

**Call to Order:**

The meeting was called to order at 7:39 p.m. in the 3<sup>rd</sup> Floor of the Town Offices. Present were Chairman Zachary Bergeron, Members Vincent Chiozzi, Joan Duff, Ann Knowles and 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 Special Permit for Earth Movement.

It should be noted that Ms. Duff recused herself from the discussion on 254 Lowell Street and left the room.

Ms. Byerley informed the Board that staff had received requests from the applicant with permission of the property owner to give the Board an extension of time to issue a decision on the Definitive Subdivision to February 28, 2017, and to have the two public hearings for the Definitive Subdivision and Special Permit for Earth Movement be continued without discussion until the Board's meeting in February 2017.

On a motion by Mr. Simko seconded by Mr. Chiozzi the Board move to grant the extension of time until February 28, 2017. **Vote:** Unanimous (4-0).

On a motion by Mr. Simko seconded by Mr. Chiozzi the Board continued the two public hearings to February 14, 2017. **Vote:** Unanimous (4-0).

It should be noted that after the discussion on 254 Lowell Street, Ms. Duff returned to the room.

**Minutes:**

Ms. Knowles noted that in the minutes of July 26, 2017 a correction is needed under the item Willoughby Estates Bond Release to change "Newport Circle" to "Willoughby Estates."

On a motion by Ms. Knowles seconded by Mr. Simko the Board amended the minutes to replace "Newport Circle" with "Willoughby Estates" under the item Willoughby Estates Bond Release. **Vote:** Unanimous (5-0).

On a motion by Mr. Simko seconded by Ms. Duff the Board moved to accept the Minutes of July 26, 2016 as amended. **Vote:** Unanimous (5-0).

**Frederick Drive:**

Mr. Bergeron opened the continued public hearings for Frederick Drive, a Modification of a Subdivision Plan and a Special Permit for Earth Movement.

Ms. Byerley stated the particular items to be discussed tonight were the ownership and rights for improvement within the cul-de-sac, street acceptance of the cul-de-sac, sidewalk waiver, construction truck traffic, traffic mitigation, speed controls, emergency vehicle access of Frederick Drive traffic/access.

**Frederick Drive (cont'd):**

Don Borenstein, the applicant's attorney, stated that he had provided the Board with information on the ownership of the property and the creation of the easement in the cul-de-sac. He noted that the applicant has the right to make improvements to the easement area. The end lot of the subdivision was deeded to the Inhabitants of the Town of Andover. Massachusetts General Law states that property held by the Town is in the control of the Selectmen. Andover's Town Counsel, Tom Urbelis, is in the opinion that this lot is in the control of the School Committee, so the applicant will work under those parameters and will seek a license to improve an area outside the easement from the School Committee.

Mr. Chiozzi asked when the applicant would go before the School Committee. Attorney Borenstein stated that there was no reason for the applicant to delay going to the School Committee, but it is not a precursor for this Board's decision. Mr. Chiozzi noted that the Board would want to know if the School Committee had an objection. Attorney Borenstein reminded the Board that the Selectmen have granted a license pending the Planning Board's approval. Ms. Knowles asked if the School Committee would need to convey the land to the Town. Attorney Borenstein stated that it does not matter which Town authority owns the land.

Dennis Griecci, the applicant's engineer, stated that he has submitted three waiver requests. The first waiver request is to dead end the water main. Per the Town's request the water main will extend onto the Town owned lot instead of looping through an easement in the rear of lots 14, 15 and 16. Ms. Byerley noted that if the Water Superintendent requests gate valves to be placed on that lot instead of the water main, the waiver will not be necessary. Mr. Griecci stated that a waiver has been requested for the construction of a sidewalk as there is no sidewalk on Rocky Hill Road to connect into. A waiver is being requested to the requirement to provide catch basins at the end of the street at the intersection with Rocky Hill Road. Catch basins cannot be placed where required because there is a steep drop off in the road which does not provide for enough pitch to get the runoff into the detention basin. A catch basin will instead be placed 30 feet away from where required. Mr. Simko asked if sidewalks are required because of the proximity to a school. Mr. Bergeron informed him that all new subdivisions require sidewalks. He noted that a waiver request is typical if the new subdivision is located off of a street that does not have existing sidewalks. Mr. Chiozzi added that the Town receives a contribution to the sidewalk fund from the applicant for what the cost of the sidewalk would have been.

Mr. Bergeron asked if they could place catch basins where required in addition to the catch basins proposed. Mr. Griecci stated that you cannot construct a catch basin with the brick, mortar and pipe and then have enough pitch to get the drainage to the detention facility. Mr. Bergeron asked if Rocky Hill Road pitches to the required catch basins. Mr. Griecci stated that it does not and showed the low and high points of Rocky Hill Road. Mr. Chiozzi asked if there are catch basins in Rocky Hill Road not shown on the plan. Mr. Griecci stated that there are none within the area surveyed for the plan. He noted that there is a culvert located further down Rocky Hill Road that collects the majority of the runoff. Ms. Byerley stated that the catch basins will be reviewed by DPW when revised plans are submitted.

Mr. Griecci stated that construction truck traffic will be limited to 7 a.m. to 6 p.m. Monday through Friday with no idling prior to 7 a.m. He noted that he met with Safety Officer Glen Ota

**Frederick Drive (cont'd):**

regarding a traffic study conducted January 20-24, 2015. That study noted 75 trips per day with average speeds of 16 mph uphill and 14 mph downhill. Officer Ota did not show concern regarding the speed or volume of traffic. Ms. Knowles asked if that traffic study was unrelated to this project. Mr. Griecci stated that it was unrelated to this proposal. Ms. Knowles noted that speeds in January are not indicative of speeds in the summer. Mr. Simko agreed that a hilly, windy area would cause slower speeds in the winter. Ms. Byerley asked the Board members if they want additional counts. She noted that Officer Ota is not recommending mitigation measures. Ms. Duff felt that 75 trips a day does not seem significant with 60 homes on a street. Mr. Simko suggested that the Board ask Officer Ota if in his experience there could be a difference in the speed depending on the time of year. Ms. Knowles felt that the counts were appropriate but was unsure of the speeds.

Mr. Griecci informed the Board that he created a turning simulation graphic of the fire truck accessing the street from both directions for emergency vehicle access. Lieutenant Pomerleau asked for the approach radius to be increased coming to Frederick Drive from the north. Lieutenant Pomerleau is satisfied with the access coming in and out Frederick Drive.

Mr. Simko noted the neighbors expressed concern over the continuous construction over a number of years. He questioned if the Board should limit the entry point of construction vehicles to spare some of the neighbors. Mr. Bergeron cautioned that trying to help one group of abutters could put the burden on another. Ms. Byerley added that the Inspector of Buildings determines the hauling route that is usually the shortest route. She reminded the Board that hauling cannot coincide with the school bus pick up and drop off times.

Ms. Byerley noted that the Board needs to acquire an extension of time from the applicant to make a decision. The Board previously received an extension of time to make a decision by September 30, 2016. She suggested that the Board request an extension to December 30, 2016. Attorney Borenstein signed the extension of time.

Attorney Borenstein asked for direction from the Board on what information that they are looking for in regards to earth movement. Mr. Chiozzi stated that the Board is looking for volume and nature of earth movement including the number of truck loads to be taken offsite. Attorney Borenstein asked what information the Board is looking for in regards to utilities in the subdivision and Rocky Hill Road. Ms. Byerley stated that the Board is looking for information on the location of utility poles and how the utilities will be placed underground. She asked for information on the existing utility pole on the corner of Rocky Hill Road and Frederick Drive and the utilities to the existing house. She noted that he should be prepared to discuss is the culvert, the water line and the waiver to the water main.

Greg Salois of 20 Rocky Hill Road stated that water currently flows into an existing stream. He asked if a study is being done on the increase of the water that will be going in that direction. Ms. Byerley explained that the stormwater will be discussed at the Board's next hearing. The applicant has submitted a stormwater report which is currently being reviewed by D.C. MacRitchie, the peer reviewer hired by the Town. The peer review is to confirm that the stormwater report is in compliance with the regulations in place.

**Frederick Drive (cont'd):**

On a motion by Mr. Chiozzi seconded by Ms. Knowles, the Board moved to continue the Modification of the Definitive Subdivision Plan and Special Permit for Earth Movement to September 27, 2016 at 7:30 p.m. **Vote:** Unanimous (5-0).

On a motion by Mr. Chiozzi seconded by Ms. Knowles, the Board accepted an extension of time for action on the Definitive Subdivision Plan and the Special Permit for Earth Movement to December 30, 2016. **Vote:** Unanimous (5-0).

**Merrimack College:**

Mr. Bergeron opened the public meeting for Merrimack College, a modification of Site Plan Review Dover Use.

Mr. Materazzo stated that since the last meeting the College has addressed the outstanding items and DPW comments. He noted that area residents had concerns regarding the phasing of the fence, and asked the Board if they had any other issues that they would like to College to also address. Ms. Knowles requested that the Board also discuss landscaping.

Felipe Schwarz, Assistant Vice President of External Affairs stated that the College has received approval from the Conservation Commission for their plan which includes an additional catch basin. The College will be working with the neighbors to come up with a design for the fence. The landscaping remains similar to the original plan keeping the first line of trees and adding more. Ms. Knowles asked if the berm from the previous plan remains. Chris Lovett, of VHB, the applicant's engineer, stated that there is a slight berm for stormwater management. He added that there is a mix of existing and proposed trees. Ms. Knowles encouraged that the massing of the landscaping consist of lower plantings in an attractive combination and flowering bushes. Mr. Chiozzi asked if the fence is on the street side. Mr. Schwarz stated that the fence is between the street and the curb. Mr. Chiozzi noted that the erosion control does not allow for the fence to be put in now because the site is not stable, however if the [construction] erosion controls come out the College should put the fence up. Mr. Schwarz asked if the Board would agree to the fence being put up at the end of the construction of this building. Mr. Chiozzi stated if the second building is to be built 6-12 months after the first building then the fence needs to be put up. Mr. Schwarz noted that there will be a construction fence up throughout. Jeff Doggett, Executive Vice President of Merrimack College stated that the College would be happy to communicate with the Board and staff in late spring on the timeline of the other two buildings and status of the fence. The Board agreed that the College can report back to staff.

Ms. Knowles noted that all construction vehicles will access the site from inside the campus. She asked for clarification on the location of the proposed gate. Mr. Schwarz stated that the College will need to use Rock Ridge Road and Flaherty Way as an access for the construction of Building 2. He added that there will be limited utility work because most of the utilities are already in place. He showed the Board the homes that the College has purchased on Rock Ridge Road including the two homes that are directly across Rock Ridge Road from the site of Building 2. He noted that the gate will be across Flaherty Way to limit cars from exiting campus on to Rock Ridge Road. He pointed out handicapped spots for the residential buildings that cannot be blocked.

**Merrimack College (cont'd):**

Jennifer Ross of 66 Brookfield Road stated that she did not understand why the gate cannot go in now. She requested that fines be issued if the construction hours are not followed because during the dorm construction the hours were not followed or enforced. Materazzo stated that the Andover Inspector of Buildings can issue a stop work order if the conditions of approval are not being followed including construction hours. Mr. Simko stated that he would like the Inspector of Buildings inform the Board if the conditions are not followed. Mr. Bergeron noted that in regards to the gate, it is an access issue for the construction vehicles to be able to easily get in and out of the site. Mr. Chiozzi stated that the Building Inspector takes complaints very seriously and acts on them.

Joanna Reck of 15 Rockridge Road asked if the the gate could be put in at the end of construction of the first building if there is a lag time in construction. Mr. Schwarz and Mr. Doggett stated that the College would be agreeable to that.

Steve McGrath of 66 Brookfield Road asked why the College can't access the construction site to build the center building from their land. Mr. Schwarz showed how the site will be accessed from Elm Street for the construction of the center building on the campus side of the construction fence. Mr. McGrath stated that he has audio files of the noise from the dorm construction and he will continue to record any construction noise. He added that he hopes that Andover will enforce the conditions for this project.

Burt Ouellette of 30 Fox Hill Road asked if Rock Ridge Road will continue to have resident parking only. Mr. Materazzo stated that the parking regulations are put in place by the Board of Selectmen and enforced by the Police Department. Mr. Schwarz stated that the College has no plans to ask for any changes to the parking. Mr. Ouellette asked if a truck access will be made onto Rock Ridge Road from the site. Mr. Schwarz stated that there will be no additional curb cuts on Rock Ridge Road. Mr. Ouellette asked if the construction area will be grassed over after the first building is built. Mr. Chiozzi stated that if there were a gap in construction the site would have to be stabilized. Mr. Ouellette noted that the building will have a cement slab with three floors instead of the stick construction of the dormitory. He has concerns about hydrostatic pressure. Jim Loft of ProCon, the project architect, stated that this is a steel structure with a standard frost wall foundation with footings at the columns, and metal deck and concrete for the floors. It is light weight concrete and will not push down to create hydrostatic pressure. Mr. Schwarz added that the College has gone through a peer review and DPW review on the drainage.

Joanna Reck of 15 Rock Ridge Road asked about mechanical noise. Mr. Bergeron reminded Ms. Reck that mechanical noise was discussed at the last meeting and that there are rules and regulations in place to limit noise from mechanical units.

Jennifer Ross of 66 Brookfield Road stated that the construction site is not being kept tidy and the tarps are blowing. She asked if the site will become more secure before this project starts. Mr. Schwarz stated that the construction fence on the Rock Ridge side is staked to not blow over. The construction fence on the Merrimack side it is not staked and the tarps are not zip tied because they make sails and fall over. Once construction starts the fence is monitored daily. Ms.

**Merrimack College (cont'd):**

Ross noted that she has had HVAC problems and the person who services her unit pointed to the site as the source of the issue. Mr. Schwarz stated that the Conservation Commission has enlisted an environmental monitor for the site and there have been no orders or instructions from that monitor in regards to dust control and the site is in compliance. He added that David Dargie, the DPW's Construction Supervisor comes to the site on a regular basis and he has not provided any guidance on additional dust monitoring. Mr. Materazzo stated that the Inspector of Buildings will also be monitoring the site. Mr. Chiozzi asked what the College's construction schedule is and Mr. Schwarz stated that they would like to pour the foundation in October and open in August 2017.

Matt Wilson of 200 Elm Street asked if any of the buildings will be for research or laboratory space. Mr. Schwarz stated that the buildings would not have research or laboratory space, but would consist of classrooms and study space. Diane LeBlanc of 33 Foxhill Road asked what the intent is for the homes that the College purchased on Rock Ridge Road. Mr. Doggett stated that the College has no intention to put students there to live. Offices may move into those houses.

Matt Wilson of 200 Elm Street noted that during the hearings on the dorm project, the subject of cracked water pipes on campus was brought up. He asked if those pipes will be fixed as part of this project. Mr. Schwarz stated that the issue was in regards to old clay sewer pipes on campus. Those pipes have been rehabbed and almost every piece of old sewer pipe on campus has been relined. Diane LeBlanc of 33 Fox Hill Road stated that she thought that sewer and drainage issues on the site needed to be resolved. Mr. Schwarz stated that a 48 inch drain line that ran through the site has been rerouted and is operational.

On a motion by Mr. Simko seconded by Mr. Chiozzi the Board moved to close discussion on the Modification of a Site Plan Review Dover Use for Merrimack College. **Vote:** Unanimous (5-0).

**Merrimack College Deliberations:**

Mr. Bergeron opened the deliberations for the Modification of a Site Plan Review Dover Use for Merrimack College.

Mr. Simko stated that the phasing is needed for the fence, the gate, the landscaping and the site stabilization. Mr. Materazzo pointed out recommended condition number 13 regarding the fencing. He noted that if the lag time is more than 6 months the fencing can be revisited. Mr. Chiozzi stated that when the College is ready to occupy the first building, the Board should be updated on the schedule of the construction of the other buildings. Mr. Simko agreed that the College should report back to the Board prior to receiving their Certificate of Occupancy in regards to the gate, fence, landscaping and site stabilization.

Ms. Knowles stated that she is concerned that the new landscaping plan does not show as much vegetation as the original landscaping plan. Mr. Chiozzi pointed out that if a solid fence is put up along the road the landscaping will not be visible.

The Board discussed condition 18, the condition to be placed on the fence. The Board agreed that the condition should read "Prior to occupancy a construction sequence schedule and details

**Merrimack College Deliberations (cont'd):**

concerning landscaping, fencing, site stabilization and the emergency access gate shall be provided to Planning Staff. Planning staff will make a determination as to the adequacy of the phased approach. If the determination is that it is not adequate, Staff can bring the information to the Planning Board for further review.”

On a motion by Mr. Chiozzi seconded by Mr. Simko the Board issued a favorable recommendation of Site Plan Review Dover Use to the Inspector of Buildings. **Vote:** Unanimous (5-0).

**Adjournment:** The meeting was adjourned at 9:20 p.m.