

**Call to Order:**

The Planning Board Meeting was called to order at 7:02PM on March 8, 2022 via Cisco Webex online video conferencing platform. Present were Vice Chair Rocky Leavitt; Members Neil Magenheim, Vincent Chiozzi, Jr., Ann Knowles, and associate Morgan von Prella Pecelli. Also present were Jacki Byerley, Planner and Lisa Schwarz, Assistant Director of Planning.

**PUBLIC HEARING:****Town Meeting Warrant Article P21 – Zoning Bylaw Recodification:**

Mr. Leavitt opened the public hearing for Town Meeting Warrant Article P21 to amend and recodify the Zoning Bylaw Article VIII. Judi Barrett, Planning Director, Owner & Operating Manager, Barrett Planning Group LLC and Bob Mitchell, Principal, Robert P. Mitchell, FAICP Consulting were in attendance to provide an overview of the project. Ms. Barrett stated that a series of public information sessions were held to identify the key areas to be addressed. She proceeded to display a PowerPoint presentation and provided a comprehensive review of the project goals, recodification meaning and process, as well as highlighted each section of the completed draft and changes that were made. She noted the introduction of color and illustrations to help the user better understand the requirements of the Town. Mr. Mitchell commented that the process was a collaborative effort with Town Staff and the Zoning Bylaw Committee from which they were able to gain valuable knowledge.

Mr. Leavitt extended his appreciation to Ms. Barrett and Mr. Mitchell on behalf of the Planning Board and stated that the insight and context brought to the recodification were invaluable. He asked if the recodified bylaw would be ready to be voted on at Town Meeting, as well as how Andover compared to other municipalities. Ms. Barrett responded affirmatively to the timeframe, adding that the bylaw had a sensible structure that became disorganized over time.

Mr. Chiozzi inquired on how the latest case law had been applied to the bylaw. Per Mr. Mitchell, a guidebook that incorporated all aspects of land use in Massachusetts with 350-400 cited cases, and which he co-authored with Attorney Bob Ritchie, was used in reviewing the Andover bylaw for possible red flags. Ms. Knowles asked if this review uncovered information that was not in conformance with state regulations, of which Mr. Mitchell recalled two examples that require further investigation. He added that, following Town Meeting approval, the bylaw would be reviewed by the Attorney General and further modifications could be identified at that time.

Ms. von Prella Pecelli expressed concern with accessibility related to the use of color coding and asked this be taken into consideration as revisions to the draft continue.

Ms. Byerley noted that Andy Rouse, a resident at 5 Cattle Crossing, had submitted comments and questions to the Planning Board, which Ms. Barrett responded were currently under advisement. Mr. Rouse requested a final draft of the recodified bylaw, and it was communicated that a draft would be available for review on the Town website.

Mr. Magenheim inquired on the designated presenter at Town Meeting and format. Per Ms. Byerley, such details would be decided at subsequent working sessions and meetings; however, it is commonly a staff or advisory board member. She requested that Ms. Barrett and Mr. Mitchell attend to field questions from the community.

On a motion by Mr. Magenheim, seconded by Ms. Knowles, the Planning Board unanimously voted to submit another draft with updates to the current proposed recodification of the Andover Zoning Bylaw, dated February 17, 2022, and to continue the public hearing to the March 15, 2022 meeting at 7:30PM.

**Vote: (5-0)**

**CONTINUED PUBLIC HEARINGS:**

**3000 Minuteman Road – Building 1, Lot 1: Special Permit for Major Non-Residential Project (SP22-01) and a Special Permit for a Reduction in Parking Spaces (SP22-02) and Building 3, Lot 2: Special Permit for Major Non-Residential Project (SP22-03):**

Mr. Leavitt opened discussion on the abovementioned special permit applications submitted by ARE – MA Region No 93 Phase 2 Holding, LLC. Representatives from Alexandria Real Estate Equities, Inc. (ARE), applicant and property owner, and SMMA, Engineer and Architect, were in attendance. Mark Johnson, Johnson & Borenstein, LLC, Attorney for the applicant, reviewed the agenda and earmarked the following items for discussion: status of Massachusetts Environmental Policy Act Office (MEPA) filing; 1776 Drive; master plan overview and phasing; traffic and parking; and sustainability goals for the campus.

Mr. Johnson provided an update on the MEPA process, stating that the applicant is planning to file an Environmental Notification Form (ENF), as well as apply for a waiver for the addition to Building 1. He added that the proposed renovations to Building 3 would not trigger a requirement for MEPA review. Mr. Chiozzi requested more information on MEPA requirements and Mr. Johnson responded that the applicant would need to file for Buildings 5 and 6.

Dante Angelucci, Senior Vice President of Development at ARE, proceeded to discuss 1776 Drive in response to concerns expressed by James Landy, resident at 72 Brundrett Avenue, at the February 22, 2022 Planning Board meeting related to the entrance and resulting traffic impacts. Per Mr. Angelucci, Minuteman Road would serve as the main entrance to the campus; however, 1776 Drive would remain an entrance in its existing condition and may be accessed for Building 1. He noted that further discussion with their contractor is warranted to provide additional detail.

Brian Lawlor, PE, Executive Vice President at SMMA, proceeded to review a conceptual overview of the master plan for the campus, as requested by the Planning Board at the previous meeting. He specified plans for Buildings 5 and 6 with the footprint, design, and tenants yet to be determined. He also discussed the vision for the campus, which included a commitment to pedestrian connectivity throughout the site; protecting wetlands and the river front; minimizing parking ratios to reduce impervious coverage; and transforming the site into a contemporary, sustainable campus. Rickie Golden, Vice President of Real Estate Development at ARE, added that a detailed landscape plan would be submitted once tenants have been secured and provided a comprehensive review of their sustainability strategy.

Mr. Angelucci proceeded to discuss the proposed reduced occupancy and parking demand due to the change in use to cGMP, followed by a detailed parking summary presented by Mr. Lawlor. Mr. Johnson shared that a Special Permit for a Reduction in Parking Spaces application was submitted for Building 3 with the public hearing scheduled for the upcoming March 29, 2022 meeting. Mr. Chiozzi expressed concerns with the parking and traffic numbers in consideration of plans for Buildings 5 and 6, which comprise an additional 300,000 square feet. Similarly, Mr. Leavitt added that approval of Building 3 would be premature, in his opinion, without having a full understanding of traffic impacts from the entire campus. In response, Mr. Angelucci assured the Planning Board that the traffic analysis conducted by their consultant does not indicate adverse impacts to traffic and the provided ratios are consistent with their

expectations for the campus. He added that a shuttle service to the nearest mass transit locations would be made available to campus tenants as well.

Mr. Leavitt inquired on the landscape plan for Building 3, while Ms. Knowles further requested specific information on plantings and trees, advising the applicant to incorporate native species in their planting plan. In response, Mr. Lawlor indicated that a comprehensive site-wide landscape plan would be forthcoming. Mr. Angelucci commented that the request for native species is consistent with other campuses they have developed.

The public hearing has been continued to March 29, 2022 at 7:35PM per a motion that was voted on by the Planning Board at the February 22, 2022 meeting.

#### **CONTINUED PUBLIC HEARING:**

##### **140 Haverhill Street – Special Permit for Major Non-Residential Project (SP21-04):**

The applicant requested a continuance of the public hearing without discussion to the March 29, 2022 meeting.

On a motion by Mr. Magenheim, seconded by Ms. Knowles, the Planning Board unanimously voted to continue the public hearing without discussion to the March 29, 2022 meeting at 8:00PM. **Vote: (5-0)**

#### **PUBLIC HEARINGS:**

##### **22 William Street – Definitive Subdivision Plan (PL22-3369) and Special Permit for Earth Movement (SP22-06):**

Mr. Leavitt opened the public hearings for the abovementioned definitive subdivision plan and special permit applications submitted by Steven and Elizabeth Leed. Dennis Griecci, Engineer, Andover Consultants, Inc., and Steven and Elizabeth Leed, owners of the property, were in attendance for the presentation. Mr. Griecci provided an overview of the project which proposes a minor street to be accepted as a public way and the construction of three new homes that will use the new roadway for their access. Due to adjacent wetlands, he noted that the applicant filed a Notice of Intent with the Conservation Commission and attended the public hearing on March 1, 2022 which was continued to allow time for a peer review. Mr. Griecci proceeded to review of the site plans in detail with an accompanying PowerPoint presentation.

Ms. Byerley provided an update on discussions held at the Interdepartmental Review Meeting (IDR) and reviewed the various actions items requested by the Fire, Public Works (DPW), Conservation, Police, Building, and Planning departments.

Ms. Knowles asked whether the applicant intends to keep any existing trees to maintain the historical character of the neighborhood. Per Ms. Byerley, a landscape plan has not been submitted because the Tree Warden for the Town will advise on the placement of street trees to be planted. Mr. Griecci added that an effort would be made to save existing trees to the extent that the grading would allow for it. Mr. Leavitt referenced the applicant's proposal to create a Homeowner's Association to maintain the stormwater facility and suggested that the Planning Board impose a condition to keep the existing trees, as a consideration.

Ms. Knowles requested that the applicant consider the historical context of the neighborhood in their design. Mr. Leavitt inquired on whether the applicant would be required to consult with the Design Review Board (DRB). Per Ms. Byerley, this is not a requirement for subdivisions; however, the applicant could agree to consult with the DRB or Andover Historic Preservation prior to construction if requested. Additionally, she stated that the applicant could sell the lots individually and the Planning Board may consider imposing a condition that new owners are required to consult with the DRB, in this case.

Ms. Byerley informed the Planning Board that the Town has contracted with Horsley Witten Group to a conduct a stormwater peer review. She also reviewed the timeline, whereby the Planning Board must issue a decision within 135 days or by June 24, 2022 more specifically.

Mr. Leavitt opened the discussion to members of the community. Rice Husbands, resident at 23 William Street, expressed her opposition to the application as proposed, citing concerns with safety during construction and a potential disregard for the historical significance of the neighborhood upon development of the lots. Ms. Husbands added that she had spoken directly with the applicant and requested that a new proposal for a 2-lot subdivision be considered. She further asked the Planning Board to exercise discretion and restraint in their decision. A formal letter was submitted by Ms. Husbands to the Planning Board on March 8, 2022 discussing said concerns in more detail.

Linn Anderson, resident at 93 Abbott Street, asked if the applicant had reached out to the Hunters Ridge Condominium Association to discuss the development plans and requested that the Planning Board ensure preservation of the landscaping by requiring appropriate screening and buffering. Mr. Griecci confirmed that conversations with the HOA did occur, but he was unsure in what capacity.

Ayelet Katz, resident at 28 William Street, expressed concerns with the impact to wetlands in her backyard, as well as safety related to a shared utility easement with 24 William Street to run a water line and the resulting excavation of trees. She requested that the Town Arborist be consulted on the matter and asked the Planning Board to consider a site visit, both of which were taken under advisement. Ms. Katz also sought confirmation that the easement would not be used for access during construction. Mr. Griecci responded that construction access would come through the proposed roadway. Formal letters, email communications, and presentations highlighting these concerns were submitted by Ms. Katz and her husband, Gideon Kojokaro, to the Planning Board on February 22, 2022, February 23, 2022, March 7, 2022, and March 8, 2022.

Gabrielle Queenan, resident at 14 William Street, expressed her disappointment in the approval of a subdivision at 18 William Street last year and reiterated the concern of other community members that this project would impact the historical character of the neighborhood. She also informed the Planning Board of past actions by Mr. Leeds, including cutting the curb and tree removal on 24 William Street, without consulting the neighbors. Mr. Leavitt responded that the Planning Board is limited within the confines of the current proposal. Mr. Leeds stated that these comments were accusatory and untrue. He further expressed his fondness for the Town which has been his home for many years and added that completed projects on 20R and 24 William Street followed all requirements. He concluded by stating that he had addressed the Hunters Ridge Condominium Association Board and conducted a site visit, responding to an earlier question by Ms. Anderson.

On a motion by Mr. Magenheim, seconded by Ms. Knowles, the Planning Board unanimously voted to continue the public hearing to the April 12, 2022 meeting at 8:00PM. **Vote: (5-0)**

**PUBLIC HEARINGS:****1 and 4 Corporate Drive – Special Permit for Major Non-Residential Project (SP22-04) and Special Permit for a Reduction in the Number of Parking Spaces (SP22-05):**

Mr. Leavitt opened the public hearings for the abovementioned special permit applications submitted by IQHQ-1 Corporate, LLC and IQHQ-4 Corporate, LLC for renovation of the existing building to repurpose the use from business/office to research/lab and a 96,640 square foot addition to allow for manufacturing, as well as construction of 458 parking spaces and a reserve parking area on the lot. William Ashton, applicant and owner of the property; James Blount, Principal, Ellenzweig; Jennifer Martel, Landscape Architect, Copley Wolff Design Group; and Richard Cutts, President, Linden Engineering Partners, LLC were in attendance.

Mr. Ashton displayed a PowerPoint presentation and provided a brief history of IQHQ, including their current development projects in Greater Boston. Mr. Blount proceeded to review the project schedule, site area and building specifications, parking, proposed use, and sustainability goals, followed by an overview of pedestrian circulation and the planting strategy by Ms. Martel. Mr. Blount concluded the presentation with a comprehensive review of the site civil plan and proposed interior/exterior design.

The Planning Board requested more information on parking, including the number of spaces onsite presently and plans for a reserve parking garage. Mr. Cutts responded that the number of proposed spaces combined with the garage would exceed the zoning requirement. Mr. Ashton added that more information on the reserve garage would be available once a tenant has been secured. Ms. Knowles requested that the applicant submit the number of parking spaces agreed upon with the tenant upon establishment.

Ms. Byerley provided an update on discussions held at the IDR meeting which included comments and plan revisions requested by the Fire, Police, and Public Works (DPW) departments. She added that Horsley Witten Group had been contracted to conduct a peer review of the stormwater report.

The Planning Board posed questions on the current condition and maintenance of Shattuck Road which is privately owned. Mr. Ashton commented that the conditions of the roadway were good. Ms. Byerley suggested that a commercial association may be responsible for maintenance, but its existence was unknown at the present time. Mr. Leavitt requested that the applicant provide more information regarding this matter.

On a motion by Mr. Magenheim, seconded by Ms. Knowles, the Planning Board unanimously voted to continue the public hearing to the March 29, 2022 meeting at 8:30PM. **Vote: (5-0)**

**Adjournment:**

On a motion by Mr. Magenheim, seconded by Ms. Knowles, the Planning Board unanimously voted to adjourn the meeting at 10:05PM. **Vote: (5-0)**

**Documents:****Zoning Bylaw Recodification**

- Proposed Recodification Hearing Draft – 2.17.22
- Final Warrant Article Description – 3.7.22

**3000 Minuteman Road**

- Memorandum from Jeffrey Dirk to the applicant RE: Transportation Impact Assessment for Building 1 Redevelopment – 2.17.22
- Memorandum from Jeffrey Dirk to the applicant RE: Transportation Impact Assessment for Building 3 Lab/cGMP Conversion – 2.17.22
- Memorandum from Mark Johnson to the Planning Board RE: Feb 22 Meeting Follow-Up – 3.4.22
- Letter from 72 Brundrett Avenue Resident – 3.7.22

**140 Haverhill Street**

- Continuance Request – 3.1.22

**22 William Street**

- 23 William Street Resident Letter – 3.8.22
- 28 William Street Resident Email – 2.22.22
- 28 William Street Resident Email – 2.23.22
- 28 William Street Resident Letter – 3.7.22
- 28 William Street Resident Presentation RE: Abutter's Concerns – 3.1.22
- 28 William Street Resident Response to Conservation – 2.22.22
- 28 William Street Resident Letter RE: Civil Engineer Comments – 3.8.22
- 36 William Street Resident Letter – 3.8.22
- 76 Poor Street Resident Email – 3.6.22
- Compiled Plan Set – 2.1.22
- Board of Health Notice – 2.7.22
- Definitive Subdivision Filing Cover Letter – 2.7.22
- Special Permit for Earth Movement Filing Cover Letter – 2.7.22
- Town Clerk Notice – 2.7.22
- Abutter List Supplied by Applicant – 2.7.22
- Special Permit for Earth Movement Application – 2.1.22
- Approval of Definitive Plan Application – 2.1.22
- Memorandum from Jacki Byerley to the Planning Board RE: Project Summary/Recommendation – 3.3.22
- Revised Approval of Definitive Plan Application – 2.22.22
- Stormwater Report – 2.1.22

**1 and 4 Corporate Drive**

- Plan Set Cover Sheet – 1.26.22
- Architectural Drawings – 1.26.22
- Existing Conditions – 1.26.22
- Future Parking Plans – 1.26.22
- Landscape Plans – 1.26.22

- Site Lighting Plans – 1.26.22
- Site Civil Plans – 1.26.22
- Geotechnical Report & Addendum – 1.14.22
- Special Permit Filing Cover Letter – 2.10.22
- Email from William Jones to Planning RE: Lot Number Correction – 2.9.22
- Special Permit for a Major Non-Residential Project Application – 1.26.22
- Special Permit to Reduce the Number of Parking Spaces Application – 1.26.22
- Memorandum from Jacki Byerley to the Planning Board RE: Project Summary/Recommendation – 3.4.22
- Sanitary Sewer System Investigation Report – 2.8.22
- Stormwater Report – 1.26.22
- Town Engineer Site Utility Plan Markup – 3.2.22
- Traffic Impact Assessment Report – 2.4.22