

Call to Order:

The meeting was called to order at 7:30 p.m. in the 3rd Floor of the Town Offices. Present were Chairman Zach Bergeron, Members Vinnie Chiozzi, Jay Doherty, Joan Duff, Ann Knowles and Associate Member Austin Simko; also present was Paul Materazzo, Director of Planning. On a motion by Ms. Duff seconded by Mr. Doherty the Board moved to relocate their meeting to the 2nd Floor Conference Room of the Town Offices. **Vote:** Unanimous (6-0).

Town Meeting Warrant Articles:**Article P-51 Create SRA-1 Zoning District and Article P-52 Amend Zoning Map – SRA-1 Zoning District:**

Mr. Bergeron opened the public hearings for Town Meeting Warrant Article P-51 Create SRA-1 Zoning District and Article P-52 Amend Zoning Map – SRA-1 Zoning District.

Sean Higgins of 20 Liberty Street, the petitioner of this private warrant article informed the Board that he and 60 of his neighbors have gotten together to discuss what they would like to see if a large parcel of land off of Fleming Avenue were to be developed. This parcel of land was part of a rezoning that took place at the 2015 Town Meeting. The neighborhood is interested in minimizing congestion, traffic and access to the property. The group took the uses allowed in SRA and worked backwards eliminating uses to fit their goals. The group presented their article to the Board of Selectmen, and the BOS questioned why this was private and not requested by the Town. The BOS will wait to vote until the Planning Board had made their recommendation, but praised the neighborhood for their involvement and for being proactive.

Mr. Materazzo stated that from a dimensional standpoint this zone would be no different than the existing SRA district. The uses will be different. The uses allowed are ones that the group considers to be appropriate for the area. Mr. Higgins added that there have recently been projects in Town that neighborhoods were not happy with, but the projects conformed to the Bylaw and it was too late for neighborhoods to do anything.

Mr. Simko asked if this zoning would allow for large homes on large lots. Mr. Materazzo stated that the neighborhood decided against the smaller lot zoning that the Planning Board had originally proposed. They prefer to keep the dimensional controls the same and limit the uses. Ms. Knowles noted that the Planning Board is not cosponsoring this article, but the Board can recommend the article for approval. Mr. Bergeron noted that more houses would mean more traffic, and a certain uses would cause more traffic. He asked that if the uses that are being removed are special permit uses. Mr. Materazzo confirmed that the uses are special permit uses.

Mr. Doherty stated that he is concerned that this would open the door for many new districts in Town with people trying to change their zoning if a large parcel in their neighborhood is sold. He felt that there should be Town wide zoning changes, not individual neighborhoods. Ms. Knowles agreed that she had envisioned this as a new historic village zoning with smaller lots and side setbacks as well as consideration of historic context.

John Nies of 27 Sutherland Street stated that there are at least 60 children under the age of 10 in the area. The majority of people bought houses in this area because of the quiet streets where

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kids could safely play. They are concerned that the options allowed in the SRA zoning will destroy the fabric of the neighborhood.

Mr. Bergeron stated that he is concerned that other neighborhoods will begin to pick and choose where certain elements can go. He noted that the Town doesn't trust what the Planning Board can do because if something complies with the Zoning Bylaw, legally the Planning Board's hands are often tied. He applauds the neighborhood for trying to get in front of that. Mr. Chiozzi stated that this was supposed to be a two-step zoning process beginning with changing the parcel from industrial to residential and ending with smaller lots. He was surprised when the neighborhood chose to keep the larger lots. The lesson learned from this may be to do everything all at once in the future.

Mr. Nies questioned how often something like this may come up again in the future. He asked how many parcels of land are available in Town to be able to do this. Mr. Chiozzi stated that he is concerned that people will start putting forward articles that will take one use out of their zoning district that they don't like. Mr. Higgins stated that the neighborhood felt that keeping the larger dimensions would help with the traffic. He stated that he appreciated that this could open a can of worms, but not passing this leaves the neighborhood at the mercy of what could happen now. He agreed that this is a longer term issue for the Town.

Mr. Materazzo asked the Board if based on the uniqueness of the area if they felt that a facility like Atria or Wingate would be appropriate for this particular neighborhood. Ms. Knowles pointed out that any neighborhood could say the same thing. Ms. Duff stated that this is a slippery slope because the Board is sympathetic to the neighborhoods concerns, but the Board does not have a grasp on how this may affect things that will come before them. She added that the Planning Board takes a look at the vision for the Town and for this particular area they had envisioned Shawsheen Village which would incorporate and reflect the history of the neighborhood. Mr. Higgins stated that the Board had a vision without any input from the neighborhood. If the parcel had remained industrial, the neighborhood may have been in a better shape. Mr. Materazzo stated that he and Ms. Knowles had worked with the neighborhood until it was decided that they wanted larger lots. Ms. Knowles added that the meetings initially started with a broader Shawsheen area including the homes across Haverhill Street. Mr. Chiozzi asked if Town Counsel had reviewed the article. Mr. Materazzo stated that Town Counsel has reviewed the article and has determined that it is not spot zoning because it is not for one parcel. Mr. Bergeron stated that in his opinion, for this particular area, what they are proposing is appropriate. His concern is what happens from here with other areas.

Frank McNally of 5 York Street stated that the neighborhood has a problem in that it is a densely populated area with difficult access. This isn't a matter of principle, it is a problem solving idea to limit the density and traffic.

Mr. Bergeron stated that he has good faith that the uses to be removed from the SRA are uses that could help the traffic through mitigation. He added that those types of uses may not care to go there because of the density and existing traffic issue.

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Mr. Simko stated that this is a matter of policy and discretion. Once zoning is set there is very little for the community to be able to do to stop property owners from doing things within the legal limits. When you have a neighborhood that comes together and reaches a consensus and a Planning Board that says this makes sense, it is incumbent of the Board to say yes or no, not to say it is a slippery slope. The Board needs to exercise their best possible judgment whenever an issue like this raises itself. Ms. Knowles stated that she would like to put caveats around this article that it is a unique situation, and that the Board is not likely to give approval to any other situations that are not equally unique.

Mr. Nies stated that part of the issue is access and the only way you can get to this parcel is to go through a neighborhood. Mr. Higgins added that he would like the Board to protect the neighborhood from having the cul de sac on Sutherland Street cut through to gain access to the parcel.

Mr. Bergeron asked the Board if they had any issue with the uses that were to be removed. Ms. Knowles stated that permitting the attached cluster broadens the uses and makes the article something that she could support. Mr. Bergeron stated that this is a unique case and if the Board can focus on a case by case basis this neighborhood should not be penalized. Mr. Chiozzi noted that at the end of this day this has to pass by a 2/3rds majority at Town Meeting which is a high bar. He stated that he is not concerned about this neighborhood, he is concerned globally. He does not want to prejudice a use.

On a motion by Ms. Knowles seconded by Ms. Duff the Board recommended to Town Meeting the support for Articles P-51 to see that the Town will amend Article VIII Section II of the Zoning Bylaw by adding to the Section 2.1 as follows in the discussion and also P-52 to amend the Town of Andover Zoning Map to establish an SRA1 district shown on the plan that is attached. **Vote:** 3-2 with Mr. Chiozzi, Mr. Bergeron and Ms. Knowles voting Yes, and Ms. Duff and Mr. Doherty voting No.

Article P-48 In-Town Independent Overlay District:

Mr. Bergeron opened the continued public hearing for 2016 Town Meeting Warrant Article P-48 In-Town Independent Overlay District.

Joe Ponti, of 10 Marion Avenue, Chairman of the Council on Aging which is requesting this article informed the Board that he had discussed the article further with David Brown. After their meeting, Mr. Brown no longer has any objections to how this bylaw is written. He added that Mr. Brown wanted the Board to know that his prior comments were delivered as a private citizen and not as a representative of the Zoning Board of Appeals. The wording changes that he originally suggested apply to other bylaws as well and he agrees that there should be a bylaw cleanup next year. This article will help seniors but will not have that wide of an impact. Mr. Materazzo noted that Mr. Brown wants to expand this even further, however he is comfortable with this as proposed. Mr. Bergeron asked if anything that Mr. Brown pointed out would add value to the article. Peter Morris of 112 Pine Street stated that Mr. Brown wants to focus on in-law apartments, and this article focuses on empty nesters.

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Mr. Simko asked if anything needs to be changed in regards to the deed restriction. Mr. Materazzo stated that the deed restriction can be handled as a Special Permit restriction.

Mr. Doherty stated that he is concerned about the need requirement. He noted that the Town has recently approved two new elderly facilities, barring litigation. Mr. Ponti stated that there is no need for assisted living, but there is a need for independent living. Mr. Doherty questioned how neighborhoods will feel about 3 story structures being built next to them. Mr. Ponti reminded him that there will be heavy Design Review Board review. Mr. Doherty stated that this takes away from open space from the neighborhood that people like. Mr. Ponti stated that this is an iota of relief for senior citizens.

Mr. Materazzo asked Mr. Ponti to refresh the Board on the limitations of the bylaw. Mr. Ponti reviewed the sunset clause, new construction, conversions and non-conforming lots. Ms. Duff stated that there have been a lot of meetings on this and a lot of careful thinking. This is very different from assisted living. Mr. Morris added that this is focused on properties that would be feeling development pressure for McMansions. The target is small scale to be integrated with the neighborhood, not a separate facility for seniors. For a conversion you can only add 20% to the footprint for accessibility like elevator shafts and wider doorways.

Mr. Chiozzi noted that the problem from a practical standpoint is the price of homes in Andover. Mr. Ponti noted that there are many in Town who live in \$700,000 + homes who would like to downsize to \$500,000 + homes. Mr. Doherty stated that his concern is always the current neighborhood. Ms. Knowles noted that this will also free up homes for someone to reuse in another way. Mr. Morris stated that many people want to stay in Town but the inventory is not there. Starter homes are being scooped up in 24-48 hours and are being added on to so that they are no longer downsizer homes.

On a motion by Ms. Duff seconded by Ms. Knowles the Board moved to recommend Town Meeting approval of the In-Town Independent Living Overlay District. **Vote:** Unanimous (5-0).

Municipal Services Articles:

Mr. Materazzo reviewed the Board of Selectmen and Finance Committee votes on the Town Meeting articles regarding the Municipal Services Facility. Mr. Bergeron asked for more information on the Home-Rule Petition. Mr. Materazzo explained that a Home-Rule Petition is necessary so that any money generated from the sale of Town Yard can be put into a separate account to be used specifically to pay for the construction of the new facility. Mr. Simko asked if the account would be from one-time development fees, not continuing revenue. Mr. Materazzo stated that the article as written leaves it to the discretion of the Selectmen. The continued revenue could be used to pay down the debt. Once the debt is gone, the money can be refocused to another area.

On a motion by Mr. Doherty seconded by Mr. Chiozzi the Board moved to recommend Town Meeting Approval for Article P-44, Acquisition of 5 Campanelli Drive, Article P-5, FY-2017 Capital Projects Fund Appropriation and Article P-45 Home Rule Legislation – Municipal Services Facility Mitigation Fund. These three articles are the plan that sets in motion the

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relocation of Town Yard from Lewis Street to Campanelli Drive which is consistent with the Town of Andover 2012 Master Plan calling for maximizing the potential economic benefit to Andover by relocating the Town Yard out of its prime commercial center downtown to a more appropriate site to provide for new growth and employment opportunities Andover. The Planning Board takes no action of the financial aspect of these articles as it is more appropriate for both the Board of Selectmen and Finance Committee to opine on Town financial matters.

Vote: Unanimous (5-0).

Minutes:

On a motion by Ms. Duff seconded by Mr. Chiozzi the Board approved the meeting minutes of January 12, 2016, January 26, 2016, February 9, 2016 and February 23, 2016. **Vote:** Unanimous (6-0).

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