

PLANNING BOARD
Meeting Minutes
Tuesday, April 19, 2011
Town Hall, 120 Main Street
7.00 PM

1 Present: C. LaVolpicelo, T. Seibert, R. Glover, M. Colantoni, J. Simons (arrived at 7:55)

2 Absent: R. Rowen

3 Staff Present: J. Tymon, J. Enright

4 Meeting began at 7:04

5 **POSTPONEMENT**

6 **CONTINUED PUBLIC HEARING: 1679 Osgood Street**, Definitive Subdivision for 8 single-family
7 residential lots within the R-3 District, submitted by GMZ Realty.

8 **CONTINUED PUBLIC HEARING: 288 Sutton Street** “Mathews Way” Proposal of a Five (5) Lot
9 Definitive Subdivision.

10

11 **DISCUSSION**

12 **Brooks School:** Proposed new dormitory with a faculty apartment imbedded in the dormitory and two
13 attached residences of approximately 3,400 square feet each.

14 **J. Tymon:** Stated that a Technical Review Meeting with some of the Town staff was held to review the
15 project. Half of the proposed site is in the watershed, general zone, where residential use is allowed.
16 Does not believe there is a need for a Watershed Special Permit. Recommended that the applicant come
17 to a Planning Board meeting to request a waiver from Site Plan Review due to the scope, location, and
18 impact of the project.

19 **John Trovage,** Director of Facilities Management Brooks School: The dorm is being proposed in order to
20 alleviate some over crowding and allow for the renovating of some existing dormitories. The school does
21 not plan to increase the student population. The waters edge is 1,300 feet from the proposed building.
22 There will be 20-22 dorm rooms with attached faculty housing at each end of the building.

23 **John Scott,** Civil Engineer: Presented site plan of campus and showed the proposed location of the new
24 dorm. The proposed site location for the dorm is two feet lower than the high point of the campus. Six
25 parking spaces will be added to accommodate the new building. There are ample parking spaces on the
26 campus for faculty and day students. The soils have an estimated seasonal high water table of 20” below
27 the ground level. This indicates that there is probably very little recharge taking place. Proposing to
28 capture the roof water in drip trenches under the eaves and be directed to the stormwater system. The
29 school is on the Town water and sewer systems. The building will have sprinklers to meet fire
30 regulations. There is natural gas onsite and the building will be connected to it. Electrical will be
31 underground if the budget allows for it. This project will disturb less than an acre of land.

32 **M. Colantoni:** What is the distance to the nearest abutters?

33 **J. Scott:** The nearest abutter is a greater distance away than the lake is to the building.

34 **Rob Bramhall,** Architect: Reviewed the building design, floor plan, materials, pathways, and
35 landscaping. Proposed building is approximately 12,000 sq ft.

36 **T. Seibert:** Recommended that the Board discuss the project with J. Simons and R. Rowen before
37 authorizing a waiver of Site Plan Review. This should be done within the next two weeks.

38 **J. Simons:** Upon being updated on the proposed project, recommended that the applicant file for Site Plan
39 Review and that the abutters be notified to remain consistent with what has been done in the past for
40 Merrimack College and for Brooks School. The fees can be waived. A draft decision should be
41 completed for the hearing date and possibly the hearing can be opened and closed in one meeting. It is
42 the applicant’s decision as the whether they want to bring their engineer and architect to the next meeting.
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PUBLIC HEARINGS

NEW PUBLIC HEARING: WARRANT ARTICLE

Town Meeting Warrant Article to amend the Town of North Andover Zoning Bylaw 4.122.14-Resident 4 District-Permitted Uses to allow existing 2-family homes as-of-right.

Article 28. Amend Zoning Bylaw-Amend 4.122.14-Resident 4 District-Permitted Uses. To see if the Town will vote to amend the Town of North Andover Zoning Bylaw by deleting the existing Section 4.122.14Aa and Section 4.122Ab and replacing them with the following:

4.122.14 Residence 4 District (Permitted Uses)

A. Dwelling Types

a. One family dwellings and existing two family dwellings.

b. Additional two family dwellings by Special Permit from the Zoning Board of Appeals in accordance with Sections 10.3 and 4.122.14D of this Bylaw;

And further that the non-substantive changes to the numbering of this bylaw by the Town Clerk be permitted in order that it be in compliance with the numbering format of the General Bylaws of the Town of North Andover;

Or to take any other action relative thereto.

Petition of Charles H. Foster and others

RECOMMENDATION: Favorable Unfavorable

(Public Hearing opened at 7:45pm)

J. Tymon: Provided overview of the petition of Charles H. Foster and Others. Read a letter submitted by Gerald Brown, Inspector of Buildings, dated April 6, 2011 with a Subject line of “Charlie Foster Application”.

(J. Simons arrived at 7:55 during discussion about this letter)

Charlie Foster, Petitioner, provided an explanation of his petition and his reason for it.

R. Glover requested a certain date be put on what is “existing”.

There discussion regarding the Article between C. Foster and the Board.

MOTION

A motion was made by T. Seibert to close the Public Hearing discussing Article 28. The motion was seconded by C. LaVolpicelo. The vote was unanimous 5-0.

MOTION

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80 A motion was made by T. Seibert to recommend unfavorable action on Article 28. The motion was
81 seconded by M. Colantoni. The vote was unanimous 5-0.

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85 **CONTINUED PUBLIC MEETING: WARRANT ARTICLES**

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

90 Or to take any other action relative thereto.

91 **Board of Selectmen**

92 **RECOMMENDATION: Favorable Unfavorable**

93 **MOTION**

94 Move to recommend favorable action on Article 4 by T. Seibert. Seconded by C. LaVolpicelo.
95 Vote was unanimous 5-0

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

100 Or to take any other action relative thereto.

101 **Board of Selectmen**

102 **RECOMMENDATION: Favorable Unfavorable**

103 **MOTION**

104 Move to recommend favorable action on Article 5 by T. Seibert. Seconded by C. LaVolpicelo. Vote was
105 unanimous 5-0

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107 **Article 12. Amend Capital Improvement Plan Appropriations from Prior Years.** To see
108 if the Town will vote to amend prior Capital Improvement Plan Appropriation for prior Fiscal Years as
109 voted by:

- 110 See Attachment N1: Re-program funds for Elm Street Project
- 111 See Attachment N2: Re-program funds for Two Track Loaders with Attachments
- 112 See Attachment N3: Re-program funds for Water System Improvements

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114 Bond Counsel will draft article.

115 Or to take any other action relative thereto.

116 **Board of Selectmen**

117 **RECOMMENDATION:** Favorable Unfavorable

118 Move to recommend favorable action on Article 12 by T. Seibert. Seconded by C. LaVolpicelo. Vote
119 was unanimous 5-0

120 **Article 13. Amend Zoning Bylaw, Section 8.9 Wireless Service Facilities.** To see if the
121 Town will vote to amend Section 8.9 of the Zoning Bylaw for the Town of North Andover by deleting
122 Section 8.9 in its entirety and replacing it with the following which includes a Wireless
123 Telecommunications Overlay District:

124 Or to take any other action relative thereto

125 **Board of Selectmen**

126 **RECOMMENDATION:** Favorable Unfavorable

127 **Article 14. Amend Zoning Bylaw – Section 3 Zoning Districts and Boundaries,**
128 **Subsection 3.1 Establishment of Districts.** To see if the Town will vote to add a new district to the
129 list of designated districts within the bylaw.

130 *Section 3, Subsection 3.1, is to be amended adding at the end of listed districts, the text shown as*
131 *underlined.*

132 **Wireless Telecommunications Overlay District**

133 Or to take any other action relative thereto.

134 **Board of Selectmen**

135 **RECOMMENDATION:** Favorable Unfavorable

136 **MOTION**

137 Motion was made by C. LaVolpicelo to close the Public Hearing for amending of the zoning bylaw
138 section 8.9 Wireless Service Facilities and Wireless Telecommunications Overlay District. The motion
139 was seconded by M. Colantoni. The vote was unanimous 4-0. (J. Simons had not arrived yet)

140
141 **MOTION**

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142 A motion was made by C. LaVolpicelo to move to recommend favorable action on Articles 13. M.
143 Colantoni seconded the motion. The vote was unanimous 4-0. (J. Simons had not arrived yet)

144 **MOTION**

145 A motion was made by C. LaVolpicelo to move to recommend favorable action on Article 14. M.
146 Colantoni seconded the motion. The vote was unanimous 4-0. (J. Simons had not arrived yet)

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Article 27. Capital Improvement Plan Appropriation Fiscal Year 2012.

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow under the provisions of Massachusetts General Laws, Chapter 44, the sums of money necessary to fund the Town Capital Improvement Program for Fiscal Year 2012 as detailed below, provided that, pursuant to Massachusetts General Laws and Chapter 59-5 C of the General Bylaws of the Town of North Andover, for any capital project in excess of \$500,000 or any other appropriation, the Town may, by vote of the Town Meeting, have the following condition added to it: "provided that this appropriation and debt authorization be contingent upon passage of a Proposition 2 1/2 debt exclusion referendum under General Laws Chapter 59, Section 21C(k)":

148 **General Fund**

149 Roadway Improvements:	\$390,000
150 Fire Alarm Boxes and Panels	\$100,000
151 Internet Telephone System	\$402,000
152 Middle School Roof Replacement	\$1,000,000
153 Defibrillator Replacement	\$43,000
154 Police Station Parking Lot and Exterior Lighting	\$125,000
155 Emergency Generator at Public Works Facility	\$38,000
156 School Dept. Data Storage and Back Up Systems	\$165,000
157 Vehicle Fuel Pump System	\$45,000
158 Dump Truck with Plow, Sander and Basin Cleaner	\$210,000
159 Sargent School Roof Replacement	\$240,000
160 Atkinson School Window Replacement	\$1,700,000

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162 **Sewer Enterprise Fund**

163 Sewer Utility Truck \$78,000

164 **Water Enterprise Fund**

165 Heating, Ventilating and Air Conditioning Equipment	
166 At Water Treatment Plant	\$690,000
167 Valve and Hydrant Replacements and Installation	\$260,000
168 Solar Power Equipment at Water Treatment Plant	\$376,000

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170 Or take any other action relative thereto.

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Board of Selectmen

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RECOMMENDATION: Favorable Unfavorable

J. Tymon to investigate what types of votes are allowed other than favorable and unfavorable.

Article 29. Report of the Community Preservation Committee and Appropriation From the Community Preservation Fund.

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

(Information to be provided by CPA Committee prior to warrant being signed).

Or to take any other action relative thereto.

Community Preservation Committee

RECOMMENDATION: Favorable Unfavorable

To be discussed at next meeting.

Article 30. Authorization to Borrow Money To Be Paid Back Using Community Preservation Act Funds.

(Information to be provided by CPA Committee prior to warrant being signed).

Or to take any other action relative thereto.

Community Preservation Committee

RECOMMENDATION: Favorable Unfavorable

To be discussed at next meeting.

Article 39: Road Way Acceptance: Carter Field Road

To see if the Town will vote to accept and name Carter Field Road as a public way, as laid out by the Board of Selectmen, and as shown as “Carter Field Road” on a plan entitled, “Street Layout Plan, Carter Fields Subdivision prepared for Tara Leigh Development, LLC, Scale 1” = 40’; Date March 14, 2011, by MHF Design Consultants, Inc.” and to accept deeds to all related open space parcels and easements, shown on Plans recorded as Plan No. 14969 and Plan No. 14471 at the North Essex Registry of Deeds and on the above referenced Street Layout Plan.

Or take any action relative thereto.

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199 **Planning Board**

200 **RECOMMENDATION:** Favorable Unfavorable

201 J. Tymon: Updated the Board on all documentation that has been received regarding the proposed street
202 acceptance. The road layout meeting is scheduled with the BOS for Monday night.

203 **MOTION**

204 A motion was made by T. Seibert to recommend favorable action for Carter Field Road street acceptance.
205 The motion was seconded by C. LaVolpicelo. The vote was unanimous 5-0.

207 **Article 40: Authority to Dispose of Interest in Land-200-203 Bunkerhill Street – Rear of**
208 **Chickering Plaza Route Authority to Dispose of Interest in Land**

209 To see if the Town will vote to transfer the care, custody and control of the interests of the Town
210 in the way or paper street portion of the property known as Bunkerhill Street, which is appurtenant to the
211 Town’s ownership interest in the property at 200-203 Bunkerhill Street, shown on Assessors Map 84,
212 Parcel 14 , to the Board of Selectmen for disposition and to authorize the Board of Selectmen to dispose
213 of the interests of the Town in said way or paper street (at the rear of Chickering Plaza) upon terms and
214 conditions that the Board of Selectmen deem to be in the best interest of the Town, even if the Town
215 receives no consideration therefor, or to take any other action relative thereto.

216 **Board of Selectmen**

217 **RECOMMENDATION:** Favorable Unfavorable

218 No vote taken. Requested more information.

219
220 **Article 41. Transfer of Town Owned Land to the Care, Custody and Control of the**
221 **Conservation Commission**

222 To see if the Town will vote to transfer the care, custody and control of two town owned parcels located
223 on Berry Street, shown as Lot 12 and Lot 62 on Assessors’ Map 108C, to the care, custody and control of
224 the Conservation Commission pursuant to M.G.L. Chapter 40, Section 8C, said parcels further described
225 as follows:~

226 Lot 1-E, containing 3.1 acres, more or less, and Lot 2-E, containing 3.010 acres on Plan of Land
227 entitled: “Plan of Land located in North Andover, Mass., prepared for Reginald Landry; Scale: 1”
228 = 40’ ” and recorded with North Essex Registry of Deeds as Plan No. 10082. For title reference,
229 see Final Judgment in Tax Lien Case No. 105879, recorded with said Deeds at Book 6062, Page
230 220 and Final Judgment in Tax Lien Case No. 105880, recorded with said Deeds at Book 6062,
231 Page 221.

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232 Or take any action relative thereto.

233 **Board of Selectmen**

234 **RECOMMENDATION:** Favorable Unfavorable

235 **MOTION**

236 A motion was made by T. Seibert to recommend favorable action on Article 41 by T. Seibert. The motion
237 was seconded by C. LaVolpicelo. The vote was unanimous 5-0.

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239 **MEETING MINUTES**

240 **MOTION**

241 A motion was made by R. Glover to approve the meeting minutes for April 5, 2011. The motion was
242 seconded by T. Seibert. The vote was unanimous 5-0.

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244 **ADJOURN**

245 **MOTION**

246 A motion was made by to adjourn the meeting by T. Seibert. The motion was seconded by M. Colantoni.
247 The vote was unanimous 5-0.

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249 The meeting adjourned at 8:47 PM.

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251 Meeting Materials: 4/19/2011 Agenda, Brooks School TRC application, Warrant Article 13 parcel
252 location map, Annual Town Meeting Warrant (April 5, 2011), , Draft language for Article 13, Letters
253 related to Carter Field Road Street Acceptance: 3/2/2011 B. Thibodeau, 3/30/2011 B. Thibodeau, Street
254 Acceptance Checklist, 3/1/2011 G. Willis, 3/1/2011 D. Bedrosian, 1/25/2011 B. Thibodeau, Letter from
255 Gerald Brown related to Charlie Foster Warrant Petition. Planning Board Report for Annual Town
256 Meeting 5/10/2011. Bunker Hill Road MIMAP parcel map and aerial view, Meeting minutes 3/15/2011.