

Call to Order:

The Planning Board Meeting was called to order at 7:30 PM on March 10, 2020. Present were Chair Zach Bergeron, and members Rocky Leavitt, Ann Knowles, Vincent Chiozzi, and Morgan von Prella Pecelli. Also present was Jacki Byerley, Planner and Paul Materazzo, Planning Director.

Phillips Academy Site Plan Review for Dover Use (Pan Athletic Center):

Mr. Bergeron recused himself from this discussion and left the room.

The Pan Athletic Center site plan includes the demolition of the Smith and Cage building and the construction of a new building on the same site. A presentation of the site plan was given by Steve Garvin of Samiotes Consultants, Inc. The application for a site plan review was submitted under a Dover Use by Phillips Academy. Since the Board last discussed the project, Town staff and the applicant have held an interdepartmental review (IDR) and the Conservation Commission closed on the topic. The applicant has since responded to water, sewer and storm water concerns. Ms. Byerley stated that the sewer flow rate does not necessarily affect the site plan review. Mr. Garvin assured the board that the project would not affect any of the surrounding buildings, including the Bancroft School. No one from the public commented on the project. Ms. Byerley stated that she felt comfortable recommending approval. Mr. Chiozzi stated that the Board should vote for approval at the end. Ms. Knowles made a motion to close the discussion on the Pan Athletic Center. Mr. Leavitt seconded the motion. The Board voted in favor of the motion to close, 4-0.

The Board held a vote at the end of the meeting. Ms. Knowles made a motion to recommend favorable recommendation of the site plan. Mr. Leavitt seconded the motion. All members were in favor, 4-0.

Town Meeting Warrant Articles:

Solar Bylaw:

Mr. Bergeron rejoined the meeting and opened the public hearing on the Solar Bylaw. Present for the discussion were Harry Voorhees and Anil Navkal from the Andover Green Advisory Board (AGAB). Mr. Voorhees gave an overview of the draft of the bylaw. Since the Board last discussed the Solar Bylaw, there were changes made to the definition of large-scale systems in the proposed bylaw. The draft has now generalized the photovoltaic definition. The bylaw allows for the opportunity to install ground mounted solar up to a certain limit. Under the bylaw, solar carports are subject to the same oversight as ground mounted solar.

The need for a solar bylaw arose from a controversy in Beverly, MA that stoked public attention and a discussion around regulation of ground mounted solar.

The board discussed the likelihood that ground mounted solar would be installed on properties in Town. Mr. Navkal stated that he knew of four properties in Town that had ground mounted solar. The consensus has been that ground mounted solar is not an easy thing to do and is less likely to be implemented relative to rooftop solar.

Don Schroeder, of Haggetts Pond Road, commented that the bylaw seems to be a good compromise and it gives the Planning Board the ability to regulate solar more effectively.

Mr. Leavitt asked about the calculation to figure out how many solar panels you are allowed to have. Mr. Navkal said that you are allowed 25kw at most, and beyond that you would have to go through National Grid or your energy provider. He stated that the 25kw limit is a state regulation.

Mr. Bergeron asked for a motion to close the hearing. Mr. Leavitt made a motion to close the public hearing. Ms. Knowles seconded the motion. All members were in favor. Mr. Leavitt made a motion for a favorable recommendation to Town Meeting of the Solar Bylaw. Ms. Knowles seconded the motion. All members voted in favor.

Sign Bylaws:

Mr. Bergeron opened discussion of the Town Meeting Warrant Article concerning updating the sign bylaw. The Board had already held a discussion on the sign bylaw. Andy Rous began his presentation by stating the goal of the update. The goal is to eliminate the constitutionally questionable language in the sign bylaw. Bylaws which prohibit signs on a content basis are constitutionally illegal.

Ms. Knowles had concern over striking the part of the sign bylaw that allowed the Town to regulate signs left by businesses that have closed. Mr. Rous explained that the courts have been clear in explaining that the Town would need a compelling reason to restrict a private business from leaving a sign on private property.

The main point of the update to the sign bylaw is to eliminate any unconstitutional language in the bylaw. The Zoning Bylaw Study Committee voted to recommend approval of the update to the sign bylaw. Mr. Chiozzi made a motion to close the public hearing. Ms. Knowles seconded the motion. All members voted in favor. Mr. Chiozzi made a motion to recommend approval of the sign bylaw at Town Meeting. Ms. Knowles seconded the motion. All members voted in favor.

Banner Bylaw:

Mr. Rous presented on the banner bylaw as well. The current bylaw restricts free speech. Mr. Rous explained that the bylaw is overly restrictive, content based, and there is no compelling reason to restrict banners. Mr. Rous is proposing to strike the banner bylaw and only allow exempt organizations to put up informational banners. The Town is an exempt organization.

Mr. Chiozzi made a motion to close the public hearing. Ms. Knowles seconded the motion. All members were in favor. Mr. Chiozzi made a motion to recommend a favorable recommendation for Town Meeting approval. Ms. Knowles seconded the motion. All members were in favor.

Outdoor Seating:

Mr. Bergeron opened discussion on the Public Seating Zoning Change. Ms. Byerley stated that the zoning change would allow businesses in ID2 to include outdoor seating for eating. Mr. Leavitt confirmed with Ms. Byerley that the change would allow the businesses to apply for outdoor seating. Mr. Leavitt made a motion to close the public hearing. Ms. Knowles seconded the motion. All members voted in favor. Mr. Leavitt made a motion to recommend approval of the Zoning Bylaw change. Ms. Knowles seconded the motion. All members voted in favor.

Discontinuance of a portion of Lewis Street:

Mr. Bergeron opened the public meeting for the Town Meeting Warrant Article concerning the discontinuance of a portion of Lewis Street. Mr. Materazzo stated that the Select Board is doing a layout meeting and the recommendation of the Planning Board will go to the Select Board. The discontinuance will give the development community more flexibility in developing the Town Yard property. Mr. Leavitt made a motion to make a favorable recommendation to Town Meeting. Ms. Knowles seconded the motion. The members voted all in favor.

7 Tantallon Road:

Discussion was opened to 7 Tantallon Road. Since three members were present last meeting, Ms. Byerley wanted to have the Board vote again to allow extension of the special permit. Ms. Knowles made a motion to approve. Mr. Leavitt seconded the motion.

Other Business:

Mr. Bergeron asked what the contingency plan was since the Governor issued a state of emergency due to the coronavirus. Mr. Materazzo stated that he would report back.

Adjournment:

Mr. Leavitt made a motion to adjourn. Ms. Knowles seconded the motion. All members were in favor.

Documents:

Phillips Academy Site Plan Review for Dover Use (Pan Athletic Center):

1. Peer Review Letter – January 8, 2020
2. Peer Review Letter – January 28, 2020
3. Floor Plans
4. Civil Plans and Survey
5. Landscape Plans
6. Sewer Flow Summary
7. Health Memo – From Thomas Carbone to Stephen Garvin – February 28, 2020
8. Plumbing Parts Plan
9. Plumbing Details
10. Police Memo to Jacki Byerley – March 2, 2020
11. DPW Memo to Planning Board – March 4, 2020
12. Jacki Byerley Memo to Planning Board – March 3, 2020

Town Meeting Warrant Articles:

1. Jacki Byerley Memo to Planning Board – March 3, 2020
2. P35 Discontinuance of a Portion of Lewis Street as a Public Way
3. P35 Lewis Street Discontinuance Plan
4. P38 Solar Bylaw Amendment
5. P42 Article Outdoor Dining Private Property Amendment
6. P42 Outdoor Dining Planning Board Memo
7. Sign Bylaw Presentation

8. P39 Sign Bylaws 5-2 Explanation
9. P40 Sign Bylaws 10-1 Explanation
10. P41 Misc Bylaws 44 Explanation

7 Tantallon Road

1. 7 Tantallon Road Special Permit Extension
2. 7 Tantallon Road Memo from Jacki Byerley to Planning Board – Date February 24, 2020

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