

Call to Order:

The meeting was called to order at 7:04 p.m. Present were Chair Zach Bergeron, members Vincent Chiozzi, Jay Doherty, Joan Duff (present for Regular Session only), Ann Knowles, and Associate Member Steven Pouliot; also present were Lisa Schwarz, Senior Planner, Jacki Byrley, Planner and Tom Urbelis, Town Counsel.

On a motion by Ms. Knowles seconded by Mr. Doherty the Board moved to go into Executive Session for consultation with Town Counsel for confidential legal advice; and to discuss litigation strategy in National Development Acquisitions LLC v. Andover Planning Board; and the Chair declare that an open meeting would be detrimental to the Town's litigation strategy and to return to open session. The Chairman so declared that an Open Session would be detrimental to the Town's litigation position. Roll Call: Mr. Doherty yes, Mr. Pouliot yes, Ms. Knowles yes, Mr. Chiozzi yes, and Mr. Bergeron yes.

It should be noted that after the Executive Session Mr. Doherty left the meeting and did not return.

At 7:41 p.m. Mr. Chiozzi made a motion to return to open session seconded by Ms. Knowles. **Vote:** Unanimous (5-0). Roll Call: Mr. Pouliot yes, Mr. Chiozzi yes, Ms. Knowles yes, Ms. Duff yes, and Mr. Bergeron yes.

139-143 Elm Street and 26 Pine Street:

Mr. Bergeron opened the continued public hearing on 139-143 Elm Street and 26 Pine Street, a Special Permit for Elderly Housing. He reviewed the agenda items that the Board intended to cover.

Erica Guidoboni, P.E. of Greenman Peterson Inc., the Town's traffic peer reviewer gave an overview of her role in the project. She noted that the initial traffic study took place in October 2014. Comments from the Board and the public led to an expanded scope of work. Bayside Engineering, the applicant's traffic engineer submitted their revised traffic report to the Board on March 25, 2015 and GPI responded on March 31, 2015. Ms. Guidoboni noted that she had asked for additional crash history, which was provided and falls below the average of the state and district for signalized and unsignalized intersections. She had also asked for backup on trip distribution which led to the intersection of Elm/Washington and Walnut being analyzed. The applicant's engineer provided the requested site distance clear zone plans. She noted that the community questioned the October 2014 counts, so additional counts were performed in March 2015. When it was discovered that the March counts were performed during the Merrimack College spring break, further counts were performed in April 2015. She noted that the counts in April 2015 were lower than both the October 2014 and March 2015 counts, so she finds the original October 2014 counts and data to be valid.

Mr. Pouliot asked what time of day the counts were taken. Ms. Guidoboni stated that the counts were taken every hour of the day. She showed a graph of the counts and times over the course of the day for both this site and the Stonebridge Burlington site which showed the a.m. and p.m. peaks. She noted that the p.m. peak is later in the day, around 6:00 p.m. Mr. Chiozzi asked what

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

the a.m. and p.m. peaks are for the site. Ms. Guidoboni stated that the standard is 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. She did not find the 3 p.m. hour to be an issue.

Ms. Guidoboni stated that Stonebridge in Burlington was analyzed for ambulance visits and truck generation at the site. She noted that the counts were 5-13 trucks per day and one ambulance call on two days of a three day analysis. She noted that she recommended updates to the crosswalk at Whittier Street and also suggestions for ADA ramps and detectable warning strips to upgrade that location. She also recommended the DPW consider bulb outs along Elm Street to visually narrow the roadway to cause speeds to decrease.

Mr. Pouliot asked how the added vehicles will affect the delay at Route 114. Ms. Guidoboni stated that there would be two additional vehicles in the queue during the peak hour in the northbound direction for an added delay of 9 seconds. Ken Cram of Bayside Engineering, the applicant's traffic engineer, stated that in the no build condition for the Route 114/125/Elm Street intersection for all approaches the average calculated delay in the morning is 80.8 seconds, and with the added vehicles it would be 85.5 seconds which is an increase of roughly 5 seconds. In the evening in no build conditions the delay is 77.5 seconds and with the added vehicles it is 80.1 seconds for an increase of about 2.5 seconds. Mr. Pouliot questioned if it would add 15-20 cars to the queue, and Mr. Cram stated that it would not. It would be an addition of 13 cars to that queue over the course of an hour. Ms. Knowles stated that she would like a memo from the DPW regarding the crosswalks and traffic calming measures.

Jessica Enners of 6 Cheever Circle asked if the bus routes have been taken into consideration. Ms. Guidoboni asked for clarification of her question. Ms. Enners noted that the bus routes will be changing next year with the school redistricting, and right now the children have a hard time getting on and off the busses on Elm Street. She asked how the additional traffic and different bus routes will affect safety. Ms. Guidoboni noted school busses are included in the traffic counts, but bus routes are not related to the traffic study. She suggested further discussion with the Town on that matter. Ms. Enners stated that cars go around stopped busses on Elm Street, and any additional traffic will cause more of a safety concern. Ms. Guidoboni stated that her recommendations of things like bulb outs would help with those types of conditions. Ms. Enners stated that bulb outs would change the aesthetics of the area, and they want the community to look a certain way. Ms. Guidoboni stated that she could not speak to the aesthetics, however for cars to slow down; you need to change the design of the road. Ms. Schwarz added that the School Department, which creates the bus routes, and the Public Safety Officer should look at this area as a whole because the conditions Ms. Enners described need to be dealt with regardless of if this project. Ms. Duff agreed that if these conditions exist, it is wrong and needs to be dealt with immediately because it is putting children at risk and needs to stop. Ms. Enners stated that she is concerned about walkers as well, and is concerned that the recommendations would make Elm Street look like a commercial road. She felt that right now putting a couple signs up would be great and would really help. She added that Marland Place had 236 visits from the Fire Department last year and 35% of those visits occurred between 10 p.m. and 8 a.m.

Susan Donahue of 14 Shipman Road stated that she read the entire traffic report and it noted 158 trips going in and out in one day. She asked for the Board to visit the site at 4 p.m. on a

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

Wednesday afternoon to see that 8 seconds is not enough to stop the traffic at 114. The traffic coming to this facility will significantly impact the character of this single family neighborhood.

Joe Hanafin of 14 Cheever Circle asked for clarification on the 2-3 cars during the peak hours because it doesn't make sense to him as that would mean 2-3 cars for the shifts changing at 7 a.m. and 3 p.m. Mr. Bergeron stated that 2-3 cars would be added to the existing queue at the 114/125/Elm Street Intersection. He added that 13 cars would be added to that intersection during the course of the peak hour. Mr. Hanafin noted that there are a lot more shift workers than that. Ms. Guidoboni clarified that the 13 cars would be anyone coming to and from the site during the peak hour of 5 – 6 p.m. and going through the 114 intersection. Another 13 cars would be headed in the other direction. Mr. Hanafin asked if they were taking into account the shift workers, because what they are saying is that there are only 13 cars coming in and out at 7 a.m. when there is a shift change. Mr. Cram stated that the morning shift change is at 7 a.m. but the street peak hour is between 8 a.m. and 9 a.m. and 5 p.m. and 6 p.m. The peak hour of the facility does not overlap with the street peak hour.

Leslie Silverstein of 26 Burton Farm Drive stated that Stonebridge is not comparable because it is not in a residential area. To have an ambulance come every other day or 5-13 trucks come in one day is a lot for a residential area and will forever change the character of the neighborhood. She is concerned about the shift change when kids are getting on and off of the bus because it is a safety and traffic concern. She added that no one has mentioned the new dorms going into Merrimack College that will impact traffic. Mr. Bergeron stated that the new dorms at Merrimack College were factored into the traffic report.

Louise Cummings of 87 Elm Street stated that she moved here because her son has autism and she wanted to live in a walkable neighborhood in a town. Her son works at Merrimack College and she is concerned about him, children and people with disabilities walking on Elm Street and Pine Street with additional traffic. She would like to challenge the traffic study in the number of cars at a shift change. She also wanted to know if family members and aid workers were accounted for in the traffic study. She added that Route 114 is very dangerous in the evening and you cannot make a left hand turn without going head on into traffic. She sees near misses every day because people are speeding south and those going north don't want to wait 4-5 light cycles.

Joe Krueger of 75 Elm Street stated that there are a lot of numbers and data flying around. He noted that the peak hours for Elm Street are not the peak hours for the shift changes. He pointed to the graph and noted that the peak a.m. hour will begin earlier with the shift change at 7 a.m. and the trough at 3PM will disappear. Both of the shift changes are when kids are getting on and off the bus. He stated that you need to think about what the numbers mean and not just what they are, as well as when the cars are coming and what they mean for any given time of day. Ms. Knowles asked Ms. Guidoboni to respond. Ms. Guidoboni explained the graph and the differential between the current traffic on Elm Street and the expected traffic with the project. She asserted that the largest differential is between the existing and the project is the peak hour that was analyzed.

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

Jay Arbo of 14 Burton Farm Drive asked if the same amount of cars are heading towards Route 28, and how that traffic impact that intersection. Ms. Guidoboni stated that the intersection was discussed at the January meeting but she and Mr. Cram agreed that it was not warranted to look at that intersection. The intersection of Washington and Walnut was examined. Mr. Cram explained that of the traffic that goes towards Route 28, many cars are using Walnut as a cut through instead of going straight through to Elm Square.

Nat Boughton of 7 Cheever Circle stated that at the last meeting there was talk about putting speed bumps on Elm Street. Mr. Bergeron clarified speed bumps are not being considered. Mr. Boughton stated that there was a discussion on speed bumps and changing the width of the road to force people to slow down. He asked Ms. Guidoboni if speed bumps were in her recommendations. Ms. Guidoboni stated that speed bumps are not designed for roads anymore, but she recommended raised crosswalks, a speed table, if the DPW, Fire Department and community agreed. She also recommended variable message signs with the speed limits as well as other options. Mr. Boughton stated that what is proposed dramatically changes the community. He noted that Elm Street is one of the most heavily travelled roads in Town and to put a raised area is absurd. He stated that he wants an assessment on a facility that is in a neighborhood, not Stonebridge that is in a commercial area. Ms. Knowles asked Ms. Guidoboni, for traffic purposes, how much of a difference a different facility would make. Ms. Guidoboni stated she felt Mr. Boughton was referring to character of the neighborhood, because in terms of traffic and shift changes, the management company is the same and visitors would come and go in a similar way. The counts are based on driveway activity. Mr. Bergeron added that the variable for the study is comparing it to a comparably sized facility. Mr. Boughton reiterated that a facility in a commercial area cannot be compared one in a residential area. Mr. Bergeron noted that the assessment is on what is coming from and going to the facility only, and the traffic patterns of the neighborhood have been considered in the existing conditions. Mr. Boughton asked the Board to assume he is an idiot, because he probably is, and explain how Stonebridge is comparable. He added that he did not see anything in the traffic report regarding the impact of construction trucks coming in and out for months.

Ms. Knowles asked Mr. Cram to address Mr. Boughton's concerns. Mr. Cram stated that Stonebridge is in a different setting, but it is the same type of facility that is proposed for Andover. For the traffic study, two days of counts were also taken at Christopher House in Webster which is in a residential area. Stonebridge had the higher traffic counts of the two facilities, so the average of Stonebridge was used for these projections. He stated that he stands behind the volumes, as does GPI. He added that in regards to sirens, he has spoken with the Police and Fire Departments who understand both safety and being good neighbors in their own community. Trucks that come to the facility will be mostly panel trucks, not big tractor trailers, some of which like UPS trucks already travel the roads today.

Chuck Papaglia of 64 Summer Street stated that comparing this to a development that is not surrounded by homes with residential houses with young children is a fallacy. He added that he has not heard anything about the 39 workers, delivery trucks and visitors that need to be factored in. The developer wants to place a commercial enterprise designed for profit in a residential neighborhood and to grant a special permit for this would be wrong.

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

Mr. Bergeron asked the Board if they wanted any more information in regards to traffic. Mr. Pouliot stated that he understands the traffic reports, but he wouldn't be against getting more data to prove the traffic formula to the community. Mr. Bergeron asked the applicant to look for 2 other facilities in residential neighborhoods and show that they are comparable in trip counts for in and out of the site.

Paul Marchionda of Marchionda and Associates discussed the earth movement at the site, and showed a graphic of what would be cut and what would be filled. He stated that at the driveway the cut will be 4-5 feet at maximum, and the building will be on a slab. They are calculating 6,700 cubic yards to be brought off site using 6 trucks a day for 40 days. He noted that anything over 1 acre requires a permit from the EPA, and showed a large binder of plans to be approved by the EPA including erosion and dust control during construction. Mr. Marchionda stated that there is rock onsite but it is very weathered and easy to move. If there were to be blasting onsite it would be very minimal, and noted that it is cheaper and quicker to remove rock with heavy equipment. He added that if blasting were to take place, the fire department has regulations that would have to be followed. Any abutter within 250 ft could have a pre-blast survey done to their property and blasters have to carry \$1 million in insurance. He added that they have yet to hit any rock onsite that they had trouble removing.

Mr. Bergeron asked what the foundation support will be. Mr. Marchionda stated that it is slab on grade. He added that there is a need onsite for crushed rock, but that operation would be for a very short period of time and not every day. Mr. Pouliot asked where they would dispose of the earth. Mr. Marchionda stated that the disposal site would be identified during the bidding process. Mr. Bergeron asked if any unclean soil was discovered, and Mr. Marchionda stated that it was not. Mr. Pouliot asked what time excavation would start. Mr. Marchionda stated typically work is done from 7 a.m. to 4 p.m., but that can be conditioned by the Board. Mr. Chiozzi asked how much soil would be leaving from the site and how much would be moved. Mr. Marchionda stated that 6,700 cubic yards would be leaving the site. Mr. Pouliot asked if the trucks moving the soil would be a truck with a cab and a trailer. Mr. Marchionda stated that they would be using eight wheeled dump trucks. Mr. Chiozzi asked if they would have a wheel washing facility onsite. Mr. Marchionda stated that they would have washing areas and would be performing street sweeping.

Joe McElwee of Capital Seniors Housing addressed comments that were made at the March 31st meeting. He noted CSH is based out of Washington, D.C. but they become engrained in the community, employing residents, paying property taxes and providing a needed service to residents. The management company integrates with the local community with an eat local program. He added that Atria is owned by a company that is based out of Louisville, Kentucky. He noted that they do not need a variance for this project; they need to obtain a Special Permit. The building was designed for the SRB zone following the local Bylaw and Master Plan. The proposal greatly exceeds many of the minimum setback requirements. In regards to the newspaper advertisements of other facilities in the area, he stated that competition can be a good thing because it can keep costs lower. He noted that both traffic engineers have indicated there will be a negligible impact on traffic patterns. He added that the shift changes will be staggered; for example in the morning employees may come in at 6:45, 7:00 or 7:15 a.m.

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

Mr. McElwee addressed the need for assisted living. He stated that the fastest growing segment of the population is those over the age of 85 with the second highest segment being those over 75. The 65 + segment is expected to be 20% of the population by the year 2050. He reviewed the growing population demographics for a one to three mile radius for the 46 + population which includes adult children decision makers as well as those needing assisted living. He reviewed the facilities within a 3 mile radius of the site, Ashland Farm, Edgewood and Brightview in North Andover and Atria Marland Place in Andover which have a total of 183 assisted living units and 86 memory care units. He noted that with the demographics and units available the market is underserved. The positive aspects on the application including 66% open space, closing off Pine Street to vehicular traffic, linkage to AVIS land, landscaping, lighting and a residential building style and a 15% affordable housing requirement. He added that this will address a demographic need for an aging Andover as well as address a goal of the Andover Master Plan. The facility will be paying property taxes as well as provide employment opportunities and volunteer opportunities in Town.

Mr. Pouliot asked if there was data to support that Andover specifically needs memory care and or senior living. Mr. McElwee stated that for a segment of the population there becomes a time when they are too frail and living at home or staying with family no longer becomes feasible. Andover has one community, Atria Marland Place, which was not purpose built, to serve the Andover population. He clarified for the Board that the Stonebridge facility was used as a comparable for the traffic study because they were asked to provide counts coming in and out of a comparably sized facility. Stonebridge is comparably sized and has the same management company, so the truck trips would also be comparable. It was not an intention to compare the sites, only the use and the management company.

Mr. Pouliot stated that he struggles with putting a facility like this in a residential neighborhood if there is a need for surrounding towns but not for Andover residents only. Mr. McElwee stated that there is an aging population in Andover and around the country so there is clearly a need for these types of facilities. Andover residents are using the existing facilities in town as well as in North Andover and Tewksbury. Mr. Pouliot asked if there is a way to do a survey or a study on existing facilities to find out how many people who live there are Andover residents or Andover related. Mr. McElwee noted that there isn't really a way to do that type of survey, but the population statistics can stand on their own. This facility will also serve current residents who want to bring their aging parents here from out of town. Mr. Pouliot asked if there is knowledge of Andover residents who need this now. Mr. McElwee stated that there are Andover residents in facilities in other communities within a 5 mile radius. Mr. Pouliot stated that he is not convinced that the growing aging population will stay in Andover and not move to Florida. Mr. McElwee stated that in the Northeast, 67 year olds move to Florida or Arizona and come back to where their children are when they are 85 and frail. He noted that his company has never built a facility in Florida. Mr. Bergeron asked who is available in Town to give an opinion on something like this, and Ms. Schwarz suggested the Kathy Urquhart the Senior Center Director.

Mr. Chiozzi asked for clarification that a large part of the client base is not necessarily a resident, but the parents of residents. Mr. McElwee stated that he is correct and often those who are 45-64

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

years old become the adult caregiver/decision maker for the 85 year old. In a three mile radius of the site that decision maker group has a growing population of 18,000.

Mr. Bergeron asked Mr. McElwee what local preferences his company has considered in the past. Mr. McElwee stated that the affordable units can all be set aside for Andover residents. He added that the general market area is 3-5 miles around the site. Mr. Bergeron asked if they would consider other conditions to give preference to Andover residents in the non-affordable units. Mr. McElwee stated that they would try to do that if they were legally able to give preference to a certain population base.

Bill Downs of 147 Elm Street showed his property on the earth movement map. He noted that years before Merrimack had tried to put playing fields on the property next to him. He added that he is concerned about any blasting because his home is 300 years old.

Jessica Enners of 6 Cheever Circle stated that she is a senior social worker. She stated most seniors want to age in place, and most have long term care insurance that allows them to do that. She noted that home care companies are on the rise. She stated Edgewood should not be included as a comparable community because it is a continuum care retirement community. She stated that not one assisted living facility in the area has been more than 80% full, and Atria is changing over units from assisted living to independent units. This facility may take residents out of other facilities, people will lose jobs and facilities will close. Mr. McElwee stated that he has done a market study and Atria has 101 out of 108 available units full, and Edgewood is 93% full, Ashland Farms is 95% full and Bright View is around 80% full and it has only been open for 18 months. Ms. Enners encouraged the Board to speak to area directors about availability. She noted that if you could call these facilities they will state that they are full but it is not the case. She added that more activities and resources need to be provided for seniors so that they can age in place.

Ron Hill of 15 Abbot Street stated that he does not feel that this is the right place for this project. It is a charming area of single family homes and this will loom at a 4-5 story level. He stated that in the 1990s Phillips Academy wanted to turn some of their halls into commercial apartments with a large parking lot. He stated that at the time the Planning Board was in favor of it but ultimately voted against it. It was brought to Town Meeting and voted down. The neighborhood would be adversely affected by this forever. The project on Route 133 is a good mixed use area. The Abbot Street project was not a good business decision for Phillips Academy and not as out of sync with the neighborhood as this is.

Jay Arbo of 14 Burton Farm Drive stated that this is an appealing location, and that is why towns have Planning Boards. He noted that if everything were market driven there would be homes and businesses next to each other everywhere. He added that this would never be put at the end of a cul de sac, but they think that they can sell it because it is Elm Street which connects Route 114 to Route 28.

Mark Bernardin of 140 Elm Street asked how many cubic yards of earth would be moved onto the site. Mr. Marchionda stated that the general fill will be generated from the site only, but sand would be brought in. Mr. Chiozzi asked how much is being moved. Mr. Marchionda stated that

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

he did not have the number but he would provide it for the Board. Mr. Bernardin noted that section 6.3.3 of the Zoning Bylaw limits earth movement off of lots in residential areas to 2,000 cubic yards.

Louis Poulo of 23 Johnson Road stated that demographics are specious. Andover is a big town and those who live in the west end may prefer a facility in Tewksbury and those who live in the south end may prefer to look in North Reading. In regards to the character of the neighborhood, once you do it, it is done. The Board is under no obligation to grant the special permit and they should let the neighbors know if they are just working out the details to get there.

Lance Fromme of 23 Burton Farm Drive noted that the Andover Council on Aging wrote a letter to the editor of the Townsman on February 25th alluding to a survey. He stated that there was a 40% return of the survey from residents. An initial review of the surveys was held today and there is a negligible interest in Andover on assisted living facilities. He stated that the full report will be published in a couple weeks.

Nan Conte of 134 Elm Street stated that her family has been in Andover for a few years. Her mother has dementia and has been able to age in place. She stated that on November 5, 2014 at midnight her mother walked out of their home, down Elm Street and into another home with an unlocked door. The police had to do a search of the neighborhood because she only knew her name. At that point they knew they had to find a facility because they realized they could no longer care for her. They looked at 3 facilities in Andover and North Andover, Atria Marland Place, Ashland Farms and Brightview which all had availability. She stated that the applicant presenting a prettier building will not suffice; it is the services that they have to provide. She added that she does not see an immediate need for this facility.

David Silverstein of 26 Burton Farm Drive stated that he objected that those who want to speak have to wait in line to speak and are cut off while the applicant can speak whenever he wants. He stated that as an engineer he knows what kinds of games can be played with numbers. He gives no credibility to these counts. He added that the Merrimack College traffic is not deminimus. He lives near the bottom of Burton Farm Drive and the water problems are persistent with stormwater and possible sewage overflows. He asked for a written report from the DPW on the impacts of proceeding with the facility. He read an excerpt from an article in the Townsman on Strawberry Hill Farm and stated that anything regarding character of the neighborhood that is true for Strawberry Hill Farm is true in spades for this project. Ms. Knowles asked if they would be discussing the neighborhood and design more in another meeting, and Ms. Schwarz stated that they would.

On a motion by Ms. Knowles seconded by Ms. Duff the Board moved to continue the public hearing on 139-143 Elm Street and 26 Pine Street to April 28, 2014 at 8:00 p.m. **Vote:** Unanimous (5-0).

Adjournment: The meeting was adjourned at 9:40 p.m.