

Call to Order:

The meeting was called to order at 7:30 p.m. Present were Chairman Zach Bergeron, members Vincent Chiozzi (arrived at 7:32 p.m.), Jay Doherty, Joan Duff and Ann Knowles; also present were Paul Materazzo, Director of Planning, Lisa Schwarz, Senior Planner and Jacki Byerley, Town Planner.

180-182 Jenkins Road (Leela Drive):

Mr. Bergeron opened the public meeting for 180-182 Jenkins Road, Leela Gardens, a Preliminary Subdivision Plan. Ms. Byerley reminded the Board that a Preliminary Plan is non-binding, and is for an applicant to get guidance on their application from the Board before they file for a Definitive Plan.

Jonathan Markey of Markey and Rubin, an engineer representing the applicant reviewed the plan for the Board. He stated that the subdivision is being redesigned based on comments received at the IDR and from the Board. The plan is for a 16-lot subdivision with an existing lot. The site is surrounded by Harold Parker State Forest. The wetlands on the site were delineated eight years ago, but the applicant had them re-delineated this summer. That delineation will be presented to the Conservation Commission. The subdivision consists of 2,600 ft of roadway with an uplands portion passing between two wetland areas. Open space is proposed towards the front of the property near an existing pond. The original plan shows tennis courts in the open space but that will be taken off of the plan based on IDR comments. There will be a sewage treatment facility onsite. The applicant is currently taking an inventory of the abutting trail systems before the open space is sited.

Mr. Bergeron asked if they are reaching out to AVIS or the Conservation Commission in regards to the location of existing trails. Mr. Markey stated that they have surveyors locating the trails. Ms. Byerley noted that the site is surrounded by the state forest, and Mr. Bergeron encouraged the applicant to reach out to those entities.

Mr. Chiozzi asked for more information on the sewage disposal system. Mr. Markey stated that it would be a collection system of sewers, manholes and pump stations. Mr. Chiozzi asked if each property would have its own pump. Mr. Markey stated that each property will have its own gravity sewer to the street, and there would be one or more lift stations to pump the sewage to the front of the property. Mr. Chiozzi asked where the power would come from to operate the pumping station. Mr. Markey stated that the HOA would be pay the bill. Mr. Chiozzi asked if the pumping station would have emergency power. Mr. Markey stated that it would have generator ports, but a generator will not be run off unless required by the Board of Health. Mr. Chiozzi asked if the applicant had been before the Board of Health and if the treatment plant generator would also be dependent on the Board of Health. Mr. Markey stated that they would. Ms. Byerley stated the applicant had been before the Board of Health and a memo was provided.

Ms. Knowles noted that the lots have strange angles to the road. She suggested more conventional lot styles. Mr. Bergeron asked if wetland replication would be necessary with the roadway between the wetlands. Mr. Markey confirmed that it is likely that a wetland replication would be required. Mr. Bergeron asked which wetland delineation was more conservative. Mr.

180-182 Jenkins Road (Leela Drive) cont'd:

Markey stated that the most recent delineation was more conservative, but the boundary didn't change too much.

John Ely of 174 Jenkins road asked what the benefit of a cluster subdivision is over the normal zoning. Mr. Markey stated that for a cluster subdivision, the applicant must first provide a conventional layout and cannot add any more lots than would be allowed in a conventional layout. The cluster subdivision provides open space to the Town. Mr. Ely asked what the acreage of the property is and Ms. Byerley stated that the property is almost 36 acres.

Bob Banta of 15 Gavin Circle asked if any of the homes will have solar panels. Mr. Markey stated that it would depend on what the homeowners want. Mr. Banta stated that if the Town is serious about stopping the pipeline, gas usage shouldn't be made worse. Mr. Bergeron noted that there are no mandates on new developers for solar panels.

Jim Loscutt of 176 Jenkins Road asked if the water line would be extended down the street and if there would be a closed loop. Mr. Markey stated that they are still trying to figure out water. He added that he has spoken with North Reading, but Andover pipes have to stay in Andover. Mr. Loscutt stated that he is concerned that Jenkins Road will be widened for water lines causing cars to go faster down the road. He stated that there is a lot of activity on Jenkins Road and he would like to see a bike lane added and the speed limit lowered. He is also concerned about drainage because water currently comes into his home. He would like the culvert size to be increased. Ms. Byerley noted that the drainage was brought up at the IDR. Mr. Loscutt asked if the sewage treatment system is a giant septic system. Mr. Markey stated that he was correct and everything is in the ground.

Bob Banta of 15 Gavin Circle asked if the applicant would consider siting the homes to be solar ready. Mr. Bergeron asked if they would be willing to position the homes to be solar ready. Mr. Markey stated that most of the homes will face south.

Jim Loscutt of 176 Jenkins Road noted that the end of the proposed road is a high elevation, almost a mountain. He asked if there would be blasting. Mr. Markey stated that they would be working with the existing topography.

Ms. Byerley informed the Board that in the future the applicant can file another preliminary plan with revisions or they can file a definitive plan. Mr. Markey noted that from comments made at the IDR, a cluster subdivision was preferred over a conventional. Ms. Knowles stated that generally speaking, she likes open space. Mr. Bergeron agreed and added especially if the applicant can connect to an existing trailhead. Mr. Chiozzi stated that there are so many wetlands on the property, there will be a lot of open space. Ms. Byerley added that the lot shapes need to make better sense.

Ms. Knowles asked who would own the open space and Ms. Byerley stated the Conservation Commission or another conservation entity. In this case it may make sense for the state to own the open space due to Harold Parker State Forest abutting the parcel. She noted that the Homeowners' Association owning the open space would be a last resort.

180-182 Jenkins Road (Leela Drive) cont'd:

On a motion by Ms. Duff seconded by Mr. Doherty the Board moved to disapprove the Preliminary Subdivision Plan entitled Leela Drive located at 180 and 182 Jenkins Road for failure to meet the design standards of the Subdivision Rules and Regulations and intent of a cluster subdivision as proposed. **Vote:** Unanimous (5-0).

5/7 Lakeside Circle Deliberations:

Mr. Bergeron opened the deliberations for 5/7 Lakeside Circle, a 2-lot Definitive Subdivision Plan and a Special Permit for Earth Movement.

Ms. Knowles asked if AVIS putting in pedestrian access sign should be part of the conditions. Ms. Byerley stated that AVIS had committed to it in a letter, but the Board could require a sign. Ms. Duff asked if the parking on the street was part of the conditions. Ms. Byerley stated that she did not want to put it in the conditions because she did not want to restrict parking without knowing what the Town will do with parking for the trail. Mr. Chiozzi asked if the Selectmen have to restrict parking. Ms. Byerley stated that he was correct, but she has a commitment from the Public Safety Officer that he is willing to approach the Selectmen with it. She added that Chris Cronin, Director of Municipal Services will try to work on placing more parking on Haggetts Pond Road.

Mr. Bergeron tabled the deliberations to be taken up later in the meeting.

95 River Road:

Mr. Bergeron opened the continued public hearing on 95 River Road, The Andover Companies Wellness Center, a Special Permit for Major Non-Residential project.

Ms. Schwarz stated that the hearing was kept open for DPW to confirm that they had reviewed the final set of plans to be referenced in the conditions. Brian Moore, the Town Engineer has confirmed that he is satisfied with the plans. Ms. Schwarz reminded the Board that this addition to the campus will be amenity for existing employees. There will be no additional employees or cars coming from this project. Mr. Doherty agreed that this building will not affect anything but their own property and employees.

Bob Lavoie, an attorney for the applicant stated that he has reviewed and is satisfied with the draft conditions. He asked the Board to close the hearing and begin deliberations.

On a motion by Ms. Knowles, seconded by Mr. Doherty, the Board moved to close the public meeting on the Andover Companies proposed Wellness Center at 95 River Road for a Major Non-Residential Special Permit SP15-07. **Vote:** Unanimous (5-0).

95 River Road Deliberations:

Mr. Bergeron opened the deliberations on 95 River Road. He asked the Board if there was anything that they would like to discuss or add to regarding the draft proposed conditions. He stated that he felt of the proposed conditions were appropriate and made sense.

95 River Road Deliberations cont'd:

On a motion by Mr. Doherty seconded by Mr. Chiozzi the Board moved to approve the abovementioned 19 conditions, the application for a Special Permit for a Major Non-Residential project located at 95 River Road. **Vote:** Unanimous (5-0).

5/7 Lakeside Circle:

The Board continued their deliberations on 5/7 Lakeside Circle, a 2-lot Definitive Subdivision Plan and a Special Permit for Earth Movement.

Ms. Byerley stated that the Public Safety Officer has a proposal for a no parking area on one side of and at the beginning of Lakeside Circle. This proposal was shown to Chris Cronin, Director of Municipal Services, and he suggested that the Board hold off on restricting parking to see if a new proposed parking plan works with the existing lot on Haggetts Pond Road being expanded. She noted that once parking is restricted, it is hard to lift a restriction. The existing lot is on MBTA land and there is Town land across the street where a lot may be able to be constructed. This can always be retaken up with the Board in the future.

Mr. Chiozzi asked what the history is of the Town obtaining permission to use the MBTA land for parking. Ms. Byerley stated that she did not know the history. He asked if there was a document giving the Town permission, and Ms. Byerley stated that she did not know. Ms. Knowles clarified that the Board can revisit the parking in the future. Ms. Byerley stated that she was correct because Lakeside Circle is a public way. The Board can request the Board of Selectmen restrict parking on any public way regardless of if there is a subdivision associated with it.

Ms. Byerley noted that the waiver requests were something that she wouldn't normally be comfortable with, however the waivers are necessary to preserve the Turtle Mound. Over the years the Turtle Mound has become neglected and is now covered in brush and full grown trees. AVIS having ownership and preserving it will benefit the Turtle Mound and allowing another home to be constructed back there can alleviate the other neighbors' concerns of having to police it. The Board agreed that this was the best use of the land.

Ms. Byerley noted that two changes need to be made to the draft conditions. Condition # 16, after "Condition # 2" add "modifications and plantings within the drainage systems is prohibited". This will help to make people understand that you cannot plant anything in the two infiltration trenches along the driveway. A new condition # 38 should be added based on conversations tonight to say "A sign shall be posted limiting visitors to the Turtle Mound to daylight hours." Mr. Bergeron agreed that there were a lot of waivers but they will be making the Turtle Mound more available, only one home is being built and it will not be a thoroughfare of people traveling in and out of the drive.

On a motion by Ms. Knowles seconded by Mr. Doherty the Board moved to grant the waivers as requested as they are in the public interest and not inconsistent with the intent and purpose of the Subdivision Control By-law. The Board found that the Definitive Subdivision Plan is in conformance with the Subdivision Control Law, the Rules and Regulations Governing the Subdivision of Land in the Town of Andover, the recommendations of the Board of Health and it

5/7 Lakeside Circle cont'd:

also complies with the applicable provisions of the Andover Zoning By-law and that the subdivision as a whole makes the best feasible design of existing topography, that the Special Permit for Earth Movement will not be unreasonably detrimental to the established and future character of the neighborhood and Town and that they are in harmony with the general purpose and intent of the Bylaw and further moved that the Board approve with conditions the application for a Definitive Subdivision Plan and the Earth Movement Special Permit as amended. **Vote:** Unanimous (5-0).

459 River Road:

Mr. Bergeron opened the continued public hearings for 459 River Road, a Special Permit for Senior Residential Community Overlay and Special Permit for Earth Movement.

Mr. Materazzo stated that there was a question regarding the 1% payment for the resale of affordable units being carried throughout the life of the unit. Town Counsel Carol McGravey is doing additional research and she stated that any such condition would have to be approved by the Department of Housing and Community Development. The Board can condition any approval that this 1% payment can be reviewed by DHCD and be applicable to all state laws. If it is not approved by DHCD then the condition is moot, but if it is approved then it would become a deed restriction and carry through the life of the affordable units. He asked the Board if they needed any more information before they close the hearing, and the Board agreed that they had nothing further for the applicant.

Susan Stott of 30 Pasho Street asked what the resale formula and deed restriction would be which are critical in the unit remaining affordable in perpetuity. She noted that affordable units had been lost in the past because the resale formula didn't work. Mr. Bergeron asked if that was something that the Board should condition. Mr. Materazzo stated that those items would be worked through with Town Counsel for each of the 30 units. Ms. Stott noted that if the formula is a strict percentage of fair market value it can make the unit no longer affordable to income eligible buyers if the fair market value is high. Mr. Materazzo stated that they can coordinate with the local monitoring agent on the resales and work with Town Counsel on the deed restrictions. Ms. Stott stated that it is critical that the deed has the resale formula in it. She added that she would send Mr. Materazzo a formula that she knows works.

On a motion by Mr. Doherty seconded by Mr. Chiozzi the Board moved to close the public hearings Special Permit for Senior Residential Community Overlay, Special Permit for Earth Movement for 459 River Road. **Vote:** Unanimous (5-0).

459 River Road Deliberations:

Mr. Bergeron opened the deliberations for 459 River Road, a Special Permit for Senior Residential Community Overlay and a Special Permit for Earth Movement.

Mr. Materazzo reviewed the project and noted how the project is in compliance with the Bylaw. The applicant will be repurposing some decorative pieces of the property in the new development. Mr. Bergeron noted that after the site visit it was obvious that the Franciscan Center building cannot be reused. He was pleased that the applicant made an effort with respect

459 River Road Deliberations cont'd:

to that based on feedback from the Board. Mr. Doherty added that the building has lived its purpose and the applicant made every consideration that they could and showed that they cared about the building. Ms. Byerley agreed and stated that she liked what the applicant was able to do in using things like the granite benches and saving certain materials.

Mr. Materazzo reviewed the proposed open space, access easements and the proposed conditions. He noted that condition # 10 allows for construction on Saturdays with approval from the Inspector of Buildings. Ms. Duff asked if there should be hours for Saturday work listed in the condition. Mr. Materazzo stated that the Inspector of Buildings would determine the hours. Mr. Materazzo stated condition # 18 requires the development to join the TMA and work with the MVRTA. Ms. Knowles asked if the condominium was bound to continue this requirement or if the condition applies only to the applicant. Mr. Materazzo stated that it is the intent for the condominium to continue membership, and condition # 1 places all of the conditions on the applicant or its assigns. Mr. Materazzo continued reviewing the conditions with the Board and noted that condition # 19 requires that all pavement and utilities be put in place before any building permits can be pulled, assuring proper emergency access at all times. He noted that conditions 26 through 33 lay out the specifics of the affordable units. Ms. Duff asked if the fund from the 1% of the sale of the units would be managed by the Housing Trust Fund or the Housing Partnership Committee, and Mr. Materazzo stated that it would be managed by the Housing Trust Fund.

In regards to condition # 39, Mr. Bergeron questioned if \$5,000 was a sufficient amount money to require from the applicant to guarantee the maintenance and replacement of trees. Ms. Knowles offered that the developer should be responsible for replacement in kind for two years. The Board agreed that the condition would read, "The applicant shall guarantee the landscaping as proposed in condition #2 until such time as the Andover Woods Condominium Association takes control of the property."

Mr. Materazzo pointed out the condition # 44 states that the developer will not be issued a building permit until the IMA between Andover and Tewksbury is in place. If the IMA is not achieved, the applicant has to obtain all necessary permits for a private onsite wastewater treatment facility. Condition # 47 states that before the last building permit can be pulled, easements in a minimum of 10 feet must be granted to AVIS or the Town for pedestrian access. Ms. Knowles asked if the easements can be wider than 10 feet. Mr. Materazzo stated that a greater easement size is up to the parties.

On a motion by Ms. Knowles seconded by Ms. Duff the Board moved to approve the Andover Woods project Special Permit for Senior Residential Community Overlay District as the Board has determined with 53 conditions for the site as amended and a Special Permit for Earth Movement with the standard conditions as amended. **Vote:** Unanimous (5-0).

It should be noted that after the deliberations on 459 River Road, Mr. Doherty left the meeting and did not return.

90 Beacon Street Deliberations:

Mr. Bergeron opened the deliberations for 90 Beacon Street, a Special Permit for New Multi-Family Construction Attached Cluster Development

Ms. Byerley reviewed the project and the proposed conditions. She noted that this area is Section 6 of the Andover Country Club development plan that began in the early 1990s. The original application to construct 28 condominium units in 7 buildings has been revised to 27 units. Landscape berms have been added to protect units and to add views of the golf course. As part of the Bylaw, there are restrictions as to the number of units that are allowed to have more than four rooms. She noted that the 3rd hole is completely on the site and the fourth hole is partially on the site and on the other 8 acre parcel that will be carved off as part of these conditions. Two easement will be given to the Town, with one of them requiring final location approval by the Town Engineer. She noted that most of the conditions are standard conditions that have been placed on other projects at the country club.

Mr. Bergeron commented that he was glad that the project was thoroughly reviewed by the Board and that the applicant submitted a landscaping plan. Ms. Knowles asked which condition would carve off the 8 acres. Ms. Byerley stated condition #5 under "Prior to Construction." She added that the easements also have to be given to the Town prior to construction. Ms. Knowles questioned if the Board should start to add a condition for street sweeping to projects. Ms. Byerley stated that street sweeping is usually included in O&M plans because of the detention basins.

Mr. Bergeron asked if it was necessary for the applicant to come back to the Board for permission to work on Saturdays. Ms. Byerley stated that she would like them to have to come back to the Board because Beason Street is a very residential area. Ms. Knowles asked if condition #21 should read "maintenance and services." She stated that she wants to make sure that it is not just plowing and trash, but ongoing maintenance. Mr. Chiozzi reminded the Board that it is a private road that will be turned over to the condo association. Ms. Knowles asked how the Town can be assured that maintenance occurs on a private road. Ms. Byerley stated that the condo owners are making sure that the roads are maintained through the association. The HOA documents are created and finalized before the condos are sold so potential buyers know what the fees are and they should be hiring a company to do maintenance. If they are not getting plowed they should know who they should be calling. Ms. Knowles asked what recourse the Town has if their roads go to ruin. Ms. Byerley stated that there is other recourse if the road is in such disrepair an emergency vehicle could not get down it.

On a motion by Ms. Duff seconded by Mr. Chiozzi the Board moved to find the application for a Special Permit for New Multi-Family Construction Attached Cluster Development at 90 Beacon Street will not be unreasonably detrimental to the established or future character of the neighborhood and town and is in harmony with the general purpose and intent of the bylaw and to approve with conditions this special permit. **Vote:** Unanimous (5-0).

Adjournment: The meeting was adjourned at 8:47 p.m.