

PLANNING BOARD
Meeting Minutes
Tuesday, May 23, 2012
Town Hall, 120R Main Street
7:00 PM

1 Present: J. Simons, R. Rowen, T. Seibert, M. Colantoni, D. Kellogg, L. Rudnicki

2 Absent:

3 Staff Present: J. Tymon, J. Enright

4

5 Meeting began at 7:02 pm.

6

7 **BOND RELEASE**

8 Woodlea Village: Applicant is requesting a partial bond release.

9 J. Tymon: The bond was established in 2001. The applicant is requesting a \$2,000 release plus
10 accumulated interest. This would leave \$17,200. G. Willis has reviewed the amount and he agrees that
11 this is enough to cover the remaining work that needs to be done and for street acceptance.

12 Carl Kasierski, Ashwood Development Companies Inc.: The money will be used to complete the
13 required work and the street acceptance procedures. A Certificate of Compliance is still required from the
14 Conservation Commission. There is still a \$36K bond held with Conservation.

15 **MOTION**

16 A motion was made by R. Rowen to release all of the bond money for Woodlea Village, except \$17, 200.
17 The motion was seconded by D. Kellogg. The vote was unanimous.

18

19 North Andover Estates: Applicant is requesting a bond release and close out.

20 J. Tymon: All of the streets in this subdivision have been accepted by the town. There was a final \$6,000
21 tree performance guarantee that was to be held for two years. The two years ended in 2002.

22 **MOTION**

23 A motion was made be R. Rowen to release all bond money held for North Andover Estates, including
24 interest. The motion was seconded by D. Kellogg. The vote was unanimous.

25

26 58 Country Club Circle: Applicant is requesting a bond release and close out.

27 J. Tymon: The applicant came before the Board in 2007 for construction of a detached garage and came
28 back to finish a recreation room above the garage. The original permit issued in 2007 had a requirement
29 for a \$1,000 bond. The applicant has submitted an as-built plan and a site visit has been completed.

30 **MOTION**

31 A motion was made by R. Rowen to release all bond money for 58 Country Club Circle, including
32 interest. The motion was seconded by D. Kellogg. The vote was unanimous.

33

34 **POSTPONEMENTS**

35 CONTINUED PUBLIC HEARING: 26 Main Street, Application for Special Permit-Site Plan Review.
36 Applicant proposes construction of an eight (8) unit residential condominium project with two (2) parking
37 spaces per unit on a lot with access to Main Street via existing easements on two (2) existing lots fronting
38 Main Street at 22-24 and 28-30 Main Street and an existing curb cut at the noted lots.

39

40 **PUBLIC HEARINGS**

41 CONTINUED PUBLIC HEARING, 70 Elm Street: Application for a renewal of a Wireless Special
42 Permit for the operation of an existing wireless communication facility within the Residential-4 (R-4)
43 Zoning District under Sections 8.9 and 10.3 of the North Andover Zoning Bylaw.

44 T. Seibert recused himself.

45 J. Simons: This hearing was closed at the last meeting. A draft Decision has been prepared.

46 Draft Decision was reviewed by the Board.

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MOTION

A motion was made by D. Kellogg to approve the renewal of the Wireless Special Permit for 70 Elm Street. The motion was seconded by R. Rowen. The vote was unanimous, 4-0. Voting in favor were R. Rowen, M. Colantoni, J. Simons, and D. Kellogg.

CONTINUED PUBLIC HEARING, 498 Chickering Road: Application for Special Permit-Site Plan Review. Applicant proposes demolition of a Mobil gas station and construction of a 3,159 sq. ft. bank building, with three drive-through bays, twenty four (24) parking spaces, landscaping and stormwater management in the General Business Zone (GB).

J. Tymon: An updated Site Plan and Operations and Maintenance Plan have been received. All of L. Eggleston's comments have been addressed. Reviewed a letter received from William Simmons, LSP JKD, licensed site professional, and summarizing his responsibilities related to the use limitation for this site.

J. Simons: Requested that the Board of Health review the plan and this letter.

J. Tymon: A letter was also received from an attorney regarding the property owner's legal rights in regard to Franklin Street, a paper street. Franklin Street is not an accepted street, it is a Private Way. A proposed swale will run across this paper street.

J. Simons: Requested Town Counsel review the letter submitted.

Steve Stapinski, Merrimack Engineering Services: C. Huntress has submitted an updated landscape plan based on the Board's comments at the last meeting. Reviewed changes made to the site engineering plans. A meeting will be scheduled with Gene Willis to address his concerns.

R. Rowen: Are problem soils being removed from the site?

S. Stapinski: There is about a 3' cut on one portion of the property. There is a 0' cut on another portion. There will be a foundation footing, frost wall installed. The foundation footing for the old Mobile Station will be removed. Will not know if there will be any problem soil found until the work begins. The LSP is on site to supervise the earth work monitoring. Approximately 400 cubic yards of material, beyond the pavement and gravel, will need to be removed. Some of that may be used in the landscaping areas. The LSP will be there to supervise the movement, placement, and protection of the earth. There are DEP standards that he will have to adhere to.

J. Simons: The hearing will be kept open and possibly voted on at the next meeting.

CONTINUED PUBLIC HEARING, 1320 Osgood Street: Application for Special Permit-Site Plan Review. Applicant proposes to construct a parking lot.

J. Tymon: An insurance company is purchasing a residential property and would like to expand the parking area. There are 28 proposed parking spaces, most located to the rear of the building for employees. L. Eggleston's comments have been addressed. The Site Plan and the O&M Plan have been updated. A draft Decision has been prepared

Frank Emery and Stacey Carpenter, Caspian Associates: A landscape plan has been submitted based on the Board's comments at the last meeting and a request by L. Eggleston.

MOTION

A motion was made by R. Rowen to close the public hearing for 1320 Osgood Street. The motion was seconded by M. Colantoni. The vote was unanimous.
The draft Decision was reviewed.

MOTION

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94 A motion was made by R. Rowen to approve the Site Plan -Special Permit for 1320 Osgood Street for the
95 construction of twenty eight parking spaces, with the Decision as amended this evening. The motion was
96 seconded by M. Colantoni. The vote was 5-0. J. Simons abstained.

97

98 NEW PUBLIC HEARING: Annual Town Meeting Zoning Articles.

99 **Planning Board Report**

100 The Planning Board makes the recommendations regarding the following Town Meeting warrant articles
101 as required by M.G.L. c.40A, Section 5 and Chapter 2, Section 9 of the Town Code:

102

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

107

108 Or to take any other action relative thereto.

109

Board of Selectmen

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RECOMMENDATION: Favorable Unfavorable

111 **MOTION**

112 A motion was made by T. Seibert to recommend favorable action on Article 4. The motion was seconded
113 by M. Colantoni. The vote was unanimous.

114

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

119

120 Or to take any other action relative thereto.

121

122

Board of Selectmen

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RECOMMENDATION: Favorable Unfavorable

124 **MOTION**

125 A motion was made by T. Seibert to recommend favorable action on Article 5. The motion was seconded
126 by M. Colantoni. The vote was unanimous.

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128 **Article 15. Reduction of Community Preservation Act Surcharge.** To see if the Town will as
129 follows:

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131 Should we, the tax payers of North Andover, reduce the Community Preservation Act surcharge?

132

133 The CPA was enacted in 2002 at the maximum of 3%. The state matched dollar for dollar. Since
134 that time, many projects benefiting the town have been completed – protection of our drinking water,
135 assisting in renovations of the Town Hall, Steven’s Estate, the Senior Center and more at a cost of 21
136 million tax dollars.

137

138 Due to the downturn in the economy, the State has reduced their matching amount to .26 cents on the
139 dollar. Is it time to follow the Commonwealth lead and reduce our spending?

140

141 The CPA surcharge is an additional cost on your real estate tax bill. Should we reduce the surcharge from
142 3% to a more reasonable 1 and 1/2%?

143

144 **Petition of William P. Callahan and others**

145 **RECOMMENDATION:** Favorable Unfavorable

146 **MOTION**

147 A motion was made by T. Seibert to recommend unfavorable action on Article 15. The motion was
148 seconded by D. Kellogg. The vote was unanimous.

149

150 **Article 30. Sale of Public Buildings-Bradstreet School Main Street.** To see if the Town will vote
151 to transfer the care, custody, management and control of the land and building formerly known as the
152 Bradstreet School and located on Main Street, North Andover, identified on the Town’s Assessor’s maps
153 as: Map 29, Block 23, Lot 0, from the Board of Selectmen for the purposes for which such land is
154 currently held **to** the Board of Selectmen for the purposes of sale of the building and to authorize the
155 Board of Selectmen to sell the parcel of land per the provisions of Massachusetts General Law Chapter
156 30B, and further that the Board of Selectmen approve any other restrictions, including restrictions on use,
157 that are in the best interests of the Town and that would effectuate the purposes of providing the

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158 maximum benefit to the Town from the proposed sale of the property, upon such terms and conditions as
159 the Board of Selectmen may deem appropriate and necessary;

160
161 Or to take any action relative thereto.

Town Manager

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163 **RECOMMENDATION: Favorable Unfavorable**

164 J. Tymon: The School Committee has granted the property to the Town. This article would allow the
165 Town to sell it.

166 R. Rowen: Is the School Committee expecting to get the proceeds from the sale?

167 J. Tymon: Does not know. Also, does not know of any particular buyer.

168 The Board would like more information related to this article and what the BOS's recommendation is.
169 Will vote at the next meeting.

170

Article 31. Amend Article 29 2011 Annual Town Meeting - CPA BAN Authorization.

To see if the Town will vote to amend the vote taken on Article 29 of the 2011 Annual Town Meeting
Warrant under "Principal Repayment: Windrush Farm" from \$638,000 to \$659,648 to pay principal
and interest and to raise, borrow, transfer and/or appropriate from the Community Preservation
Fund, in accordance with the provisions of Massachusetts General Laws Chapter 44B,
this sum of money;

Or to take any other action relative thereto.

Town Manager

171 **RECOMMENDATION: Favorable Unfavorable**

172 **MOTION**

173 A motion was made by T. Seibert to recommend favorable action on Article 31. The motion was
174 seconded by M. Colantoni. The vote was unanimous.

175

176 **Article 32. Report of the Community Preservation Committee and Appropriation From the**
177 **Community Preservation Fund.** To receive the report of the Community Preservation Committee and
178 to see if the Town will vote to raise, borrow, transfer and/or appropriate from the Community
179 Preservation Fund, in accordance with the provisions of Massachusetts General Laws Chapter 44B, a sum
180 of money to be spent under the direction of the Community Preservation Committee;

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(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

This Article will be discussed at the next meeting.

Article 37. Amend North Andover Zoning Bylaw – Section 8.1.4(a) Off-Street Parking General Requirements. To see if the Town will vote to amend the Town of North Andover Zoning Bylaw, Section 8.1.4(a) Off-Street Parking General Requirements in order to allow seasonal outside seating to not counts towards the parking requirements.

Amend Section 8.1.4(a) by adding Note 8 to the use table as follows:

Notes:

8. Seasonal outside seating for food establishments shall be exempt from Section (a) of this regulation as long as the seating does not exceed 25% of the indoor seating or a total of twenty outdoor (20) seats, whichever is greater;

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 Zoning Bylaws of the Town of North Andover.

Or to take any other action relative thereto.

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209 **Planning Board**

210 **RECOMMENDATION:** Favorable Unfavorable

211 **MOTION**

212 A motion was made by R. Rowen to recommend favorable action on Article 37. The motion was
213 seconded by T. Seibert. The vote was unanimous.

214

215 **Article 38. Amend North Andover Zoning Bylaw – Section 4.135 Industrial “S” District.** To see if
216 the Town will vote to amend the Town of North Andover Zoning Bylaw, Section 4.135 in order to allow
217 retail stores that are an accessory use to warehousing or wholesaling.

218

219 **Amend Section 4.135 by adding the underlined language and deleting the stricken language to read**
220 **as follows:**

221

222 **4.135 Industrial “S” District**

223 **8.** Premises of a bank, post office, telephone exchange or telephone business office, local bus passenger
224 station, or business office buildings. By Special Permit, an automobile service or filling station, a diner, a
225 restaurant, a retail food store, **and retail stores that are supplementary to warehousing, wholesaling**
226 **and/or a service business.** but no other retail stores of any kind.

227

228 (Proposed Zoning Bylaw amendment to allow additional retail uses within the Industrial “S” Zone)

229

230 **And further that the non-substantive changes to the numbering of this bylaw by the Town Clerk be**
231 **permitted in order that it be in compliance with the numbering format of the Zoning Bylaws of the**
232 **Town of North Andover.**

233

234 Or to take any other action relative thereto.

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Planning Board

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RECOMMENDATION: Favorable Unfavorable

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J. Tymon: This was brought forward by an applicant that is looking to purchase a building at 8

240

Marblehead Street in which he would like to open a swimming pool warehousing and retail operation. In

241

the I-S district there is a mixture of industrial and retail uses. To accommodate this particular business we

242

recommend adding language to the I-S list of allowed uses.

243

J. Simons: Recommended that the language be reviewed and to vote at the next meeting.

244

Paul Delaney, The Delaney Group representing the applicant: Stated that the applicant is looking to

245

purchase a building and the purchase is dependant on this zoning change, therefore, this is time sensitive.

246

The Board will vote on recommendation at the June 5, 2012 meeting.

247

248

Article AK. (39) Amend North Andover Zoning Map -1080 Osgood Street-Assessors Map 35-

249

Parcel 19 from Industrial 2 (I2) to Business 2 (B-2). To see if the Town will vote to amend the Town of

250

North Andover Zoning Map, Assessor's Map 35 Parcel 19 from Industrial-2 to Business-2;

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or to take any other action relative thereto.

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257 **RECOMMENDATION:** Favorable Unfavorable

258 J. Simons: Requested that the Town Planner review the allowed uses in the B-2 district to determine if
259 there are any that should be covenanted out. In the past, when rezoning, the Board has carved out uses
260 that they would prefer not to see. The applicant has been asked to covenant out those uses in a deed
261 restriction.

262 Mark Gross, representing JFJ Holdings as the applicant: There is a very definite plan of a coffee shop
263 with a drive-through on the property. Showed the Board a rendering of the proposed building and a Site
264 Plan.

265 J. Simons: The Board will vote the recommendation on this article at the next meeting.

266
267 **Article AL (40) Amend North Andover Zoning Bylaw – Section 4.137 Floodplain District.** To see
268 if the Town will vote to amend the Town of North Andover Zoning Bylaw, Section 4.137 Floodplain
269 District in order to make minor adjustments so that the Bylaw accurately reflects the date of the newly
270 adopted flood maps.

271

272 Amend Section 4.137 by adding the underlined language and removing the text shown as stricken to
273 read as follows:

274

275 **4.137 Floodplain District**

276

277 **1. STATEMENT OF PURPOSE**

278 The purpose of the floodplain District is to:

- 279 a. Ensure public safety through reducing the threats to life and personal injury.
280 b. Eliminate new hazards to emergency response officials;
281 c. Prevent the occurrence of public emergencies resulting from water quality, contamination,
282 and pollution due to flooding.
283 d. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down
284 the utility network and impact regions of the community beyond the site of flooding;
285 e. Eliminate costs associated with the response and cleanup of flooding conditions;
286 f. Reduce damage to public and private property resulting from flooding waters.

287

288 **2. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND**
289 **FLOODWAY DATA**

290 The Flood Plain District is herein established as an overlay district and includes all special flood
291 hazard areas within the Town of North Andover designated as Zone A and AE on the Essex
292 County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management
293 Agency (FEMA) for the administration of the National Flood Insurance Program. The map

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294 panels of the Essex County FIRMs that are wholly or partially within the Town of North Andover
295 are panel numbers 25009C0207F, 25009C0209F, 25009C0217F, 25009C0226F, 25009C0227F,
296 25009C0228F, 25009C0229F, 25009C0233F, 25009C0236F, 25009C0237F, 25009C0238F,
297 25009C0239F, 25009C0241F, 25009C0242F, 25009C0243F, 25009C0244F, 25009C0377F and
298 25009C0381F, dated July 3, 2012. The exact boundaries of the District may be defined by the
299 100-year base flood elevations shown on the FIRM and further defined by the Essex County
300 Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are
301 incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building
302 Official and Conservation Commission.
303

304 **3. BASE FLOOD ELEVATION AND FLOODWAY DATA**

- 305 a. **Floodway Data.** In Zone A~~[, AH, A99]~~ and AE, along watercourses that have not had a
306 regulatory floodway designated, the best available Federal, State, local or other floodway data
307 as determined by the Building Inspector, in consultation with the Director of the Division of
308 Public Works, shall be used to prohibit encroachments in floodways which would result in
309 any increase in flood levels within the community during the occurrence of the base flood
310 discharge.
- 311 b. **Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals
312 or other developments greater than 50 lots or 5 acres, whichever is the lesser, within
313 unnumbered A zones.
- 314 c. Areas designated as flood plain on the North Andover Flood Insurance Rate Maps may be
315 determined to be outside the flood plain district by the Building Inspector, in consultation
316 with the Director of the Division of Public Works, if an accurate topographic and property
317 line survey of the area conducted by a registered professional engineer or land surveyor
318 shows that the flood plain contour elevation does not occur in any area of proposed buildings,
319 structures, improvements, excavation, filling, paving, or other work activity. The person
320 requesting the determination shall provide any other information deemed necessary by the
321 Building Inspector, in consultation with the Director of Division of Public Works to make
322 that determination. If the Building Inspector, in consultation with the Director of the Division
323 of Public Works, determines that the Flood Insurance Rate Maps are in error, the subject area
324 shall not be regulated as occurring within the Flood Plain District, and any such
325 determination shall be noted on the Flood Insurance Rate Maps. Nothing in this section shall
326 prohibit the Conservation Commission, Board of Health, or other Town officials or Board
327 from making non-zoning determinations of the flood plain or performing their official duties.
328

329 **4. NOTIFICATION OF WATERCOURSE ALTERATION**

330 If a landowner or project proponent proposes to alter or relocate any watercourse, that person
331 shall notify the following parties and provide evidence of such notification to every town board or
332 official who has jurisdiction over such alteration or relocation prior to or at the time of applying
333 for any approval that is required to perform such alteration or relocation:

- 334 a. Notify in a riverine situation, the following of any alteration or relocation of a watercourse:
- 335 1. Adjacent Communities
 - 336 2. ~~[Bordering States]~~

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337 3. NFIP State Coordinator
338 Massachusetts Department of Conservation and Recreation
339 251 Causeway Street Suite 600-700
340 Boston, MA 02114-2104

341 4. NFIP Program Specialist
342 Federal Emergency Management Agency, Region I
343 99 High Street, 6th Floor
344 Boston, MA 02110

345
346

347 5. **REFERENCE TO EXISTING REGULATIONS**
348 The Floodplain District is established as an overlay district to all other districts. All development
349 in the district, including structural and non-structural activities, whether permitted by right or by
350 special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General
351 Laws and with the following:

- 352 a. Section of the Massachusetts State Building Code which addresses Floodplain and coastal
353 high hazard areas (currently 780 CMR 120.G);
- 354 b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently
355 310 CMR 10.00);
- 356 c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- 357 d. ~~[Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);]~~
- 358 e. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310
359 CMR 15, Title 5);
- 360 f. Any variances from the provisions and requirements of the above referenced state regulations
361 may only be granted in accordance with the required variance procedures of these state
362 regulations.

363

364 6. **OTHER USE/DEVELOPMENT REGULATIONS**
365 a. ~~[Within zones AH and AO on the FIRM, adequate drainage paths are required around~~
366 ~~structures on slopes, to guide floodwaters around and away from proposed structures.]~~
367 b. Within Zone[s ~~A1-30 and~~] AE, along watercourses that have a regulatory floodway within
368 the Town of North Andover, on the Essex County FIRMs dated July 3, 2012; encroachments
369 are prohibited in the regulatory floodway which would result in any increase in flood levels
370 within the community during the occurrence of the base flood discharge. However, a
371 registered professional engineer may provide proof and certification to the Building
372 Commissioner, in conjunction with the Director of the Division of Public Works,

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- 373 demonstrating that such encroachments shall not increase flood levels during the occurrence
374 of the 100 year flood, and if both the Building Commissioner, in conjunction with the
375 Director of the Division Public Works approve this certification, such encroachments shall
376 not be deemed to be prohibited.
- 377 c. All subdivision proposals filed in accordance with M.G.L. Chapter 41, Section 81S and 81T
378 [or any revisions to the subdivision control law referencing the submission of preliminary or
379 definitive subdivision plans], respectively shall be designed so that:
- 380 1. Such proposals minimize flood damage;
 - 381 2. All public utilities and facilities are located and constructed to minimize or eliminate
382 flood damage; and
 - 383 3. Adequate drainage is provided to reduce exposure to flood hazards.
 - 384 4. Existing contour intervals of site and elevations of existing structures must be included
385 on plan proposal;
 - 386 5. The applicant shall circulate or transmit one copy of the development plan to the
387 Conservation Commission, Planning Board, Board of Health, Town Engineer, and
388 Building Commissioner for comments which will be considered by the appropriate
389 permitting board prior to issuing applicable permits.
- 390

391 **Proposed maps are on file in the Office of the Town Clerk and the Conservation Commission Office**
392 **and on the Town’s web site.**

393

394 **And further that the non-substantive changes to the numbering of this bylaw by the Town Clerk be**
395 **permitted in order that it be in compliance with the numbering format of the Zoning Bylaws of the**
396 **Town of North Andover.**

397

398 Or to take any other action relative thereto.

399

400 **Planning Board**

401 **RECOMMENDATION: Favorable Unfavorable**

402 J. Tymon: This article is a recommendation for the Town to adopt the new flood maps. The
403 Conservation Commission has stated that there are minor changes in these maps relative to North
404 Andover.

405 **MOTION**

406 A motion was made by D. Kellogg to recommend favorable action on Article 40. M. Colantoni seconded
407 the motion. The vote was unanimous.

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409 **Article 41. Amend Section 16.2 of the Zoning Bylaw- Allow Drive-thru Restaurants in CDD1**
410 **District.** To see if the Town will vote to amend Section 16.2 of the Town of North Andover Zoning
411 Bylaws, in the Corridor Development District 1 (CDD1) by inserting the following language:
412

413 " Drive-thru restaurants shall be permitted within the CDD1 zone provided that they are located more
414 than 250 feet from the R6 zoned district."

415
416 **And further that the non-substantive changes to the numbering of this bylaw by the Town Clerk be**
417 **permitted in order that it be in compliance with the numbering format of the Zoning Bylaws of the**
418 **Town of North Andover.**

419
420
421 Or to take any other action relative thereto. (The language of this article has to be clarified with
422 property owner as to intent)

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424 **Board of Selectmen**
425 **RECOMMENDATION: Favorable Unfavorable**

426 **J. Tymon:** The Selectmen have submitted this article. Reviewed maps showing the properties within the
427 CDD1 zone, the R-6 properties adjacent to the CDD1 district, and a 250' buffer zone from the edge of the
428 R-6 zone. The Massachusetts wetland layer is included; however, the Town has not delineated the
429 wetlands yet.

430 **J. Tymon:** Reviewed the Conservation Commission Bylaw distances for no disturbance and no building.

431 **J. Simons:** The issues in the past have been where the wetlands are, how much upland there is, how close
432 to the residential property it is, how far back the lots go, what kinds of uses can be reasonably
433 accommodated.

434 **Scott Hajjar:** Along with his wife Linda and the Pancorbo's who own the properties in the CCD1 district
435 being discussed. Here in support of the Board of Selectmen's amendment to the CDD1 zone, which
436 would permit a drive-through use within the district. Handed out and reviewed a list of "Reasons to
437 Support Selectmen's Amendment to CDD1 Zone". Reviewed with the Board a proposed Site Plan for a
438 building with a drive-through, 35 parking spots, 250 feet of frontage along Route 114, and approximately
439 33,000 sq. ft. of upland. The wetlands were delineated approximately two years ago.

440 **R. Rowen:** The queuing space has never been demonstrated before; however, it appears to be reasonable
441 on this Site Plan.

442 **T. Seibert:** Is this a realistic footprint for the amount of space needed for a restaurant to have a good
443 amount of indoor seating?

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444 S. Hajjar: Stated he has spoken with an attorney who has expressed interest from a couple of clients that
445 he is dealing with already. There is not any specific restaurant in mind at this point. If this is approved at
446 Town Meeting we would still have to go through all the normal permitting process. This is only a
447 proposal for an idea that would perhaps jumpstart the CDD1 district.

448 R. Rowen: Is this the first time you are proposing combining two properties in the zone?

449 S. Hajjar: Not really. Stated that he understands it is the goal of the CDD1 district to encourage smaller
450 lots to combine with others, reducing the number of curb cuts off Rt. 114 in order to lessen traffic
451 congestion. This does that. From an enterprise perspective it is necessary to combine two lots together to
452 get what we have.

453 R. Rowen: The proposed building looks to be smaller than the footprint of the two houses that are there.
454 The Board discussed the increased foot traffic in the area. Suggested that, if this is approved at Town
455 Meeting, the walking access to the area be looked at.

456 J. Simons: Requested architectural drawings of what a proposed building may look like and a letter
457 stating that they would covenant a certain look and feel for the building.

458 T. Seibert: Proposed that if this project goes forward the State be engaged to see if traffic lanes and
459 walkways could be improved upon.

460 J. Tymon: Suggested she could contact Mass Highway to determine if they have future improvement
461 plans for this area.

462 J. Simons: We will vote this at the next meeting.

463 J. Tymon: Requested a copy of the site plan that was reviewed with the Board.

464

465 **DISCUSSION**

466 607 Turnpike Street: Proposed dog grooming business.

467 J. Tymon: the applicant, Patty McCrudden, has a dog grooming business and is currently located across
468 the street. This location is in the CDD1 district and is a residential home. The only exterior changes
469 would be minor changes to the driveway that would accommodate some additional parking.

470 Patty McCrudden: Has been operating a dog grooming business at 647 Turnpike Street for the past six
471 months. The hours are Monday – Saturday 8:00am until 6:00pm. Would like to put down some crushed
472 stone to add two or three parking spaces to the proposed new location. The lease at 647 Turnpike runs
473 through October 2013. Would like to complete some interior build-out at the new location before then.

474 **MOTION**

475 A motion was made by R. Rowen to waive the CDD1 Special Permit and to instruct Staff to document the
476 waiver for the file. The motion was seconded by T. Seibert. The vote was unanimous.

477

478 59 Bonny Lane: Request for a Watershed Special Permit waiver.

479 J. Tymon: The applicant has an existing flagstone patio and would like to replace it with a sunroom that
480 would have a smaller footprint. This is in the non-discharge zone, however, it is outside of the non-
481 disturb zone. Reviewed examples of Watershed Special Permits recently issued.

482 J. Simons: The difference between the waivers reviewed and this request is that this project is 200 feet
483 from the lake and the others probably at least a mile from the lake.

484 Jay Salem, representing the applicant: A wooden insulated deck would be constructed where the patio is
485 and a four season sunroom would be built on it. It would have two down spouts and a gutter system
486 around the unit. There will be less impervious surface than what is currently there. Described the
487 installation process for the posts that would be screwed into the ground. Excavation will not be required.

488 R. Rowen: Recommended that if the waiver is approved erosion control should still be required.

489 J. Tymon: Erosion control and inspections can be required with the waiver.

490 **MOTION**

PLANNING BOARD
Meeting Minutes
Tuesday, May 23, 2012
Town Hall, 120R Main Street
7:00 PM

491 A motion was made by R. Rowen to waive the requirement for a Watershed Special Permit for 59 Bonny
492 Lane for the replacement of the existing patio with a four season room with a smaller impervious surface
493 footprint and that erosion control and inspections by Staff are required. The motion was seconded by T.
494 Seibert. The vote was unanimous.

495
496 Planning Board: Recommendations for ATM Warrant Articles.
497

498 **MEETING MINUTES:**

499 MOTION

500 A motion was made by M. Colantoni to approve the May 1, 2012 meeting minutes. The motion was
501 seconded by D. Kellogg. The vote was unanimous.

502

503 **ADJOURNMENT**

504 MOTION:

505 A motion was made by M. Colantoni to adjourn the meeting. The motion was seconded by T. Seibert.
506 The vote was unanimous.

507

508 The meeting adjourned at 9:32 pm.

509

510 MEETING MATERIALS: Agenda, email dated 5/2/12 re: bond release request Woodlea Village, Letter
511 dated 5/14/12 from Toll Brothers re: NA Estates release of tree performance guarantee request, Letter
512 dated 5/23/2012 from Toll Brothers re: NA Heights, draft Decision 70 Elm Street renewal of Wireless
513 Special Permit, letter dated 5/23/12 submitted by Thea Fournier – 247 Main Street, 498 Chickering Road:
514 Plan of Land dated 5/10/12, Drainage Facilities Operational and Maintenance Plan dated 5/15/12, Letter
515 dated 5/21/2012 from Robert W. Levy, Eckert Seamans Attorneys at Law re: 498 Chickering Road, NA,
516 Ma, Letter dated 5/11/12 from William A. Simmons, LSP JD re: 498 Chickering Rd. MassDEP RTNs 3-
517 3454, 3-26053, and 3-26327, Plan of Land in NA, MA for developer Lowell Five pages 1-5 rev. date
518 May 23, 2012, 1320 Osgood Street: email from Lisa Eggleston dated 5/15/12, Permit Site Plan pages 1-3
519 rev date 5/21/2012, draft Decision 1320 Osgood St. Site Plan Review Special Permit, CDD1: Parcels,
520 Wetlands, Pancorbo/Hajjar Properties with setbacks, Traffic Queuing study by Dermott Kelly Traffic
521 Consultants, examples of drive-through site sizes in NA and Lawrence, 2 views of CDD1 wetland
522 resource areas, 250' buffer, CDD1, Residential 6, Planning Board Report 6/12/2012, CDD1 beyond
523 buffer mapping, Revised Planning Board Report 6/12/2012, Letter submitted by Scott Hajjar re: “reasons
524 to support selectmen’s amendment to CDD1 zone”, Letter from Gene Willis dated 4.5.12 re: sidewalk in
525 Autumn Chase subdivision, 59 Bonny Lane: Plot Plan of Land, narrative, pictures-existing and planned,
526 Aerial view 607 Turnpike Street, draft 5/01/2012 meeting minutes.