

Call to Order:

The meeting was called to order at 7:31pm. Present were Chair Zach Bergeron, Members Vincent Chiozzi, Jay Doherty, Joan Duff, Ann Knowles and Associate Member Steven Pouliot; also present were Jacki Byerley, Planner and Paul Materazzo, Director of Planning.

90 Beacon Street:

Member Jay Doherty recused himself from the hearing and left the room.

Chairman Bergeron opened the Public Meeting on 90 Beacon Street, a Special Permit for New Multi-Family Construction Attached Cluster Development Section 7.3.

Doug Lees of Land Engineering & Environmental Services, Inc. representing the applicant described the project. The site contains 29.7 acres. Lot 1 containing 22.09 acres will be the location of the special permit. The property is located off of Beacon Street and part of the Andover Country Club and is currently the third and fourth holes of the golf course. The proposed Special Permit under Section 7.3 of the Zoning By-Law would allow for the construction of 7 buildings with a total of 28 residential condominium units. The roadway will be along the existing cart path on the southern side of the 3rd tee. Each unit will have a two car garage, driveway and 840 square feet of limited common area which would present a private backyard. The common Common Area consists of 10.36 acres which would be available for all owners for passive recreational purposes and will be maintained by the Condominium Association. The third area called "restricted common area" is comprised of a golf course and would be maintained by the Country Club. Hussey's Brook located on the site will be opened up as part of this project. Both water and sewer are available on site. At the IDR, it was discussed to extend the sidewalk to the end of the roadway, and to offer more parking spaces.

Ms. Knowles inquired about the landscaping plans mentioned in the IDR. She expressed her concern that the units may be hit with golf balls from the golf course and could the units be moved further from the green. The applicant is working with a golf course architect to design the development.

Ms. Duff asked if there would be a foot bridge over the newly exposed Hussey's Brook. Mr. Lees stated that there would be a foot bridge as well as a bridge for the golf carts.

Mr. Chiozzi reviewed the past approvals involving the common areas. The common common area is the open space provided due to the cluster development; the limited common area is the "private" backyards for each unit; and the restricted common area is the golf course.

Ms. Knowles inquired if a fence could be erected around the limited common area. That would be decided by the condominium association.

Mr. Bergeron stated that the Board needs to understand the history of past approvals and history of the green belt involved in this project.

90 Beacon Street (cont'd):

Mr. Chiozzi informed the Board that this new project does not have to meet the past approval standards because this is a new Special Permit.

Doug Lees will provide information on the green belt as well as the approval history and the following items mentioned in the IDR: Water main not looped; additional fire hydrants; Beacon Street sidewalk accessible during construction; landscaping/architect plans; lighting plan for buildings and driveway; extra spaces for visitor parking; correct the acreage on the plan sheets; roof drains must meet stormwater requirements; and traffic comments.

Mr. Pouliot would like to review the traffic and comments.

Tim Cook of 16 Chandler Road asked if this development was the only development planned for this side of the roadway. He would also like to view the construction sequencing and lighting plan. Mr. Lees stated that 25 acres is the maximum allowed which limits the development for this side of the roadway.

Paul Arena of 6 Juniper Road asked if there were any restrictions on the 7 acre ANR lot. A portion of this lot is wetlands and the other portion is part of the golf course, so there is not current plan to build any homes on that lot.

Keith Saxon of 15 Wethersfield Drive asked what open space would be accessible by the public. Mr. Lees informed the Board that a single family detached unit allows for open space which is owned by the Condominium Association and can be used only by the homeowners due to liability issues. The roadway will be a private way, not a public street, so there will be no public services such as trash collection or snow plowing. Ms. Byerley reminded the Board that this is not a cluster subdivision, but a Special Permit.

Bradley Weeden of 5 Summer Street asked how many children would be living in the subdivision. Mr. Lees informed him that comparatively speaking, these units would house less children than a regular subdivision.

On a Motion by Ms. Knowles seconded by Mr. Chiozzi the Board moved to continue the public hearing on the Special Permit for New Multi-Family Construction Attached Cluster Development to August 11, 2015 at 9:00pm in the 3rd Floor Selectmen's Conference Room of the Town Office Building. **Vote:** Unanimous (5-0).

Member Jay Doherty returned to the meeting.

Brickstone Property Update:

Mr. Bergeron opened the discussion regarding the rezoning of land off Fleming Avenue from Industrial D to Single Residence A(SRA).

Brickstone Property Update (cont'd):

Mr. Materazzo stated that the subject property is currently bounded by SRA zoning on three common property boundaries, with railroad tracks running to the west separating the Industrial A zoning from this residential neighborhood. The owner of the property has prepared plans for the Board's consideration in response to the Board's request to create smaller lot zoning for this property in order to facilitate development consistent with the surrounding neighborhood. The plan presented depicts 25 smaller lots as suggested by the Board and area residents.

Ms. Knowles has been reviewing the Town Meeting Article with the Shawsheen Village working group. She stated that 7000 square feet may be too small of a lot size. Something in between the existing dimensional requirements and the proposed smaller lots would work.

Mr. Chiozzi reminded the Board that the side setback requirements need to be taking into consideration when determining the lot size.

Ms. Knowles stated that a plan that looks more like Shawsheen Village would be more appropriate with a variety of lot sizes.

Mr. Materazzo and Ms. Knowles will meet with the working group to revise the plan and report back to the Board.

254 Lowell Street:

Joan Duff recused herself and left the meeting not to return.

Mr. Bergeron opened the continued public hearing for 254 Lowell Street for a Special Permit for Elderly Housing.

Mr. Materazzo informed the Board that there were two items to update, the public safety review and traffic analysis and renderings of the redesign based on the Design Review Board recommendations. The solar glare concerns were addressed by Public Safety Officer Mr. Edgerly in an email read by Mr. Materazzo explaining that solar glare is not something that can reasonably be calculated in days/hours. He indicated that this concern appears to be speculation since no documentation/pictures had been provided. A review of the crash history for the past 3 years on this portion of Lowell Street was done and found of the 1900 crashes, 17 were attributed to solar glare. The Applicant has agreed to work with Mr. Edgerly to provide signage or warnings regarding solar glare.

The Board reviewed previous comments as raised by Heather Lauten regarding the land use codes are not being accurately depicted in the traffic study. Ms. Lauten believed by using the LU code for Assisted Living vs. Congregate Care code, trips may be skewed. Mrs. Barnes provided an email which was read by Mr. Materazzo clarifying the use of the two terms and how they relate to this Special Permit. The difference can simply be attributed to the terminology between Andover's Zoning By-Law, the Commonwealth of Massachusetts definitions and industry jargon.

254 Lowell Street (cont'd):

A traffic analysis was submitted by Mr. Tammaro and reviewed by Mrs. Barnes to determine if additional traffic review was necessary. She ran an analysis adding the traffic based on 80% to/from the West and 20% to/from the East and none of the approaches drop a level of service at the intersection of Lowell Street at Greenwood/Lovejoy as a result. No additional data or analysis is required. Mr. Materazzo reiterated that Mr. Edgerly stated he has no concern with the traffic.

In response to comments from the Design Review Board, the Board requested an updated rendering of the Andover Senior Residence for further review. The applicant provided an updated plan at the meeting.

David Chilinski presented the revised rendering to the Board. The varying gables and dormers in the roof line were redesigned to a variety and not a continuous eave along the façade. This provides a more residential feel and look. There are also different styles of windows at the dormer level. The porches were redesigned to be accommodate furniture and link the entry ways together. There are two items that the Design Review Board suggested, but they are more subjective and/or detrimental to the proposal.

Both Ms. Knowles and Mr. Doherty acknowledged the work done on the redesign is a much better than the original version presented.

Mr. Pouliot wanted to address the letters concerning traffic safety. Mr. Materazzo stated to the Board that the Public Safety Officer and our peer reviewer have addressed all the facts provided. If public safety was an issue, then Mr. Edgerly would have raised the issue at the beginning of the public hearing. All concerns received by the Board were forwarded to Mr. Edgerly and he has had the same response time and time again. Neither the peer reviewer nor the Public Safety Officer finds an issue with the traffic.

Mr. Doherty stated that Lowell Street is a very busy street. Andover has grown into a city, it is not the small town it once was.

Ms. Knowles added that the mitigation for the new medical building includes stop lights that will create a gap in traffic to assist with traffic flow. After six months, the Town will assess the traffic flows and can tweak the times to improve the traffic flows. Mr. Materazzo added that there will be a widening, through lanes and the lights will be operational by Fall 2015.

Mr. Pouliot wants to investigate the traffic situation further as this is not the location for this type of development due to the traffic and safety concerns.

James Tammaro, of 143 Lovejoy Road, questioned the remand Order. He believes the Board could have deliberated on all of the facts, not just the items remanded. He asked that the public hearing be left open to revisit conditions and to receive the Design Review Board comments. Ms. Knowles informed him that any additional information received was not going to change the outcome of the hearing as all aspects of this project have been broadly considered.

254 Lowell Street (cont'd):

Regina Kelly, of 4 Bateson Drive, asked the Board why the experts, such as Officer Edgerly, have not attended any meetings. They should be attending the public hearings to answer the questions of the abutters. She was upset that answers to their questions come through emails to Mr. Materazzo.

Jerry Crowley, of 2 Cricket Circle, asked what the process was after the Board closes the public hearing. Can the Board only deliberate on the five items remanded? After reading the remand, he believes the Board could have discussed all of the items, not just the five remanded. Mr. Crowley informed the Board that he no longer believes what they say and cannot rely on their information.

Jose Albuquerque, of 197 Greenwood Road, asked why the peer reviewer used data from 2012 and not more current data. If there is funding, can a traffic study be done from I93 to Route 28? Mr. Materazzo stated that if a larger study encompassing all new projects would require additional funding or a vote at Town Meeting to have the study done. The corridor study is a separate issue.

Mark Yanowitz, of 20 Wild Rose Drive, stated that Officer Edgerly did not look at recent data regarding traffic and crashes, traffic is a major issue for this development and the abutters concerns have not been answered. The peer review was not a comprehensive as it could have been which could set up for an appeal. Approvals are discretionary, not a right for a Special Permit. This is not in the best interest of the Town.

Alan French, of Moreland Avenue, asked that the impact to the community be considered.

Lisa Tammaro, 143 Lovejoy Road, asked the growth and change be in line with the Master Plan and done safely.

Bradley Weeden, of 5 Summer Street, asked if the projection of the medical center and proposed residential development was taken into consideration during the traffic study. He asked that an additional traffic study be done after all of the baseball field close in Fall or Spring 2017.

Michael Bonness, of 4 Robinswood Way, stated that the experts needed to attend the public hearing.

Keith Saxon, of 15 Wethersfield Drive, believes this property is located in the watershed protection overlay district. This should be addressed in the Special Permit.

James Tammaro, of 143 Lovejoy Road, stated that the MA DOT guidelines require a fuller corridor study which was not done in the peer review. He would like a further study done.

Mr. Bergeron stated that there is an existing traffic issue on Lowell Street and that this project cannot make a substantial impact on the traffic.

Stephen Hoar, of 6 Wild Rose Drive, asked to compare the height of the roof line with that of the bible chapter. The bible chapter roof line is higher.

254 Lowell Street (cont'd):

Charles Erban, of 249 Lowell Street, stated that the peer review indicated a level of service on Lowell Street is D and will be an E.

Charles Kendrick, of 8 Forbes Lane, stated that the existing traffic issues are not due to this proposed project. The problem began up the road with the IRS building about 20 years ago. The development in the past 20 years on Lowell Street have generated huge traffic and this proposed project add negligible traffic.

Mr. Pouliot would like to ask the peer reviewer to address the MA DOT requirements and the Board to consider the other issues besides traffic. He believes the Board should listen to the citizens of the Town.

Ms. Knowles stated that the Board has reviewed all the element of this project.

The Board will deliberate on the Special Permit at a date to be determined.

On a Motion by Mr. Chiozzi the Board voted to close the public hearing on an Application of National Development Acquisitions, LLC on property owned by Loosigian Realty Trust at 254 Lowell Street, for a Special Permit for Elderly Housing pursuant to a Remand from the Land Court; the motion was seconded by Ms. Knowles and passed by a vote of 4-1 with Mr. Pouliot against the motion.

Lincoln Woods Modification:

Mr. Bergeron opened the Site Modification Requests at Lincoln Woods.

Ms. Byerley informed the board that the Andover Planning Board approved a modification for a Multi-family Dwelling Attached Cluster Special Permit which allowed for the construction of 24 units at Leah Way and Caleigh Court. Most of the construction has been completed. During an inspection on May 8, 2015, it was noted that some of the items were not constructed per the plan.

Attorney Kathryn Morin, representing the Applicant, presented the modifications to the Board. The modifications requested are minor in nature and were considered "field changes" during the construction process. Attorney Morin provided plan sheets which depicted the changes.

The changes are:

1. Modified grading behind Building A;
2. Modified grading behind Building 2 which is a visual buffer to enhance privacy, the level of the manhole was raised and the elevation is higher;
3. Internal sidewalks to be waived. Officer Edgerly confirmed this is not a safety issue, however the location of one parking area to be relocated more toward the east;
4. The infiltration trench behind Building 5 was deemed unnecessary on site. This was not included in the original drainage calculations for the original permit. The soil is sandy which will enhance drainage.

Mr. Chiozzi asked why the Conservation Director was at the site visit. Mr. Douglas was on site to make sure the modifications did not impact the wetlands on this lot.

Lincoln Woods Modification (cont'd):

Mr. Doherty informed the Applicant that they should have called prior to the any changes done in the field.

Attorney Morin acknowledged there is an outstanding punch list which will be completed upon completion of the project.

Ms. Knowles stated that the elimination of the sidewalk makes sense as the roadway is more like a driveway.

Attorney Morin asked the timeframe for Town Engineer, Brian Moore, to reply if he does not accept the conditions. Ms. Byerley stated that Mr. Moore would reply within thirty days to the decision.

On a Motion by Ms. Knowles and seconded by Mr. Chiozzi, the Board finds the request from Ray Cormier for Site Plan Modifications to be minor modifications. **Vote:** Unanimous (5-0)

On a Motion by Ms. Knowles and seconded by Mr. Chiozzi, the Board approves the grading change behind Building A, the addition of a mound behind Building 2, and the elimination of the infiltration trench behind Building 5 contingent on final approval by the Town Engineer and further approves the construction of the sidewalk only up to the first driveway of Building 1. **Vote:** Unanimous (5-0)

Adjournment:

The meeting was adjourned at 9:50pm.