

Town of North Andover  
PLANNING BOARD

Approved 1-5-16

John Simons, Chairman  
Lynne Rudnicki  
Peter Boynton



David Kellogg  
Lora McSherry  
Regina Kean (Associate)

Tuesday December 15, 2015 @ 7 p.m. Town Hall, 120 Main Street, North Andover, MA 01845

1 Present: J. Simons, L. Rudnicki, L. McSherry, D. Kellogg, P. Boynton, R. Kean

2 Staff Present: J. Enright, B. Wolstromer

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4 J. Simons, Chairman: The planning board meeting for Tuesday, December 15, 2015 was called to order at 7 p.m.

5  
6 **ANR:**

7 303 Chestnut Street, B. Boyle: Applicant requests to reduce 3 lots to 2 lots

8 L. Rudnicki: The document needs a clarification note saying one lot is being dissolved.

9 **MOTION**: D. Kellogg made a motion to direct the Planner to sign the ANR for 303 Chestnut Street once the  
10 clarifying note is added. L. Rudnicki seconded the motion. The vote was 5-0, unanimous in favor.

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12 27 & 33 Weyland Circle, J. Colachico & W. Lohnes: Applicants request a change in lot lines.

13 Stephanie Kiefer, Smolak & Vaughan: This is a minor land swap involving 2 parcels, 27 & 33 Weyland Circle.

14 **MOTION**: L. Rudnicki made a motion to direct the Planner to sign the ANR for 27 & 33 Weyland Circle. D.  
15 Kellogg seconded the motion. The vote was 5-0, unanimous in favor.

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17 **PUBLIC HEARINGS**

18 254 Great Pond Road, Thomas and Nicole Friel: Applicant is seeking to construct a single story addition, a deck,  
19 and to connect the new deck to an existing deck within the Non-Disturbance Zone of the Watershed Protection  
20 District.

21 J. Enright: The new deck (designed to connect with the existing deck) cantilevers over the Conservation Zone.  
22 The footings are not in it. L. Eggleston has submitted her review comments.

23 J. Sullivan: In 2010, Christiansen & Sergi designed the original subdivision of this lot and flagged the wetland  
24 line. The delineation is shown on the plan. We are proposing a one story addition outside of the 100' buffer zone.  
25 The existing deck already encroaches into the 150' zone. The addition is being constructed for their handicapped  
26 child. We are proposing a drywell to capture roof runoff from the addition and I've provided calculations. All  
27 deed restriction recommendations will be adhered to.

28 L. Rudnicki: Do we allow cantilevering and are we setting a precedent and to what extent?

29 J. Sullivan: Approximately 50-60 sq. ft. It occurs at the corner of the deck where the new deck meets the old.

30 P. Boynton: One of the prohibited Conservation Zone uses states, "construction or placement of any new  
31 permanent structure, and any surface or subsurface drainage, including storm water runoff." Is there a reason why  
32 the deck can't follow the 150' line?

33 J. Sullivan: Access via wheelchair would be tight.

34 P. Boynton: Is it possible to consider two decks that are not connected?

35 J. Sullivan: That is possible, but not the intent. It is a previously disturbed area, there's no roof over this. The  
36 house is old, the lot division is new. We fall under the new requirements. If this were pre-1994 it would be a 75 ft.  
37 buffer v. 150'.

38 Board: Discussed bylaw restrictions on construction within the Conservation Zone, possibility of pursuing a ZBA  
39 variance, options to remove the cantilevered portion in order to stay out of the Conservation Zone, not connecting  
40 the decks, and the possibility of approving a Decision for the addition and holding off on the deck approval until a  
41 determination on cantilevering is made.

42 Nicole Friel, homeowner: Our intent is to accommodate our 11 year old handicapped child who is wheelchair  
43 bound. We don't want to undertake an expensive project and not satisfy our needs. She is severely disabled and I  
44 ask that you please consider this.

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45 J. Simons: I'm not sure there is any flexibility to waive this. It's written into the bylaw and the language is clear.

46 L. McSherry: You are replacing the existing deck, as well and there's no grandfather clause for that. It's not just  
47 the new deck, it involves the old deck, too.

48 J. Sullivan: I would request to continue and will consult with the architect and applicant regarding the deck to  
49 avoid the two month ZBA process for the deck.

50 [Continued to 1/5/2016]

51

52 1812 Turnpike Street, George Atallah (C&C Auto Corp.): Applicant seeks a Site Plan Review Special Permit in  
53 order to raze an existing building and construct a 1 ½ story, 5,000 +/- SF building for an automobile repair facility  
54 with an attached pizza/sub restaurant. There are existing parking areas to remain and additional areas to be added.  
55 The proposed project is within the General Business Zoning District (GB).

56 J. Enright: This is a non-conforming, pre-existing lot. The setback to Berry St. is just over 12 ft. and the proposed  
57 use is allowed in the (GB) district. The applicant would like to purchase this lot contingent upon permitting. They  
58 are proposing to stay within the existing building footprint.

59 Steve Haight, Engineer: The lot size is approx. 40,521 sq. ft. project. The building is a little over 4,200 sf, and will  
60 be on Town water and septic. The applicant currently owns a car repair facility next to Stop 'n Shop and is  
61 planning to relocate that business to this site. The lot predates zoning and setbacks. We will not increase the  
62 existing footprint of the original building. This will be an interior repair facility with 6 car lifts and an attached  
63 pizza/sub shop. We will connect to a new manhole for sewer and there are no issues with Conservation or Natural  
64 Heritage. The Board requested the design reflect a more New England barn type structure, appropriate in terms of  
65 design and materials, a split rail open fence with shrubbery in front and a reasonably scaled building height, i.e. 22  
66 ft.

67 L. Rudnicki: The property owner owned both parcels for over 50 years and then sold it off. I think they  
68 automatically merged by law in a common ownership. It may not be grandfathered.

69 S. Haight: We researched the lots. They all predated zoning. We want conceptual approval to proceed.

70 L. McSherry: How many seats are in the pizza sub shop?

71 S. Haight: 16 or less seats will be accommodated.

72 L. Rudnicki: You don't want vehicles queuing on Rte.114. I would suggest eliminating the first parking space.

73 J. Enright: The stormwater review is still outstanding.

74 E. Loth-12 Lavender Circle, Abutter-16 Berry St.: I was concerned about the height of the proposed 6' solid fence  
75 which may interfere with site lines. The idea of a split rail fence and shrubs will improve visibility to the site.

76 [Continued to 1/5/2016]

77

78 **DISCUSSIONS**

79 1679 Osgood Street, Chad Lawlor: Discussion on options for adding landscaping as a Permitted Use within the  
80 Corridor Development District 3 (CDD3).

81 J. Enright: The applicant purchased the lot with the intent to relocate his landscaping business. He subsequently  
82 discovered that the use is not currently allowed.

83 Kevin Foley, representing the applicant: This is primarily a fact finding mission and discussion about adding  
84 landscaping to the Corridor Development District (CDD) 3. There are three existing landscaping businesses  
85 currently operating in that corridor area. Tyler Munroe is here who operates his business next to the site. We  
86 wondered about your concerns should we bring a proposal with a warrant article to allow landscaping to this area?

87 T. Munroe: I owned & sold 1635 Osgood St. and now own 1659 Osgood St. That whole area was zoned IS and we  
88 were somewhat forced there as contractors. In 2007, when they did the Overlay plan for 1600 Osgood Street, we

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89 wondered about our side of the street. I'm grandfathered in, but Chad isn't. Sewer isn't a reality for our side of the  
90 street for a very long time.

91 J. Simons: We were trying to provide for a variety of uses in that area at the time. Your business has trucks, tools,  
92 mulch and dirt piles.

93 L. Rudnicki: [Read uses from bylaw] Landscaping doesn't fit the criteria for the master plan of this area.

94 J. Enright: In 2002, CDD 1 & 2 were approved for both sides of Turnpike St. and CDD 3 was approved in 2008.  
95 Site Plan Review would be triggered because of the change of use from residential to landscaping. As you are  
96 aware, at the last Planning Board meeting the Board motioned to approve a member to serve on an ad hoc  
97 committee recently established by the Board of Selectmen to review the Osgood Smart Growth Overlay bylaw and  
98 as part of that review they may want to look at zoning on this side of the street as well. Eric Kfoury will chair that  
99 committee.

100 J. Simons: The question is whether the vision and plan we originally created for the area still makes sense? We  
101 have to balance this request with what we envision in the broader interest of the town.

102 K. Foley: I will draft warrant language and I am willing to meet with the BOS if necessary.

103 J. Simons: Perhaps we have Eric come in and talk about the master plan with his ideas in early January.

104

105 **PUBLIC HEARING:**

106 2302 Turnpike Street- Earthworks, Inc., Danny Gill: Applicant seeks a Site Plan Review Special Permit in order to  
107 develop the property as a mixed-use retail and business office commercial complex with accessory indoor storage  
108 and parking within the Business 2 Zoning District (B-2).

109 J. Enright: This lot is over 3.5 acres and the two existing structures would be demolished.

110 Chris Sparages, Civil Engineer: The property is comprised of 11% wetland. G. Hochmuth has flagged those areas  
111 on site. The site is lower than the highway and road. We are not changing drainage. We'll tie into town water and  
112 sewer utilities. The proposed main building and the out building cover about 13-14% of the property, much less  
113 than the bylaw maximum lot coverage requirement. The owner will utilize this building for his landscaping  
114 business and allow for tradespeople in similar businesses to set up retail outlets within. On the lower level there is  
115 a basement level of storage and the two wings of garage storage will support the uses. It is 1.5 stories of garage  
116 space. There is approximately 4,000 sf retail space and office/business services each and 26,000 sf of storage  
117 space. (including the outbuilding)

118 J. Simons: Storage would be the primary use, wouldn't it? The accessory use is the retail use. Why don't we have  
119 a "use" conflict?

120 Jill Mann, Atty. for applicant Earthworks, Inc: We previewed this with zoning officer, Mr. Brown and Ms.  
121 Enright. Mr. Gill will be using the property for his retail, offices and landscaping business. The interior offices,  
122 storage and indoor parking is accessory, solely to those uses.

123 J. Simons: It's the predominant amount of square footage?

124 J. Mann: That is not what designates predominant use. For example, you can have any use, yet the active part of  
125 the business is the office space, and your zoning officer confirmed it is compliant.

126 J. Simons: I don't get it.

127 L. Rudnicki: Read the bylaw. It's not incidental.

128 J. Simons: The 8 doors are all rented to different people. That's a primary use and they have to pay rent for that.  
129 The accessory use is the predominant use.

130 J. Mann: The use is not storage, we aren't taking any products in or storing it. The predominant portion of his  
131 business is landscape design. If you based it on dollars, it would be a fraction of what he generates in sales. The  
132 materials are simply incidental to what he does. He isn't providing a wholesale business, with minimal deliveries.

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- 133 L. Rudnicki: Our bylaw reads, “The principal structure on a lot of record which contains the primary use of the lot.  
134 A principal use shall not be contained within an accessory structure.  
135 J. Simons: If I had manufacturing, would that be similar?  
136 J. Mann: That’s an active use. This is simply accessory.  
137 L. McSherry: What are all the garage bays for? Will you charge rent for the storage spaces?  
138 Norman Gill, applicant’s father: Related contractors, specialty cars, etc. I’m unsure if I’ll charge rent. I want to do  
139 this for my son and I want an attractive structure. I’m going to start a brokerage company and sell contractor  
140 services; one stop shopping. This will be a professional, no cost spared, facility that offers contracting services.  
141 L. McSherry: What is the accessory building for and how big is it?  
142 N. Gill: It’s for storing materials to run the business.  
143 Dan Gill: I have the intent to make this the nicest bldg. in North Andover. We want to take a less than desirable  
144 property and enhance it with a handsome building with stellar landscaping and stonework, etc.  
145 J. Mann: The back building is 4,500 sf. The whole building is under 30K sf including all floors; footprint is 15K.  
146 D. Gill: Owner, Kevin Murphy, got this rezoned to B-2. No items will be stored outside. The site will appear  
147 contained, attractive and immaculate. I own 5 trucks; heavy equipment exists on the job sites.  
148 J. Simons: I’m impressed by your zeal and passion but this this is about our bylaw. Before we continue we have to  
149 visit the zoning issue and talk with Town Counsel.  
150 J. Enright: Lisa Eggleston submitted an extensive review. Health has reviewed the abandoning of the septic tanks  
151 and DPW has responded. The applicant filed with Conservation and we can certainly talk with Town Counsel and  
152 the Building Inspector again.  
153 [*Continued to 1/5/2016*]

154  
155 **MINUTES APPROVAL**

156 Approval of December 1, 2015 meeting minutes.

157 **MOTION**: L. Rudnicki made a motion to approve the minutes, as amended. D. Kellogg seconded the motion.  
158 The vote was 5-0 unanimous in favor.

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160 **ADJOURNMENT**

161 **MOTION**: L. Rudnicki made a motion to adjourn the meeting, the motion was seconded by D. Kellogg. The vote  
162 was 5-0, unanimous in favor. Meeting adjourned @ 9:15 p.m.

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164 **MEETING MATERIALS:**

165 December 15, 2015 Planning Board Meeting Agenda; DRAFT December 1, 2015 Planning Board Meeting  
166 Minutes; BUSBY-ANR-12-7-15; Weyland Circle ANR; North Andover Watershed Protection District (4); 254  
167 Great Pond Road: Locus, Full Application, Site Plan, Eggleston Review Letter (1) 254 Great Pond Road WSP;  
168 1812 Turnpike Street: Application Turnpike Auto Site Plan Review (11-13-15), Building Inspector Comments,  
169 Conservation Comments, Elevation A 1812 Turnpike, Elevation B 1812 Turnpike, Health Comment, Locus, REV  
170 1812 Turnpike UTILITY update (11-25-15), Site Plan Turnpike Auto (11-13-15), T. Willet (DPW) comments;  
171 2302 Turnpike: Application, Architectural Plans, Eggleston 2302 Turnpike St Earth Works review letter #1,  
172 Health Dept Comment, Locus, Revised application 1<sup>st</sup> page, Site Plan turnpike (151104), T Willet (DPW)  
173 Comments; 1679 Osgood Street: Locus

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