

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 Jay Doherty, Joan Duff, Ann Knowles and Associate Member Austin Simko; also present were Paul Materazzo, Director of Planning and Jacki Byerley, Town Planner.

254 Lowell Street:

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

Dennis Griecci of Andover Consultants, the engineer representing the applicant, reviewed the 9.2 acre site. He noted that the site will consist of 3 lots with a 160 ft long local street. A fourth lot will be for stormwater control. Changes have been made to the plan based on comments received from the Town departments. Frontages have been added to the lots, the limit of work has been updated to include the looped water line and the haybales have been adjusted at the entrance to allow for construction vehicles to enter and exit the site. Curb ramp details and site distance triangles have also been added to the plan.

Ms. Byerley stated that Sheet 5 needs to be revised to eliminate a sidewalk on the Profile Plan. She informed the Board that DPW has received the applicant's revised plans but has not yet submitted their comments. The Board needs to provide guidance in regards to the necessity of a stormwater peer review. Mr. Doherty asked if the peer review would be different from what the Board already has for this property. Ms. Byerley stated that the prior peer review cannot be relied on because the design and disturbance are different. Mr. Bergeron stated that he would like a stormwater peer review because the project is taking place in the watershed protection overlay district. Mr. Simko asked if the outcome of this peer review could be different from the previous. Ms. Byerley stated that a peer review is performed to verify that the design is accurate. If the design is accurate the detention area will work as proposed and there will be no additional runoff that would affect any of the neighbors. Ms. Knowles asked if an in-house review was possible. Ms. Byerley stated that DPW does not have staff for an in-house review. Mr. Bergeron added that an independent peer review is a best practice. Mr. Simko asked if a peer review is a significant expense. Ms. Byerley stated that a peer review is paid for by the applicant and can be as much as \$5,000. The Board agreed that a peer review on the stormwater should take place. Ms. Bergeron asked if staff felt a third party should review anything else. Ms. Byerley stated that based on the scale of the project, in-house reviews will be sufficient for all other items. Ms. Knowles asked if any waivers will be requested from the applicant. Mr. Griecci stated that no waivers are anticipated at this time.

Heather Lauten of 243 Lowell Street asked if there are different standards for submission of preliminary plans and definitive plans and different levels of review. Ms. Byerley stated that both follow standards specified for each in the subdivision rules and regulations. She added that a preliminary plan is not required. It is an opportunity for an applicant to get feedback from the Board on their proposal. Ms. Lauten stated that it was her assumption that the standards for a definitive plan are more stringent. Ms. Byerley offered that definitive plans are more detailed. Ms. Lauten stated that the Planning Board denied this applicant's preliminary plan one year ago for not meeting the Subdivision Rules and Regulations. She noted that in December the

254 Lowell Street (cont'd):

Definitive Plan was presented to the Board by the applicant's engineer as being the same as the Preliminary Plan. She questioned how the Board can approve a Definitive Plan that is the same as the denied Preliminary Plan. Mr. Bergeron stated that it was his understanding that the applicant's engineer was referring to the orientation of the lots. The applicant is now going through the extensive Definitive process with Town staff to resolve issues with the plan. Ms. Lauten asked if the plan submitted in October is one that the Planning Board can approve. Ms. Byerley stated that this Definitive process is to get the plan to something that can be approved through revisions. Ms. Lauten stated that she was confused because the Board of Health's memo stated that any changes made to the plan submitted in October would have to be submitted as a new plan. Ms. Byerley advised Ms. Lauten that the Board of Health is the appropriate entity to answer any questions about a Board of Health memo. Mr. Materazzo stated that the Board of Health can take action on any amended plans. Ms. Lauten asked if a revised plan has been submitted to the Board of Health as a new plan. Mr. Bergeron stated that initial changes have been made to the plan based on comments at the IDR and this is an ongoing vetting process to see if an approval can be made.

Ms. Lauten stated that she remains frustrated that few revisions have been made to the plan and extensions are being granted to the applicant. Ms. Knowles noted that requesting extensions is the applicant's prerogative. Ms. Lauten stated that the Board can approve the plan now and the applicant can amend the plan later and submit it again instead of expending resources discussed tonight. She doesn't see why this is being pushed down the road for what the applicant's engineer described as "the simplest subdivision you have ever seen." Ms. Knowles noted that it is the applicant's business if they want to submit things at a slower pace and stretch out the approval process. Mr. Bergeron asked if the time frame is to protect the applicants, and Ms. Byerley stated that it is to protect the Board and the applicant. She added that without getting extensions of time from the applicant, there is the possibility of the project being constructively approved with no review or conditions. Mr. Doherty noted that the Board scheduled this public hearing for an earlier date than the applicant requested. Ms. Lauten requested that the Board make a decision to approve or disapprove the plan. She added that the applicant can amend the plan at a later time if they need to do so.

Mr. Bergeron stated that the Board is moving along with the process. Revisions need to be made to the plan and a stormwater peer review needs to be performed. Mr. Simko asked if the peer review is the only outstanding item. Ms. Byerley stated that the applicant also needs to satisfy DPW's comments. Mr. Simko asked if the reviews would be complete by August 23rd. Ms. Byerley stated that it was her hope that it would be ready by that date.

On a motion by Mr. Doherty seconded by Ms. Knowles the Board moved to continue the hearings for the definitive subdivision and earth movement special permit until August 23, 2016.
Vote: Unanimous (5-0).

12 Patriot Drive – Patriot Estates:

Ms. Byerley informed the Board that the applicant has again requested to withdraw their application without prejudice based on comments received at the Interdepartmental Review. She noted that the comments were similar to the IDR comments for their first application such as the

12 Patriot Drive – Patriot Estates (cont'd):

necessity of justification as to why the Board should grant waivers of punching through a cul de sac and the length of a dead end road. The applicant has stated that they will try to do a revision and requests that the Board allow a withdrawal without prejudice.

Mr. Bergeron asked if there is any reason to deny the request. Ms. Knowles asked Ms. Byerley if she feels the applicant will move ahead with this. Ms. Byerley stated that staff has given the applicant guidance on the waivers that they will need to request. The applicant chose not to present their plan to the Board for feedback. Ms. Knowles questioned why the applicant would not want to get the Board's feedback. Ms. Byerley stated that she encouraged the applicant to come tonight, but he chose not to. Mr. Bergeron asked if the IDR comments were too lofty. Ms. Byerley stated that she could not answer for the applicant. Ms. Knowles asked if staff felt that they could make something of this. Ms. Byerley stated that there are possibilities, but waivers will be necessary and you have to have the justification for the Board to grant waivers. Both the DPW and the Public Safety Officer have informed the applicant of this as well.

Audrey Whittlesey of 30B Colonial Drive, Unit 5 asked for clarification as to why the applicant was not present. Mr. Bergeron explained the Preliminary Plan process and informed Ms. Whittlesey that the applicant presented their plan to all Town Departments for review and based off of that feedback they asked to withdraw their application without prejudice. This allows them to come back at a later date with a new plan. Ms. Whittlesey asked if there is something in the plan that people do not want them to do. Ms. Byerley stated that there are things in the plan that do not meet the Town's regulations, so the applicant will have to ask for a waiver to that regulation.

Susan Delano of 60 Colonial Drive asked what the negative feedback was from the departments. Ms. Byerley gave Ms. Delano a copy of the department reports.

On a motion by Ms. Knowles seconded by Mr. Doherty the Board moved to allow Patriot Drive, the Preliminary Subdivision Plan to be withdrawn without prejudice. **Vote:** Unanimous (5-0).

Other Business:

Mr. Materazzo encouraged the Board to start thinking about Town Meeting 2017 and any items that they would like staff to explore further. He informed the Board that Design Guidelines will need to be drafted for the Historic Mill District. The Town is currently identifying design firms and will engage the larger public at a later date.

Ms. Knowles stated that she would like the Planning Board to work with DPW in regards to sidewalks. She noted that the DPW Sidewalk Plan relates to new sidewalks and she would love the Board to be involved in both maintenance and new sidewalks throughout Town, not just within a half mile of a school. In her opinion, she would like the Board to have a clear directive that the sidewalk fund is to be used for Shawsheen, Ballardvale and Downtown. Ms. Byerley stated that the DPW Sidewalk Master Plan from 2001 was focused on schools, but there is also a Capital Improvement Plan. She noted that there could possibly be items in the Subdivision Rules and Regulations that could be changed in regards to sidewalks. She has been working on revisions to this document and is hoping to be finished with the first draft by the end of the

Other Business (cont'd):

summer to start the public hearing process. She asked the Board if they would like to have a workshop before the public hearing process. Ms. Duff stated that a workshop sounded like a good idea. Mr. Materazzo asked if the Board had any interest in having someone from DPW come to a meeting to talk about their long term vision for sidewalks. The Board agreed that they would like to meet with someone from DPW.

Mr. Bergeron stated that he would like the Board to come up with a policy for financial warrant articles. Mr. Materazzo informed the Board that the Town Manager is looking to implement a new CIP process to put items in a queue for a better predictability for when projects will move forward and be funded. This will better allow the Board to recommend disapproval of articles that are not consistent with the Town's CIP process and provide a level of predictability. Mr. Simko stated that the Board should independently develop an evaluative framework to decide how and when they will weigh in on certain articles. This will provide the Board a principled reason for opining or not opining on articles, particularly those that are financial in nature. Mr. Bergeron agreed that the Board needs to develop as much consistency as possible. Mr. Materazzo asked Mr. Simko to work with him and staff on beginning to develop this framework.

The Board discussed the non-binding RFI for the municipal land at Lewis Street. Mr. Materazzo stated that the Town received more than 10 submittals and described the process as a live marketing campaign. It has given the Town a lot of useful information to be used for the formal process. Ms. Knowles asked if the design guidelines would be in place before the sale process begins. Mr. Materazzo stated that the goal is to have the design guidelines in place first. He added that the Town Manager is looking to hold a Special Town Meeting, possibly in December, to secure funding of the facility. He noted that the Selectmen have signed the Purchase and Sale Agreement to acquire 5 Campanelli Drive, with the closing expected to take place the first week of July.

Adjournment: The meeting was adjourned at 8:21 p.m.