

Town of North Andover
PLANNING BOARD-Meeting Minutes

Approved 10/20/15

John Simons, Chairman
Lynne Rudnicki
Peter Boynton



David Kellogg
Lora McSherry
Regina Kean (Associate)

1 Present: J. Simons, L. Rudnicki, L. McSherry, D. Kellogg, P. Boynton, R. Kean
2 Staff Present: Jean Enright, Bonnie Wolstromer

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4 J. Simons, Chairman: The Planning Board meeting for Tuesday, September 15, 2015 was called to order at 7 p.m.

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6 **LOT RELEASE:**

7 Mathew's Way, 288 Sutton Street: Stephen Smolak requests release of Lots 1-5. Interim Town Planner reported
8 that all paperwork is completed. The roadway bond and sidewalk contribution has been made.

9 L. Rudnicki: This will be a private roadway, but the DPW has \$2K for conveyance to the town noted on the DPW
10 bond spreadsheet. This should be moved to a contingency line item.

11 **MOTION**: L. Rudnicki made a motion to accept the roadway bond for 288 Sutton St. in the amount of \$44,250
12 and the \$2K for conveyance be moved into a contingency line item. L. McSherry seconded the motion. The vote
13 was 5-0, unanimous in favor.

14 **MOTION**: L. Rudnicki made a motion to release lots 1 - 5 for 288 Sutton Street-Mathew's Way. D. Kellogg
15 seconded the motion. The vote was 5-0, unanimous in favor.

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17 **PUBLIC HEARINGS**

18 [Continued Public Hearing]: 1600 Osgood Street: OSGOD Permit for Solar Project (Map 34 Lot 17) – Applicant
19 seeks approval for construction of a rooftop and parking canopy mounted solar photovoltaic system (6MW and/or
20 roughly 19,500 solar modules)

21 J. Enright: The Zoning Board of Appeals (ZBA) findings decision has been filed with the Clerk's office and a
22 copy was included in the packet items. The application materials, Plans, and ZBA findings were sent to the
23 Eggleston Environmental for stormwater management peer review. Preliminary comments from Eggleston
24 Environmental were submitted at 5:00 today. A hard copy has been provided for the Board's review and an
25 electronic copy was sent to the applicant. Hancock Associates has been contacted regarding a civil engineering
26 peer review. A request for continuance of the hearing until 10/6/2015, and therefore waive the time constraints for
27 filing of any and/all decisions until 10/13/2015. The applicant submitted follow-up information to answer
28 questions asked at the last hearing and a corrective affidavit adjusting the owner name to 1600 Osgood Street,
29 LLC.

30 J. Simons: We are proceeding with this as a Plan Approval.

31 M. Rosen: Would like confirmation that the affidavit is suffice and the issue is resolved and that the only
32 discussions have been in front of the five original members who are eligible voting members.

33 L. Rudnicki: Raised the issue of a defective legal notice because the notice was for a Special Permit and a previous
34 request for withdrawal without prejudice based on its defectiveness

35 M. Rosen: We didn't apply under a Special Permit. The publication submitted to the newspaper called it an
36 application for a Special Permit which was why we requested to withdraw and it was denied.

37 M. Rosen: Counsel reviewed it and told the applicant standard for legal publication is for reasonable notice of the
38 matters being set forth before the Board. Our belief is this gave a reasonable person reasonable notice as to what
39 was being set forth before the Board which is a request to build solar project at this property.

40 L. Rudnicki: I disagree that we ever voted on the withdrawal. Are you formally rescinding your withdrawal?

41 M. Rosen: If you want us to formally rescind it, we will formally withdraw.

42 L. Rudnicki: For housekeeping purposes, I think we should consider that.

43 J. Simons: We'll consult with Town Counsel on that.

44 General discussion related to the size and types of carport canopies, the orientation on the lot, the height, other
45 locations, canopy types and sizes within Ma., and whether they omit glare requiring FAA approval and whether

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46 they contain hazardous materials. The applicant explained the canopies are 40 ft. tall at the peak and 11' at the
47 low end, are single slope, on a low tilt angle (7 degrees carports, 10 degrees rooftop) and that there are no
48 proposed canopies in front of the building. Their glare is minimal (glare analysis provided) and the FAA does not
49 regulate private properties. The applicant showed a photo of a typical galvanized steel solar panel, an inverter,
50 transformers and gear. There are three pads proposed on the site requiring 4ft. deep underground trenches for
51 connectivity. There will be 14,000 solar modules on the canopies and 5,100 on the rooftop; the gross module area
52 is 11.25 acres for the carports and 5.0 acres of rooftop. Snow guards would be installed on all canopies. The
53 applicant confirmed the property owner's insurance company would assume responsibility for personal injury or
54 vehicle damage. The Board expressed concern that of the similar sites submitted, none are mixed use or residential
55 and are commercial in nature. The Board requested clarification on the dividing lines for the three sub-districts.
56 The proposed carport canopy installation will be approximately 3.5x larger than the largest operational canopy
57 installation in the state.

58 J. Enright: Reviewed Section 2.3 (k) of the narrative submitted with the application. An Order of Conditions that
59 was issued in April of 2006 and subsequently extended twice expired in April 27, 2015. Jennifer Hughes will need
60 to weigh in on this.

61 Rick Waite, P.E. (Meridian Associates): The area to the south that we are showing as riverfront area is debatable
62 and the other area in question is a very narrow drainage ditch. We have designed the project to stay well outside of
63 the 200' riverfront area. Outside of that ditch is parking lot. The area behind the building on the ANRAD plan that
64 expired, are wetlands are man- made constructed drainage facilities that were noted on the plan as non-
65 jurisdictional. They're shown accurately by survey, we're over a hundred feet from both of those, even if they
66 were jurisdictional wetlands we're not within 100' of those. We are clearly convinced we are not within any
67 jurisdictional wetlands on this project.

68 J. Simons: There are a number of issues related to drainage that need to be addressed.

69 L. Rudnicki: Have you requested any waivers? You will need full landscaping plans, lighting plans, buffers,
70 OSGOD parking, planting areas, spacing, etc. You are adding buildings. Your application says they are buildings
71 under the definition of the bylaw.

72 M. Rosen: Waivers are not applicable because this is an existing parking lot. We're just adding equipment.

73 P. Boynton: Read the OSGOD bylaw definition for buildings.

74 R. Kean: Landscaping is required for the parking lot.

75 M. Rosen: We are not building a parking lot.

76 J. Simons: What about the size of the project? One of the provisions in the bylaw says you cannot have a project
77 more than 150,000 square feet? You'll need a waiver for that. If you aren't going to give us drainage analysis or
78 landscaping plans, you'll need waivers for those, too. In addition, you'll need waivers for lighting, safety signage
79 for the transformers, traffic flow, driveway marking, stop signs, etc.

80 Board: expressed continued concern for the condition of the existing parking lot particularly if there is no
81 commitment to perform any repairs where trenches and systems connections will need to be excavated and built.
82 Once the canopies are in place it will be difficult to repair the parking lot. The Board also noted the need for more
83 information on landscaping and traffic flow and pedestrian circulation.

84 J. Simons: Requested canopy profiles for all four sides for the canopies located on the sides of the building (not
85 the rear).

86 Board: noted the longest carport is approximately 600 ft. Under OSGOD, there is a maximum building length of
87 210' without a waiver by the Plan Approval Authority. They also noted, an Operations & Maintenance plan must
88 be in place for when a becomes damaged or the required disposal due to the potential of hazardous contents, i.e.
89 copper or lead solder which could leach into the water supply. The applicant disputed that these items contain any
90 hazardous material.

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92 R. Kean: I'm concerned that this area is intended as a mixed use and everything we have seen are very industrial
93 examples. Our bylaws are key to making this an attractive area.

94 M. Rosen: Would it be possible to schedule an extra meeting on September 29th?

95 J. Simons: We don't normally do that, but will consider it. There's too much here that needs to be accomplished
96 by the October meeting.

97 J. Enright: You did not want to circulate the application and materials to the other Boards and Town Officials
98 until the ZBA findings were filed. They can now be circulated and written comments must be provided within 60
99 days.

100 J. Simons: We're going to need at least two more meetings. You will need to review the bylaw to see what plans
101 you need as part of Plan Approval. If you don't extend this further, it will put us in an awkward position. We need
102 sufficient copies of the current plans for the town Boards, layout of the sub-district lines, you need to address the
103 Conservation Commission questions, identify drainage issues, civil engineering, filing requirements relative to
104 landscaping, lighting, pedestrian, waivers, interior circulation, profiles from all directions, NAFD evaluations for
105 truck radius, etc.

106
107 **DISCUSSIONS**

108 777 Great Pond Road, Greg Hochmuth Williams & Sparages: Review of recent work conducted and proposed
109 work to be performed within the Watershed Protection District. J. Enright to draft a memo to the client outlining
110 best management practices as set by the Planning Board in the Non-Discharge Zone. The Conservation
111 Commission has drafted an Order of Conditions. The Planning Board will require their monitoring form to be
112 signed by the environmental consultant on the job.

113 **MOTION**: D. Kellogg made a motion to direct the Interim Town Planner to send a letter to the owner regarding
114 best management practices. P. Boynton seconded the motion. The vote was 5-0, unanimous in favor.

115
116 First City Development Corp., Hitching Post Road: Stipulated Settlement Agreement

117 **MOTION**: L. Rudnicki made a motion to approve the Stipulated Settlement Agreement in the case of First City
118 Development Corp. v. Town of North Andover, Jennifer Yarid as Treasurer of the Town of North Andover, and
119 the North Andover Planning Board in Land Court Case No. 15 Misc. 000215, and to release the performance bond
120 funds in accordance with the terms of said settlement Agreement. L. McSherry seconded the motion. The vote
121 was 5-0 unanimous in favor.

122
123 **Water Quality Research**

124 P. Boynton: There has been a meeting with J. Giglio and J. Hughes. We have a future meeting scheduled with J.
125 Enright, B. Thibodeau, J. Giglio, J. Hughes, and P. Boynton. We will hear results soon. The amount of trash in the
126 lake is disconcerting. There is a 'lake cleanup day' scheduled on November 7th.

127
128 **Planning Board Rules & Regulations**: The Board feels we need to review and update -over time.

129 **MEETING MINUTES APPROVAL**

130 Approval of July 7, 2015, July 21, 2015, August 18, 2015 meeting minutes.

131 **MOTION**: L. Rudnicki made a motion to accept the meeting minutes for 7/7/15, 7/21/15, and 8/18/15 as
132 amended. L. McSherry seconded the motion. The vote was 5-0, unanimous in favor.

133
134 **ADJOURNMENT**

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135 **MOTION:** D. Kellogg made a motion to adjourn the meeting. The motion was seconded by L. Rudnicki. The
136 vote was 5-0, unanimous in favor. The meeting adjourned @ 9:00 p.m.
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138 **MEETING MATERIALS:**

139 **Administrative:** September 15 Agenda, DRAFT July 7, 2015 Meeting Minutes 2, DRAFT July 21 Meeting
140 Minutes , DRAFT August 18, 2015 Meeting Min (2); **Osgood:** 1600 Osgood Application Narrative, 150901
141 Presentation to Planning Board for Discussion Osgood Solar, Corrective Affidavit OSGOD Plan Approval
142 Application 091015, Eggleston email Peer Review Comments, Example Canopy Sites List Response to PB
143 Question, Follow Up Answers for Planning Board, Notice of Activity and Use Limitation, OSGOD PA
144 Application as Submitted, OSGOD Permit Review Checklist, OSGOD Request for Continuance 090915, OSGOD
145 Solar revised OSGOD Plans DRAFT, Rosen Letter re: Application for Plan Approval 9.1.15, Solar Impact Ltr,
146 Solar Sites Examples for Planning Board, Stormwater Draft Response to PB Questions, ZBA DECISIONS –
147 SEPTEMBER 82015-OSGOD SOLAR LLC VS NORTH ANDOVER BUILDING INSPECTOR, Follow Up
148 Answers for Planning Board 091515,r.1.pdf, I2 Parcels Greater than 10Acres.pdf, RE: Follow-Up Item, 150915
149 Eggleston Peer Review Comments 1F; **Hitching Post Road:** Motion, Stipulated settlement agreement V3, T Willet
150 comments RE Hitching Post Update; **Mathew's Way:** 07052011 Recorded Decision, Locus, Mathew's Way Bond
151 Spreadsheet; **777 Great Pond Road:** Engineer Letter WPP jurisdiction. pdf,, 777 Great Pond Road – Permit Site
152 Plan. pdf
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