

*Town of North Andover
PLANNING BOARD*

*John Simons, Chairman
Lynne Rudnicki
Michael Colantoni*



*David Kellogg
Lora McSherry
Peter Boynton*

Tuesday February 17, 2015 @ 7.m. Town Hall, 120 Main Street, North Andover, MA 01845

Present: L. Rudnicki, L. McSherry, D. Kellogg, Peter Boynton, J. Simons (arrived at 7:15)

Absent: Michael Colantoni

Staff Present: Jean Enright, Bonnie Wolstromer

L. Rudnicki: The Planning Board meeting for Tuesday, February 17, 2015 was called to order at 7 p.m.

ANR

562 Boxford Street, Bradshaw/Hopping:

J. Enright: This is an ANR application for a lot line change. The applicant has been before the Zoning Board of Appeals and a variance granted for this lot.

B. Vaughan: The applicant is seeking endorsement for an Approval Not Required plan. The Plan notes were reviewed. A variance has been obtained from the Zoning Board. In providing for this lot line adjustment, where we are creating a new lot and we want to retain grandfathering for the new lot that is being created. Zoning has approved this. The result is lot 1 becomes more conforming and increases in size from what it currently is.

L. Rudnicki: The house is existing and you are changing the drive? Are there any problems with sight lines?

B. Vaughan: The drive is being relocated from the left side of Parcel A over to Lot 1. There are no issues with sight lines.

D. Kellogg: Where are the wetlands located?

B. Vaughan: Reviewed the wetland locations shown on the Plan. The plan has been reviewed by the Conservation Administrator to make sure we had a sufficient buildable area for that house should it ever be demolished and reconstructed.

D. Kellogg: How much land will be in lot 2?

B. Vaughan: Lot 2 is approximately 22 acres. The land is currently owned by the Gorton Family Trust/Joyce Bradshaw, trustee. This lot is presently under agreement. Lot 2 will be the subject of a future filing before this Board for a subdivision. A substantial portion of the lot is wetlands and will be addressed in subsequent filings.

MOTION: A motion was made by D. Kellogg direct the Town Planner to sign and approve the ANR plan. The motion was seconded by L. McSherry. The vote was 4-0, unanimous in favor.

BOND RELEASES

171 Brentwood Circle: Requests release of a \$4,000 bond.

J. Enright: 171 Brentwood Circle installed an in-ground pool and patio approximately two years ago. The site is complete, Conservation has released their bond, an as built has been submitted and a certification letter has been received from the engineer stating the site is in compliance with the original plan.

MOTION: D. Kellogg made a motion to release the bond with accumulated interest for 171 Brentwood Circle. The motion was seconded by L. McSherry. The vote was 4-0, unanimous in favor.

88 Johnson Street –Bob Maurer: Requests release of a \$5,000 bond

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J. Enright: There was a Form A for this lot and a Frontage Exception Special Permit issued several years ago. This bond was for the house constructed on 86 Johnson Street. The applicant has provided a copy of the recorded Decision and a restrictive covenant.

MOTION: David Kellogg made a motion to release the bond with accumulated interest for 88 Johnson Street. The motion was seconded by L. McSherry. The vote was 4-0, unanimous in favor.

PUBLIC HEARINGS

CONTINUED: 1046 Great Pond Road “Rudick Estates”: Application for Definitive Subdivision to divide one lot into three lots, relocate one existing home on-site, and remove one structure.

J. Enright: The applicant has submitted a Definitive Subdivision Extension request that will require the Board’s signature. The applicant is continuing to work on the resolution to the drainage issue. They have submitted the Watershed Special Permit application that was discussed at the last hearing. The notice has been publicized in the newspaper and is scheduled to be heard on March 3, 2015; however, the applicant is here tonight to request a waiver in the alternative to the WSP requirement. This request would be contingent upon Lisa Eggleston’s review of the project. Any findings in Lisa’s review could then be conditioned the definitive subdivision.

J. Smolak, Representative for the applicant: The applicant has filed in the “alternative” either as a request for Watershed Special Permit or in the alternative a request for waiver from that requirement in the interest of time. The main reason for the request for the WSP was for the proposed change to the drainage lines. The stormwater lines are triggering the WSP and the definitive approval can be conditioned with respect to stormwater issues, as we could with a WSP. This would cut down on paperwork.

L. Rudnicki: Phil, can you speak to that back area with the level spreader?

P. Christiansen: (Engineer for applicant) – Presently, drainage from Great Pond Road drains into 1046 GPR property into a catch basin then it discharges southerly towards property of Paolino who objected to that drainage in his direction. That drainage eventually feeds a wetland and we cannot eliminate it, entirely. We spoke to Paolino’s engineer, Jack Sullivan, Gene Willis and Bruce Thibodeau (DPW) and it was agreed that we could put a structure in to divide the flow. The outlet from that new structure would be a 4” pipe going toward Paolino’s property, any flows greater than the capacity of the 4” pipe would be directed to the rear of 1046 GPR, put through a level spreader and that would flow directly to the lake.

J. Simons: You did the filings already?

P. Christiansen: It is filed as a Special Permit. The question tonight is to allow a decision on the drainage to be made as part of the Definitive Subdivision plan and waive the Special Permit requirements. We filed it to keep things moving, but we are trying to eliminate extra work.

J. Enright: The application for a WSP has been submitted and noticed in the paper. Everything has been submitted to Lisa Eggleston for her review.

J. Simons: Technically, we have to file two separate Decisions for the record. We won’t slow this down. We’ll do them both at the same time.

J. Enright: Advised J. Simons that a request for an extension for the subdivision approval has been submitted until the end of March.

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J. Simons: Requests a motion to approve the request for an extension for 1046 GPR Rudick Estates Subdivision until March 31, 2015, without prejudice.

MOTION: L. Rudnicki motioned to approve the extension to 3/31/15 for 1046 GPR Rudick Estates without prejudice. Motion was seconded by D. Kellogg. The vote was 5-0 unanimous in favor.

CONTINUED: 351 Willow Street South, Bake N' Joy: Applicant proposes to expand a portion of the existing building and expand a portion of the existing parking lot.

J. Enright: A draft Decision has been prepared. Lisa's review is complete, she has signed off on the project, Conservation has completed their review of the project and their decision has been left open for one more Planning Board hearing. They are prepared to close as well and issue their order of conditions at their next meeting.

J. Simons: Were there any things we were waiting for?

J. Enright: The Board requested two items be conditioned in the Decision: (1) a condition for a post construction evaluation of the parking space occupancy rates to determine if the parking is sufficient and (2) a post construction evaluation to determine if there is any adverse impact to traffic on Rt. 125 related to headlights in the newly constructed parking area. Both have been included in the decision.

J. Morin, Morin-Cameron Group: The Planning Board is all set with plans per the last meeting and Lisa's review is complete. We met with Conservation last week and they are fine with the plan. Their decision is ready and they intend to close and issue Wednesday 2/25/15. The draft Decision suggests evaluation of the two conditions just discussed be conducted one year after the Certificate of Occupancy (CO) is issued. I am requesting that this evaluation occur six months after the CO is issued.

J. Simons: My preference would be to wait a year to have four seasons, a full cycle.

MOTION: D. Kellogg made a motion to close the public hearing for the Site Plan Review Special Permit for 351 Willow St. Muffin Realty Trust. Motion was seconded by Lynne Rudnicki. The vote was unanimous, 5-0 unanimous in favor.

MOTION: Lynne Rudnicki made a motion to approve the Site Plan Review Special Permit for 351 Willow Street South, as amended. David Kellogg seconded the motion. The vote was 5-0, unanimous in favor.

DISCUSSIONS

94 Flagship Drive, Nova Flagship, LLC: Request for Waiver of Site Plan Review

J. Enright: Steve Webster (representing the applicant) is here to present the Site Plan. Steve has had prior conversations related to this project with Matthew Egge and Curt Bellavance. They were both in support of the project and from what I can tell they were not requiring a Site Plan Review application. When I saw the plan and location I felt that this should come before the Board as a waiver request. The proposal is to add a loading dock to the front side of the building facing Flagship Drive, sidewalk and a concrete pad. M. Egge suggested that since an additional 2,300 sq. ft. of impervious surface is proposed a conversion of impervious surface to pervious should take place on the lot. The proposed location for this conversion is within a wetland buffer zone and would require review by the Conservation Commission. The property was recently purchased by the abutting owner, a metal finishing company.

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J. Simons: I'd like to see what's around this property. A while ago, while this commercial project was being built, we had some issues between the commercial property and abutting residents.

J. Enright: Displayed a locus of the area. The site abuts a residential area. True Green/ChemLawn was the prior occupants of the building. In 1995 Chemlawn permitted an additional 43 parking spaces. The proposed Use is now a metal finishing company.

D. Kellogg: You are transferring things down from NH?

S. Webster, Dutton & Garfield: Yes, a business from NH will be combining with the current operations. We have been working on this project since late 2013. At that time it was suggested by the Town Planner, Judy Tymon, to locate the 300 sq. ft. dock opposite the residential neighbors on the front side of the building. The plan shows realignment of the driveway so that we can back the trucks up on the street side. The proposed container on the site was relocated outside the wetland buffer at M. Egge's request. In July 2014, we met with C. Bellavance who asked for all the backup information, Notices of Decision and Certificates of Compliance for wetlands work, etc. He indicated he would handle this as a minor site plan review and review it internally. As we pulled our plans together, I met with the Fire Dept. who signed off on the Site Plan. He noted that he wanted an engineer plan for the internal operations of the building. We have an engineer in place for this. In the process, we found a manhole cover finding that existing drainage ran underneath the building and out again. Phil Christiansen modified the plan so that we could redo the drainage and not have it run underneath the building. The question came up regarding the replacement of pervious area. I have spoken with Conservation who believes we should submit for a Determination of Applicability.

J. Enright: My understanding is that on the abutting property, the same owner is operating the same Use?

S. Webster: Yes, they make parts for the aerospace industry.

L. Rudnicki: Until we hear the point of view from the neighbors, we really have no idea what they will think. A notice to the abutters will have to go out.

D. Kellogg: I'd like to see the full Conservation review. Expressed concerns related to the types of chemicals used for this operation, proximity to a wetland, and ensuring compliance to various regulations.

J. Simons: We have to separate our areas of responsibility. We have limited jurisdiction over certain things, it's an allowed use. It's fair to raise an issue broadly, but it's not our role to go into great detail. If there's an element of Board of Health environment, Police, Fire issue, or Building Inspector, that needs to happen anyway, but it's not our primary responsibility to make sure those things happen. We can't look at it any more broadly than a Site Plan Review because we don't have the legal authority.

L. Rudnicki: It's on our agenda to waiver-site plan review.

J. Simons: The consensus of the Board is that the Board wouldn't waive the Site Plan Review and we will move through this as quickly as possible.

S. Webster: Guidance or comments on the pervious area of site?

L. Rudnicki: What is the nature of the 8 x 40 metal storage/shipping container? Why not build a small addition for it? I would suggest screening and fencing it.

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S. Webster: There is an existing dumpster enclosure on site that needs repair. I met with the Board of Health and there was a dumpster permit that could be transferred.

D. Kellogg: When you combine the two manufacturing operations, will there be material transferred back and forth? We would want to know what those materials and how they are transported.

P. Boynton: Did you say there are changes to the ventilation requirements?

S. Webster: Yes, air compressors, etc.

J. Simons: The fact that the abutting property has been operating with the same Use and there have been no complaints, tells us something. If you have the same type of Use next door and you use the same type of ventilation, I would presume it's quite and muffled and doesn't create any noise. We would appreciate having you in again.

Downtown Overlay District – Subdistrict A: Historic Mill Area

J. Enright: We have had some meetings with David Steinbergh and his team. I have forwarded to the Board a draft of the proposed DTO Subdistrict A. The warrant closes on March 9th and we are looking for comments. This draft was sent to David's team this morning and they have not had time to review in detail. I would like to revisit our latest pass with them, but take into consideration anything that is worthy of noting from the Board's perspective at this point.

L. Rudnicki: Formatting aside, I didn't want to put in our draft that the applicant had requested they wanted to waive the 70 feet building height. We don't have that anywhere in town. I think perhaps the applicant can plead their case on why they think this site's appropriate and no other place in town is.

J. Enright: The purpose of this proposed zoning change is to address the uniqueness of the existing structures and the configuration of these parcels. The size, scale, and historic aspects, make it unique. Provided an overview of the proposed Downtown Overlay Subdistrict A location. This district will incorporate two parcels not currently located within the Downtown Overlay District and these two parcels currently have split underlying zoning of both I2 and R4. We have tried to create an appropriate transition from the residential area to the mixed use and business use. The language we have included is intended to facilitate the transition into this property. A residential neighborhood will transition to mill buildings. Building height within context of these parcels will come into play as well as the use.

J. Simons: What do people think?

P. Boynton: The baseball field then becomes added to the Downtown Area Subdistrict A? What does that mean for the ball field? Is it valued and used?

L. Rudnicki: It's private property.

D. Steinbergh: The ball fields were intended for corporate use and have never really been used. It's not a neighborhood park. The "streak" running thru the property gives a false impression that you're leaving the property. This hasn't been carried by the assessor's office as part of the Davis & Furber property, but is owned by Davis & Furber. The railroad was granted an easement for a period of time over it. It is included in the overall property value, however. In context, there is continuity with the downtown. We have a couple of overlays now and we are trying to marry these entities. The Converse building is about 70 ft. tall, so we will address setbacks for taller buildings, address dimensional questions, etc.

L. McSherry: Questioned the term livability. How is it defined?

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D. Steinbergh: Technically and grammatically, there are still issues to address.

J. Simons: We have to get everything done by our next meeting. We want to get this in as good a shape as possible for the Warrant close date of March 9, 2015.

L. Rudnicki: How far does the railroad go?

D. Steinbergh: This piece of land includes sewer and electrical easements. We could possibly build on these as they are significantly larger than they appear on the map. The land continues all the way down Walker Road. All feedback will be incorporated for next meeting.

L. Rudnicki: We also talked about rescinding the two year version if this passes.

J. Enright: Part of this draft will be removing the waiver provisions that were put in last year.

MINUTES APPROVAL

MOTION: L. Rudnicki made a motion to approve the February 3, 2015 meeting minutes, as presented.

D. Kellogg seconded the motion. The vote was 6-0, unanimous in favor.

ADJOURNMENT

MOTION: D. Kellogg made a motion to adjourn the meeting. L. Rudnicki seconded the motion. The vote was 6-0, unanimous in favor. Meeting adjourned at 8:15 p.m.

MEETING MATERIALS:

Agenda 2.17.15; 2.3.15 Planning Board DRAFT Meeting Minutes; 562 Boxford Street: Boxford St. ANR application, Boxford Street Locus, ZBA Variance approval, 562 ANR Plan; 171 Brentwood Circle: As Built Plan, As Built Certifications; 88 Johnson Street: 86 Johnson Street Locus, 86 Johnson Street Site Pics, 88 Johnson Street Restrictive Covenant; 351 Willow Street: 351 Willow Street Bake 'n Joy Site Plan Review (SPR), 351 Willow Street Site Plan Revised 1-19-15, Notice of Decision Site Plan Review Special Permit 2-13-15, Notice of Decision Site Plan Review Special Permit 2-17-15; 1046 Great Pond Road "Rudick" Estates WSP Filing: 1046 GPR 150203 Proposed Drain Plan, 1046 GPR 150203 Proposed Drain Profile, 1046 GPR Proposed Drainage Modification Plan Sheets 1-4, 1046 GPR Construction Details, 1046 GPR Watershed SP Application Waiver Filing 2-5-15, Definitive Subdivision Extension-Extension of Time 2-17-15, Letter of Continuance 2-17-15; 94 Flagship Drive: 94 Flagship Drive Waiver Narrative 2015-02-12, 94 Flagship Drive Locus, 94 Flagship Drive Site Plan Proposed 2015-02-05, 94 Flagship Drive Waiver Request 2015-02-12; WSP District Bylaw pages 47-56; DTO Subdistrict A Comparison Chart, Section 18 Downtown Overlay District DRAFT 15-02-13, Subdistrict A Locus.