

Call to Order:

The meeting was called to order at 7:37 p.m. Present were Vice Chair Vincent Chiozzi (arrived at 7:43 p.m.), members, Jay Doherty, Joan Duff and Ann Knowles; also present were Paul Materazzo, Director of Planning and Lisa Schwarz, Senior Planner.

Newport Circle Performance Guarantee:

Mr. Materazzo informed the Board that the developer of Newport Circle has sold the subdivision and the Town is in possession of several bonds in the former owner's name. The new owner would like to reestablish the performance guarantee in their name. The reestablished bond will be in the amount of \$96,500.00. Mr. Doherty asked if the \$96,500.00 was the original amount of the bond. Mr. Materazzo stated that he was correct. He also noted that some work has been done on the subdivision so the new owners may come in shortly to request a reduction. Mr. Doherty asked where Newport Circle is located. Mr. Materazzo stated that it is off of Brown Street behind Ironstone Farm.

Ms. Knowles asked if they are just transferring from the old owners to the new owners. Mr. Materazzo stated that she was correct and that the new owners wanted to establish a paper trail.

On a motion by Mr. Doherty seconded by Ms. Knowles the Board voted to establish the bond amount in the amount of \$96,500.00 for the Newport Circle Subdivision by Hannaford & Riley, LLC pursuant to a report from the Department of Public Works dated December 29, 2008 and allow for the closure of the previously held passbooks and for the approved amount to be placed in a Town of Andover escrow account to secure the roadway bond for Newport Circle. **Vote:** Unanimous (3-0).

Mr. Materazzo stated that a condition of the Newport Circle approval was for the developer to provide a bond for water looping. Since that time the Department of Public Works is no longer interested in looping the water and a five year period noted in the condition has passed. Ms. Knowles asked where the water comes in for the subdivision. Mr. Materazzo stated that the water comes in off of Brown Street and the condition was for the water to be looped at the end of the cul-de-sac.

On a motion by Mr. Knowles seconded by Mr. Doherty the Board voted to release in full the water main bond to Hannaford & Riley, LLC, pursuant to condition #29 of the Board's original approval. **Vote:** Unanimous (3-0).

Town Meeting:

Mr. Materazzo informed the Board that pursuant to the Town Charter the Planning Board has to provide an advisory opinion on Town Meeting articles in excess of \$100,000. He informed the Board that they were provided a memo of such articles that staff feels the Board should vote to take no action on. Mr. Doherty noted that he did not see any article that he felt the Board should seek more information on before making a decision.

On a motion by Ms. Knowles seconded by Mr. Doherty the Board moved to take no action on the Town Meeting Warrant Articles listed in Mr. Materazzo's memo dated February 4, 2015. **Vote:** Unanimous (4-0).

55 Harold Parker Road:

Mr. Chiozzi opened the public meeting for 55 Harold Parker Road, an application for site plan review filed by Vicka Corey for an 8,670 s.f. fabric riding structure and four 8x12 sheds.

Bernie Paquin of Dana F. Perkins, Inc., the applicant's engineer gave an overview of the proposal. He stated the site is 5.3 acres and currently contains a 4,600 s.f. single family home, swimming pool, driveway and shed. The area of the fabric arena will be 8,760 s.f. or 120 ft x 73 ft. The application also proposes four 8 ft x 12 ft sheds for four horses. Mr. Paquin noted that changes have been made to the original plan to move all structures 50 ft away from the property line, and ample parking will be provided. The Conservation Commission has issued an Order of Conditions, and they will be going back to the Conservation Commission because of the change to the plan, but the locations of the buildings are now further away from the resource area.

Mr. Doherty asked if the house will be occupied and Mr. Paquin stated that it will. Mr. Doherty asked if you can house horses in the sheds. Vicka Corey, the applicant, stated that the horses will mostly be in a fenced in area, but will use the sheds for shelter. Mr. Doherty asked about abutter concerns. Brian Vaughan, the applicant's attorney stated that an abutter across the street came to support the project at their hearing with the ZBA. He added that other abutters in the area also keep large animals.

Ms. Duff asked what relief was sought from the ZBA. Mr. Vaughan stated that the applicant needed to obtain a special permit to earn a fee for horseback riding instruction in a residential zone. She also needed to obtain a special permit for the keeping and boarding of horses, and for having an outbuilding larger than the primary structure. Mr. Materazzo added that the horses will also be regulated through the Board of Health.

Ms. Knowles asked if the Board of Health may make some changes to the sizes of the sheds that would impact a Planning Board approval. Mr. Paquin stated that to his knowledge they would not, and added that Tom Carbone, the Director of Public Health submitted a memo to Planning staff with suggested conditions from his department.

Mr. Materazzo listed the items addressed in the IDR. The Fire Department is requiring a turnaround on the property and the Health Department asked for conditions to be placed on manure and animal waste. The applicant will also need to petition the Board of Health for a permit for the keeping of horses. Mr. Paquin showed on the plan where a turnaround can be added for emergency access.

Mr. Chiozzi asked if the building will be open and Mr. Paquin stated that it will not. Mr. Chiozzi asked if it will be impervious. Mr. Paquin stated that there will be an infiltration trench on the property and there will be a pipe for roof runoff. Ms. Duff asked about the lifespan of the structure, and Vicka Corey, the applicant, stated fifteen years. Ms. Duff asked if it will be visible from the street and Ms. Corey stated that it would not. Mr. Doherty noted that his biggest concern was the impact to abutters, but this seems like a perfect fit for the neighborhood.

55 Harold Parker Road (cont'd):

Mr. Materazzo suggested that if the Board's questions had been satisfied that they close the discussion. He noted that he has prepared draft conditions for their consideration with three additional conditions requested by the Director of Health.

On a motion by Ms. Duff seconded by Mr. Doherty the Board issued a Site Plan Certificate of Approval for the 8,760 square foot year-round horse riding arena at 55 Harold Parker Road pursuant to the twelve conditions listed on Paul Materazzo's memo of February 4, 2015 and in addition conditions 13 through 15 also provided to the Board at the February 10, 2015 Planning Board meeting. **Vote:** Unanimous (4-0).

Town Meeting Articles:

The Board discussed upcoming meetings and the schedule for Zoning Article public hearings for the 2015 Town Warrant. Mr. Materazzo noted that the second regularly scheduled meeting in March has to be postponed due to the Town election, and he suggested that the Board hold a meeting on March 31st.

Ms. Knowles discussed the proposed zoning article for the Historic Mill Overlay District. She noted that the overlay would encompass 100 acres in proximity to the train station. She added that a number of the acres are wet or inaccessible, and the language includes options for open space around the Shawsheen River.

It should be noted that after the discussion on Town Meeting Articles Mr. Doherty left the meeting at 8:15 P.M. and did not return.

139-143 Elm Street and 26 Pine Street:

Mr. Chiozzi opened the continued public hearing on an application filed by Capital Seniors Housing for a Special Permit for Elderly Housing for a 103 unit assisted living facility located at 139-143 Elm Street and 26 Pine Street.

Ms. Schwarz stated that the traffic peer consultant has widened the scope for the applicant's traffic engineer. The area will be expanded, more counts will be made and the truck traffic will be confirmed. Findings may be available for the engineers to present at the March 10th meeting. Ms. Schwarz then explained the peer review process. She noted that the Town began peer reviews at the request of the DPW. It was requested that experts be hired to act on the Town's behalf because the DPW staff did not have the time to properly review projects for Planning and Conservation. A peer review can be expensive, so to not put the burden on the taxpayer, the Town requires the applicant to pay for the peer review. The applicant gives a check to the Town for the peer review which is then placed in a Town controlled escrow account, and the Town makes distributions from that account to the consultant that is chosen by the Town.

Ms. Schwarz reviewed the Planning Board as the Special Permit Granting Authority. She noted that a special permit is in between a by right use and a prohibited use. She informed that Board that she had provided them with a flow chart of the special permit procedure per Massachusetts General Laws. Ms. Schwarz reviewed the Board's role of implementing the Master Plan. She noted that the Master Plan was adopted by the Board in 2012 after a two year writing process and

139-143 Elm Street and 26 Pine Street (cont'd):

it is a long term all encompassing document. She added that throughout the special permit process the Planning Board gathers information from the applicant, abutters and experts. It is a due process for both the applicant and those directly affected and the Planning Board has a judicial role in the process.

Ms. Schwarz noted that because of the excessive amount of snow, a site visit will have to be scheduled at a later date once things begin to melt. At the February 24th Planning Board meeting the Board will discuss stormwater, the water table, drainage, affordability and open space. Mr. Chiozzi suggested that the Board also discuss the sewer at that meeting. Ms. Schwarz stated that at the March 10th meeting the Board will discuss the character of the neighborhood, traffic, the Council on Aging's Needs Assessment and design.

Mr. Chiozzi asked if the Board would be able to visit a similar facility in another community. Mr. Materazzo stated that arrangements could be made for the Board to visit Stonebridge in Burlington.

Brad Weeden of 5 Summer Street asked Ms. Schwarz to elaborate on the conflict within the Master Plan. Ms. Schwarz stated that the Master Plan consists of nine sections where priorities were characterized by Town wide surveys and meetings, with the Town being looked at in a 20-25 year vision. She noted that when you blend all of the section and their individual priorities together, not everything is in agreement. You have to take the overall plan as your direction. She added that it is an overarching document that the State requires of all cities and towns. Mr. Weeden asked if it was possible to cherry pick things from the Master Plan to support and to not support. Ms. Schwarz stated that it is possible if you look at the Master Plan in a vacuum, but you need to look at the overarching goals.

Mark Bernardin of 140 Elm Street asked about earth movement quantities and what would be moved, removed, imported, exported or regarded. He asked if this would be put on an agenda because it will impact the environment. He noted that if they are in excess of the bylaw requirement the applicant may need a variance which may affect this process. Ms. Schwarz stated that the Building Inspector determines if an applicant needs a special permit for the earth movement from the Zoning Board of Appeals, so the board can consult with the Building Inspector. She added that she does not recommend that the Planning Board overstep its jurisdiction to ask the applicant for something that the Bylaw states is in the jurisdiction of the Building Inspector. Mr. Bernardin stated that he just wants the numbers and he wants it put on an agenda. He noted that the section of the Bylaw is Section 6.3.3. Ms. Schwarz stated that she would get a letter from the Inspector of Buildings.

Julie Pike of 82 Pine Street asked when the next meeting would be and what would be discussed. Ms. Schwarz repeated the agenda items for the February 24th and March 10th meetings.

Mark Bernardin of 140 Elm Street stated that there is no reason that the Board can't ask the developer to produce the information on the earth movement. Mr. Chiozzi stated that it is not in the Planning Board's jurisdiction, and they will investigate through the Inspector of Buildings.

139-143 Elm Street and 26 Pine Street (cont'd):

John Smolak, an attorney representing the applicant stated that they will look into the numbers. He added that they will comply with the Bylaw through the appropriate channel whether that is the approval of the Inspector of Buildings or through a Zoning Board Special Permit.

On a motion by Ms. Knowles seconded by Ms. Duff the Board continued the public hearing on 139-143 Elm Street and 26 Pine Street to February 24, 2015 at 7:30 p.m. **Vote:** Unanimous (3-0).

Adjournment: The meeting was adjourned at 8:49 p.m.