay plan. Chris: has a more extensive plan than what PB
24 has now. He pulled back 40 or 50 feet of parking (see Chris' updated plan tonight).

25
26 Chair: observe existing building over period of week and see how full the parking is,
27 count how much is empty and how much to play with. Mr. Huntress wants amount of
28 lease space in building now to break down by use so they can figure out parking. Pouris
29 pavement to better recharge ground water. By moving barn further back it makes for a
30 better site plan to keep barn on property. There will be a parking count associated w/barn.
31 Restaurant will have the highest count for parking.

32
33 TS: is it feasible to move forward without the barn? Chris: said yes. Chair: there is a
34 benefit by keeping the barn to offset some of the density at the site this is a reasonable
35 thing for the project.

36
37 TS: difficulty seeing around the bend how can you make it a safe parking area? Chris:
38 will look at proposal to make it not a full access driveway. TS cut down some trees of
39 the neighbors? Chair: tell us what site distance is at that point. Chris: will follow-up
40 with traffic study etc.

41
42 TS: wants to have someone take a fresh look at things and keep historical structures in
43 place etc.

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45 Judy: wetland area has increased and protruding into site now (another environmental
46 area).

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Chris: showed stonewall on plan and wetland encroached closer to lake now. Need to go back to Con/Com for new plans.

MW: shared with PB back row of parking is too close for his comfort, likes the idea of the barn, but has concerns about the parking. Driveway is tough situation, comes up fast and encroaching at interchange with traffic at corner. Chris will check further w/Mass Highway.

Chair called for DISCUSSION:

■ **Wireless Bylaw** – Members of the Wireless Bylaw Committee will be present to discuss their version of proposed changes to the Wireless Bylaw. Committee didn't attend tonight.

Recording Secretary asked the PB for a marked up version of the PB edits tonight. Judy: said she got all of the PB edits tonight.

Judy: submitted new language for Town Meeting article per requirements of Charlie Salisbury, Town Moderator. Judy submitted copy of edits to Joyce Bradshaw today. She clarified language in this draft.

Chair: the ZBA is the only one who can do dimensional requirements. Don't allow PB to waive 600' they shouldn't have that authority. Richard Rowen talked about height and wanted to eliminate the no more than 10 feet because if you put one up in open field you couldn't make it more than 10 feet tall see page 4 section i) height.....ii Judy: we would prefer that you not put it in an open field.

Chair: Judy to send an e-mail tomorrow to Richard Rowen and ask him how he wants to change it. Chair: keep this in for now say we are just going to take out the 10 feet see what he has to say.

MW: asked if this proposal was put into the Warrant? Judy said yes.

PB has public hearing on April 21, 2009. PB may make motion on floor of their changes.

Chair told Judy to send a note to people on both sides of Rte. 114 by Hillside Road Road, tell them about zoning article.

Chair called for PB to Approve Minutes of the Meeting:

■ **Approve February 24, March 3, & March 16, 2009 Minutes of the Meeting:**

TS: Motion to approve the "Minutes" of February 24, March 3, and March 16, 2009, 2nd by MW, vote was unanimous.

Motion to adjourn by TS, 2nd by MW meeting adjourned at approximately 9:30 PM.

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By order of the Planning Board

approved

Plse. note: The Planning Board reserves the right to take items out of order and to discuss and/or vote on items that are not listed on the agenda.