

Call to Order:

The meeting was called to order at 7:05 p.m. Present were Chairman Zach Bergeron, members Vincent Chiozzi (arrived at 7:29 p.m.), Jay Doherty, Joan Duff and Ann Knowles; also present were Tom Urbelis, Town Counsel and Jacki Byerley, Town Planner.

On a motion by Ms. Duff seconded by Mr. Doherty the Board moved to go into Executive Session to discuss litigation strategy and to review Executive Session minutes; and for the Chair to declare that an open meeting would be detrimental to the Town's litigation strategy and to return to open session. **Vote:** Unanimous (4-0). Roll Call: Ms. Knowles yes, Mr. Doherty yes, Ms. Duff yes, and Mr. Bergeron yes.

The Chairman so declared that an Open Session would be detrimental to the Town's litigation position.

At 7:37 p.m. on a motion by Ms. Knowles seconded by Mr. Doherty the Board moved to return to open session. **Vote:** Unanimous (5-0). Roll Call: Ms. Duff yes, Mr. Bergeron yes, Mr. Chiozzi yes, Mr. Doherty yes and Ms. Knowles yes.

It should be noted that after the Executive Session, Attorney Urbelis left the meeting and did not return.

254 South Main Street:

Mr. Bergeron opened the public meeting for 254 South Main Street, a Site Plan Review Dover Use.

John Galanis, representing the applicant Phillips Academy stated that he was the Project Manager and introduced his team of Betsy Davis, Associate Director of the Physical Plant, architect Tyler Hinckley of Perkins and Will, and civil engineer Steve Garvin of Samiotes Consultants. Mr. Galanis stated that the building will be a 98,000 s.f. +/- field house building located on campus on the north side of the football field.

Mr. Galanis stated that the field house is part of the school's Athletic Master Plan. The school currently is lacking a sufficient amount of squash courts for the number of students in the program. Mr. Hinckley reviewed the details of the building which will house a 200 meter indoor track, 12 court squash center, support spaces, multipurpose rooms and lockers rooms. He noted that the property has a significant change in grade which the building will be set into, minimizing the bulk of the building from the south. There will be two main access points to the building at the northwest and southwest corners as well as an access point for loading in the southeast corner. They will be maintaining and adjusting the existing Field House Road which will be the vehicular access from South Main Street.

Mr. Doherty asked if the current field house will stay. Mr. Hinckley stated that it would be removed at a later date. Mr. Chiozzi asked what would go in the existing field house's place. Mr. Hinckley stated that pools and a basketball gym are proposed, but there is currently no timetable. Mr. Doherty asked if there is parking for the new facility. Mr. Hinckley stated that there would be parking on the north side and in a paved area currently used for storage behind

254 South Main Street (cont'd):

the existing gym. Additional parking would also become available once the existing gym comes down. Mr. Garvin stated that there are 46 spaces currently and they are proposing 48 parking spaces. Ms. Knowles asked where busses would be parked. Mr. Garvin stated that busses would be parked at the hockey rink. Ms. Knowles asked where the public would park for meets. Mr. Hinckley stated the public would also park at the hockey rink. He noted that there is no new use from this project. Mr. Garvin added that this project will bring the hockey rink better into the campus for overflow parking. Mr. Doherty asked what would about this new complex. Mr. Hinckley stated that complex abuts Phillips Academy owned property.

Ms. Byerley asked Mr. Hinckley to explain the retaining walls and the patios. Mr. Garvin stated that the retaining walls will have a cascading effect and level off the raingardens. Mr. Hinckley added that to mitigate the grade they are making them a feature, bringing the terraces and landscape into the building with the terraces becoming seating behind the squash courts. He also pointed out handicap accessible ramps and added that there will be an elevator inside the building.

Mr. Bergeron asked what the plan was for the cubic yards of material being excavated. Mr. Galanis stated that 23,000 cubic yards will be hauled off site and 10,000 – 15,000 will be stockpiled onsite to backfill against the walls when done. Mr. Garvin added that much of the material is an existing onsite berm that was created for the athletic field that will be excavated.

Ms. Byerley asked the applicant to explain the sewer line. Mr. Garvin stated the original submission showed the sewer connecting to an external grease trap and then to a manhole. Per the Board of Health they will be removing the external grease trap and providing an external cleanout downstream as requested which will be utilized to tie into a drop manhole. Ms. Byerley asked the applicant to talk about the sewer easement that the Town sewer runs through. Mr. Galanis stated that David Dargie was going to research the easement. Ms. Byerley stated that so far the Town has not been able to find the easement, so they may have to work with Phillips to correct the paperwork to have the proper easement. Mr. Chiozzi asked where the sewer line goes, and Mr. Garvin showed the sewer line on the map. Mr. Galanis stated that both the hockey rink and the Bancroft school are tied into the sewer line. Ms. Byerley stated that DPW is concerned about the age of the sewer and if they will have access to repair the sewer if any of the work being done causes damage.

Ms. Byerley reviewed the IDR comments. The applicant is working with the Fire Department for a proper truck turnaround on site. The DPW has comments about the water and sewer tie-ins. Mr. Garvin noted that based on the DPW comments they will have one water tie-in instead of two to service a hydrant and for fire protection. Ms. Byerley stated that the Conservation Commission has hired Horsley Witten Group to perform a peer review. The Board will receive copies of that peer review.

Ms. Knowles asked about the landscaping on the west side of the building. Mr. Garvin stated that they will be pulling out the invasive species which is part of the Notice of Intent. Ms. Knowles asked Mr. Garvin to talk about what is proposed for the treed areas. Mr. Hinckley stated that the west side will have a pedestrian path with stepped walls and a rain garden. The

254 South Main Street (cont'd):

invasive species in that area will be pulled out. The northwest corner will be a detention area and they will be eliminating an existing wall of trees. On the north side they will be planting large trees between the rows of parking. The east side will be the adjusted road. The south side is a planted berm where you can sit and watch a football game.

Mr. Chiozzi asked to see the floor plan, and Mr. Hinckley reviewed the floor plans for the lower and upper levels. Mr. Chiozzi asked how much higher the grade is than the track. Mr. Hinckley stated that the grade is 18 ft higher than the track. Mr. Bergeron asked what the overall height of the building is and Mr. Hinckley stated 45 ft or less. Mr. Bergeron asked about the type of roof and Mr. Hinckley stated that the roof has a very low slope, basically flat. Mr. Galanis stated that the track elevation is 270 feet and the football elevation is 285 feet. Ms. Knowles asked if the access to the track was only from the northwest corner. Mr. Hinckley pointed out all of the accesses to the building.

Mr. Chiozzi asked where the construction access road will be. Mr. Galanis stated that it will be coming from Route 28 and Dwight Street. There will most likely be a temporary walkway along the west side of the building for students. Mr. Chiozzi asked if construction will take place in the summer. Mr. Galanis stated the intent is to start the project in late summer but it is dependent on fundraising. Mr. Chiozzi noted that it will be a lot of traffic with material movement.

On a motion by Ms. Duff seconded by Mr. Doherty, the Board continued the public meeting for Site Plan Review Dover Use at Phillips Academy until January 12, 2016 at 8:00 p.m. **Vote:** Unanimous (5-0).

254 Lowell Street:

Mr. Bergeron opened the public hearings on 254 Lowell Street, a 3-lot Definitive Subdivision Plan and a Special Permit for Earth Movement.

Bill MacLeod of Andover Consultants, an engineer representing the applicant stated that this Definitive Plan is the same as a Preliminary Plan previously submitted. The applicants are submitting this plan to protect the zoning that was in effect prior to Town Meeting 2015. The submittal of a Preliminary Plan followed by the submittal of a Definitive Plan freezes the zoning for a period of 8 years. The plan complies with the Town's Subdivision Rules and Regulations. He asked that the Board continue the hearings until April 2016.

Mr. Bergeron asked Ms. Byerley what the Board needs to discuss. Ms. Byerley stated that the Board should be treating this as any other subdivision under review. She noted that there are plan revisions that need to take place and reviewed the items from the IDR. The Board of Health will have comments after their December 14th meeting. The Fire Department is requesting the fire hydrant be moved to the right side of the street at the lot line of lots 1 and 2. This change will require the water main to be moved to the right side of the road. The Conservation Commission is currently reviewing a Request for Determination which will determine if any other filings are required with them. Right now the only wetlands shown are across the street. The Planning Division has requested that the frontage be properly labeled on the lots. The plan proposes a public way, so the number of street trees proposed has to be listed. The limit of work

254 Lowell Street (cont'd):

area needs to be revised because it conflicts with the construction of the water main and the street opening. The details of the drain lines and catch basins need to be included. The plan shows a proposed sidewalk, so curbing has to be in place and handicap ramps need to be added to the entrance along Lowell Street because of the sidewalk in Lowell Street. The sight distance triangle needs to be added to the plan.

Ms. Byerley informed the Board that they have until January 26th to issue a decision or constructive approval will take place. The Board has a right to ask the applicant for an extension of time, which Mr. MacLeod had stated that owner and the applicant has requested.

Ms. Knowles asked what utilities are located on the unbuildable lot. Mr. MacLeod stated that the unbuildable lot is for the detention basin, which is required to be on a separate lot. Mr. Chiozzi asked Mr. MacLeod if he has heard from Conservation. Mr. MacLeod stated that Conservation is still deciding if the applicant has to file with them. The wetlands are across the street, not on the property and they are determining the buffer zone for those wetlands. He reminded the Board that Planning may approve the project independent of any Conservation decision.

Heather Lauten of 254 Lowell Street stated that the Stormwater Report proposes drainage improvements. She noted that the Planning Board can require a special permit for drainage improvements in the Watershed Protection Overlay District and she felt that the Board should require it. Ms. Byerley stated that the site is in the Watershed Protection Overlay District. The Inspector of Buildings determines if a special permit is necessary. She noted that the applicant does not have to file for the special permit concurrently with the subdivision application.

Liz Hoar of 6 Wild Rose Drive asked for an explanation of the earth movement. Mr. MacLeod explained that it is a permit necessary any time you import, export or move 300 cubic yards of earth at a site. Ms. Hoar asked what the plan is for the earth movement. Mr. MacLeod stated that he filed for the special permit because the Planning Department asked him to file for it.

Mr. MacLeod requested that the Board continue the hearing to April 12, 2016.

On a motion by Ms. Duff seconded by Mr. Chiozzi the Board granted an extension of time until April 30, 2016. **Vote:** Unanimous (5-0).

On a motion by Ms. Duff seconded by Mr. Chiozzi the continued the hearings for the Definitive Subdivision and Earth Movement and the Special Permit until April 12, 2016 at 7:30 p.m. **Vote:** Unanimous (5-0).

230 Salem Street:

Ms. Byerley informed the Board that Attorney Kathryn Morin was present to speak on 230 Salem Street. She reminded the Board that this property had recently been before them for a renewal of an Earth Movement Special Permit. The potential buyer would like to now start construction on the house lot, but they cannot because of two of the conditions of approval.

230 Salem Street (cont'd):

Attorney Kathryn Morin stated that she is representing the potential buyer of one of the properties, Jeffco, and she has written authorization of the owners of the property to be before the Board, but she does not represent them. She noted that this is a 2-lot subdivision with an existing home and one other buildable lot, which Jeffco has under agreement. There are two conditions of approval that were supposed to be met before construction could take place that cannot be met at this time. One of the conditions is a preconstruction requirement that the water utility be connected to Salem Street. A street opening permit cannot be obtained at this time of year. The second condition is for a rain garden to be in place, but now is not an appropriate time of year to plant. The buyer would like these preconstruction and pre lot conveyance requirements to be changed to Certificate of Occupancy requirements.

Mr. Chiozzi asked if there was water onsite for the construction. Ms. Byerley stated that in order for the buyer to obtain financing, they have to be able to show that they can obtain a building permit. Once the preconstruction conditions of approval are met, the Planning Division can sign off on a building permit, but the buyer may not start construction right away. Ms. Duff asked if it would be likely that they wouldn't satisfy these conditions until it was time to obtain the Certificate of Occupancy. Mr. Bergeron noted that it seems like an effort on the Board's part for someone to be able to obtain financing. Mr. Chiozzi stated that he is concerned that the lack of water onsite would cause the developer to have to tap into a fire hydrant. Ms. Byerley stated that the seller also owns the existing house in the subdivision. Mr. Bergeron asked if any potential buyer would need the building permit. Attorney Morin stated that they would need to show they can obtain a building permit to get a loan.

Ms. Knowles asked if the rain garden was required to be in place in advance for drainage purposes and Ms. Byerley stated that she was correct. She asked what the likely effect would be of not having it there. Ms. Byerley stated that the developer would have to have hay bales up to prevent sediment from getting into Salem Street. She added that it may be better for the rain garden to go in later so that it does not wash away. Ms. Knowles asked if the Board has any way to ensure access to water. Ms. Byerley stated that they may have to truck water in, and added that she didn't know if the Fire Department would let them tap a hydrant. Mr. Chiozzi questioned if the Inspector of Buildings would have a problem with this. Ms. Byerley stated that the Board can condition the approval so that they have to show that they have a source of water before construction begins.

On a motion by Mr. Chiozzi seconded by Mr. Doherty the Board modified conditions for the 228-230 Salem Street 2 lot subdivision, specifically item 28 to now read "prior to the issuance of a Certificate of Occupancy for the lots all utilities shall have been fully constructed subject to them showing they have water for construction" and condition 30 before "The" add, "Prior to a Certificate of Occupancy being issued" and take out "prior to pavement of the driveways and development of any house lots." **Vote:** Unanimous (5-0).

Adjournment: The meeting was adjourned at 8:46 p.m.