

Town of North Andover  
PLANNING BOARD

Approved 12-15-15

John Simons, Chairman  
Lynne Rudnicki  
Peter Boynton



David Kellogg  
Lora McSherry  
Regina Kean (Associate)

Tuesday December 1, 2015 @ 7.m. Town Hall, 120 Main Street, North Andover, MA 01845

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

2 Absent: P. Boynton

3 Staff Present: J. Enright, B. Wolstromer

5 J. Simons, Chairman: The Planning Board meeting for Tuesday, December 1, 2015 was called to order at 7 p.m.

7 **ANR:**

8 115 Sutton Hill Road, Tom Zahoruiko: Request to divide one lot into two lots.

9 J. Enright: This property is within the R3 Zoning district, requiring an area of 25K sq. ft. and 125ft. of frontage.  
10 The existing lot has 110' of frontage. With this change it will have 25Ksq. ft. of area and the new lot, 1B, is  
11 identified as a not-buildable lot because it does not have the required frontage.

12 T. Zahoruiko: I'm combining an adjacent lot, 101 Sutton Hill, and I am currently developing concepts for a 90K  
13 sq. ft. three lot subdivision.

14 J. Simons: Requested to see the concept plan.

15 T. Zahoruiko: [Tom displayed 8.5 x 11" conceptual plan identified as: 101+115 Sutton Hill Road-Plan of Land  
16 dated 11/20, 2015 Sullivan Engineering Group, LLC to the Board].

17 J. Simons: Cautioned that the plan does not appear to meet the frontage requirements for all 3 lots.

18 L. Rudnicki: Add a notation to the ANR plan that identifies the Existing Lot "X" as being subdivided into two  
19 lots, " Map 60A parcel 9 is being divided into Lot 1A & 1B."

20 **MOTION:** D. Kellogg made a motion to direct the Interim Planner to sign the ANR as amended with a  
21 clarification notation made to the plan. L. Rudnicki seconded the motion. The vote was 4-0, unanimous in favor.

23 **DISCUSSION:**

24 288 Sutton Street, Mathews Way Definitive Subdivision Plan, Applicant Stephen Smolak: Request for an  
25 insubstantial change determination to remove requirement for installation of home sprinkler systems.

26 J. Enright: This 5 lot Definitive Subdivision was approved 7/2011. The approval conditioned the installation of  
27 home sprinkler systems in the Decision as recommended by the Fire Chief. The applicant has requested to remove  
28 this condition and deem the removal an Insubstantial Change. John Smolak is here to represent the applicant,  
29 Stephen Smolak.

30 J. Smolak: Subsequent to the approval of the Definitive plan, the applicant went to the ZBA and was approved for  
31 two family construction on each of the five lots. These are duplex units.

32 J. Smolak: This subdivision currently includes a provision installation of sprinkler systems in accordance with the  
33 state building code which doesn't require sprinkler systems in one or two family homes. Chief Melnikas and Gerry  
34 Brown recommend the condition be stricken. Your most recent subdivision approvals did not include the  
35 requirement of sprinkler systems.

36 J. Simons: How wide are the roadways in those projects v. this project and did those projects have hammer heads?  
37 It's not the same, this is denser and none of those are duplexes.

38 J. Smolak: The roadway is narrower, and there is a hammerhead. This is a policy change by the Fire Chief and  
39 Building Inspector who are in charge of upholding public safety. Based on determination they believe they are not  
40 required in single and two family residential dwellings. MA and 48 other states do not require sprinklers systems  
41 in single and two family residential dwellings. The 8<sup>th</sup> edition of the state building code doesn't require it, the  
42 proposed 9<sup>th</sup> edition of the code won't require it. If the town wants to impose this, they need to obtain approval of  
43 the Board of Building Regulations & Standards, to be a valued condition, and the town has never done that. The  
44 Fire Chief suggests the installation of carbon monoxide and smoke detectors.

45 J. Simons: This is four years after the Decision and you haven't appealed the Decision.

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- 46 L. McSherry: [Recused herself from the discussion]
- 47 J. Simons: We will take that the Fire Chief's suggestion into consideration.
- 48 L. Rudnicki: There is a movement amongst fire officials with regard to 2-family homes requiring sprinklers. There
- 49 has never been a fire related death in a sprinklered building.
- 50 J. Simons: We originally approved a narrow 16' roadway with a hammerhead.
- 51 **MOTION**: L. Rudnicki motioned that this is a substantial change to 288 Sutton Street and denied the request for
- 52 the waiver or finding of any Insubstantial Change to remove this requirement. D. Kellogg seconded the motion.
- 53 The vote was 3-0, unanimous in favor of opposition.
- 54
- 55 575 Osgood Street, Edgewood Retirement Community, Bob Coppola: Small House Discussion
- 56 J. Enright: Edgewood Retirement Community exists on approx. 82 acres of land. The abutting property, approx.
- 57 20 acres of land, is owned by the Rockwell estate. Bob Coppola is here from Edgewood to present an overview of
- 58 a Small House project which would involve warrant articles at Town Meeting.
- 59 J. Simons: The Edgewood property allows housing and other uses for elderly. It was originally set up 15 ago. The
- 60 zoning allows for a certain number of units to be built and this will exceed that. Under the existing zoning you can
- 61 use acreage in an R-1 district to get your total density, but you can't build in an R-1 district. In this case, building
- 62 would be involved.
- 63 J. Enright: The cap is currently 250. They are proposing 40 additional beds.
- 64 J. Simons: We would have to increase the cap and allow building in the R-1 district. This is the only remaining
- 65 privately owned parcel in that area. The town expressed interest in purchasing it and this would effectively
- 66 preserve the parcel without any expense to the town. The trails will be preserved.
- 67 Bob Coppola, Edgewood Retirement Community: Presented two, single story, 15,000 sq. ft. buildings, totaling 40
- 68 beds & living areas for dementia patients. Five acres of the proposed parcel would be utilized; 15 acres would
- 69 remain with a Conservation Restriction. A site visit to review the preliminary staking of the two conceptual
- 70 foundations of the proposed new buildings was scheduled for December 12, 2015 at 8 a.m.
- 71
- 72 Verizon Wireless, Bradford Melson: Proposed wireless canister antenna attachments to existing utility poles.
- 73 J. Enright: Verizon has submitted a building permit application to install Cloud Radio access Network (CRAN)
- 74 wireless telecommunication antennae that would be mounted on existing utility poles. They have entered into an
- 75 agreement with National Grid to install 30+ of these installations. We need to discuss permitting requirements, if
- 76 any.
- 77 Christopher Swiniarski, Attorney: We are here to seek a waiver from your bylaw. These canisters will not replace
- 78 macro sites which cover a broad area. This product addresses denser, more congested, high demand areas. They
- 79 are mounted atop existing utility poles. It could result in 10-30 initial installations. The process becomes
- 80 cumbersome if you recommend permitting each one. Accessory to the canisters there is a radio head box flush
- 81 mounted to the pole at about ten feet high. Presented a photo that included the canister, conduit, and equipment
- 82 box installed on an existing utility pole. Next week an installation is scheduled in Amesbury. Amesbury required
- 83 only an electrical permit. North Andover would be among the first in this area. There will potentially be many
- 84 more of these. Displayed a typical canister that was approximately 25 lbs. and 42" tall with a diameter of
- 85 approximately 20". These will be installed in high demand areas rather than rural areas. They cover 2-300 feet.
- 86 There is not an exclusivity clause in the National Grid agreement.
- 87 L. Rudnicki: What are the dimensions of the lower equipment? 60 amp service?
- 88 C. Swiniarski: Ten ft. to the bottom 3 feet high x 6" and it will have warning labels. The utility meter is below.
- 89 J. Simons: Town Counsel should review this. The BOS have a statutory requirement regarding utility poles. How
- 90 many poles are to be affected?

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91 C. Swiniarski: Installs may start at 5 and are likely to ramp up. Densely populated areas will be receiving them.  
92 D. Kellogg: What are the emission levels?  
93 C. Swiniarski: Emissions are governed by federal law.  
94 J. Simons: We don't want to impede progress, it's a neat concept we don't completely understand the technology  
95 yet and they aren't addressed by our bylaw. We need to do some due diligence with Town Counsel & the BOS.  
96 J. Enright: I can revisit a licensing approach vs. Special Permit. I assume these would occur on existing poles only.  
97 Board: Requested the specific locations of proposed Amesbury installs, more specific information on proposed  
98 North Andover installs, exact dimensions and signage for all the proposed equipment, specific circumference of  
99 broadband reach, photos at eye level of local installations, how many proprietary companies are competing for  
100 these type of installations, and who assumes structural responsibility of the poles.

101  
102 Osgood Smart Growth Overlay District Committee:  
103 MOTION: D. Kellogg motioned to nominate L. Rudnicki as Planning Board representative for the Osgood Smart  
104 Growth committee. L. McSherry seconded the motion. The vote was 4-0, unanimous in favor.  
105 J. Simons suggested E. Kfoury come before the Board in 2016 to present his ideas on a recodification of the bylaw  
106 and on updating the Master Plan.

107  
108 Watershed Informational Mailer:  
109 Water Quality Research:  
110 Planning Board Rules & Regulations:

111  
112 MINUTES APPROVAL  
113 MOTION: L. Rudnicki motioned to approve the November 17, 2015 minutes, as amended. L. McSherry  
114 seconded the motion. The vote was 4-0, unanimous in favor.

115  
116 ADJOURNMENT  
117 MOTION: L. Rudnicki made a motion to adjourn the meeting. The motion was seconded by D. Kellogg. The  
118 vote was 4-0, unanimous in favor. Meeting adjourned @ 8:30 p.m.

119  
120 MEETING MATERIALS: Planning Board Meeting Agenda December 1, 2015; DRAFT Planning Board Minutes  
121 November 17, 2015; 115 Sutton Hill Road: ANR Plan, Locus, Conceptual Plan of Land-101+115 Sutton Hill Rd.  
122 11/20/15; 288 Sutton St. Mathews Way: 20110614 Mathews Way Fire Chief Comments, Applicant Narrative and  
123 Supplemental, Def Plan Set; 575 Osgood Street Edgewood: Locus with Zoning, Locus, Conceptual Proposed Site  
124 Plan 151112 (2), Existing Conditions-151112, Presentation Material; Verizon Wireless CRAN and Small Cell  
125 Antennas: Wireless Canister Discussion Material, Photo of Canister on Utility pole; Osgood Solar: OSGOD  
126 Committee Memo

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