

**Call to Order:**

The meeting was called to order at 7:00 p.m. in the 3<sup>rd</sup> Floor Conference Room of the Town Offices. Present were Chairman Zachary Bergeron, members Vinnie Chiozzi (arrived at 7:08), Joan Duff and Ann Knowles. Also present were Paul Materazzo, Director of Planning & Economic Development, Lisa Schwarz, Senior Planner, Jacki Byerley, Planner and Tom Urbelis, Town Counsel.

**Town Meeting 2019 Articles:**

Mr. Bergeron opened the public hearings on the 2019 Town Meeting Zoning Articles.

**Article 61- River Road Senior Residential Community Overlay District Change in Age Restrictions:**

Mr. Bergeron opened the discussion on Article 61 River Road Senior Residential Community Overlay District Change in Age Restrictions. Mr. Materazzo noted that the proponent of this private article went before the Zoning Bylaw Study Committee and the discussion focused on the age restriction, pricing and location of the units, as well as the inclusion of the affordable units in the Town's subsidized housing unit inventory with the Department of Housing and Community Development. Mr. Materazzo noted that the passing of this bylaw could lead to the loss of the affordable units from the Town's subsidized housing inventory. Mr. Materazzo stated that the ZBSC voted to not recommend Town Meeting approval of the article. Attorney Urbelis added that the ZBSC's vote was unanimous with the primary concern of the loss of the affordable units from the inventory.

Attorney Mark Johnson, sponsor of the article on behalf of Pulte Homes, Inc., stated that the current bylaw does not require the affordable units to be on the Town's subsidized housing inventory. He noted that some of the affordable units have already been sold and are currently on the inventory. He stated that if this amendment passes at Town Meeting, the special permit that was issued will have to be modified by both the Planning Board and the Board of Selectmen to change the age restriction of the development. Changing the bylaw is the first step in a process.

Mr. Bergeron questioned if the Board should start adding conditions to special permit decisions requiring any affordable units to be eligible for the subsidized housing inventory. He asked if the ZBSC had any other rationale for denial besides the loss of the affordable units. Attorney Urbelis stated that the loss of the units was the focus. Mr. Bergeron asked how much more developable land is located in the overlay district. Attorney Johnson stated that the overlay district caps the number of housing units at 200, and this development is 200 units. Mr. Materazzo noted that there is other land that is available in the overlay district for development of other uses besides housing.

Ms. Duff stated that she did not want to see 20 units at risk of being taken off the subsidized housing inventory. She noted that the Town and the affordable housing committee has worked hard to get those affordable units. Ms. Knowles stated that it was clear at Town Meeting when the original zoning passed that everyone wanted the overlay to have 'over [age] 62' housing. Mr. Materazzo noted that the senior overlay working group did not believe that over 55 housing

**Town Meeting 2019 Articles (cont'd):**

would address the housing needs of the community or that the age of 55 constituted senior housing. Ms. Knowles stated that the developers of this property went in clear-eyed, knowing the age restriction of 62. She was hesitant to back something without broad popular support.

Attorney Johnson asked if the Board would look at the amendment differently if the affordable units would not be removed from the subsidized housing inventory. Mr. Bergeron stated that he personally did not have an issue with the age and being able to keep the housing units would be a big game changer for him.

On a motion by Ms. Knowles seconded by Ms. Duff the Board recommended disapproval of Article 61. **Vote:** Unanimous (4-0).

**141 Elm Street:**

Ms. Byerley reviewed the documents before the Board for approval for Stonehill at Andover, an Assisted Living Facility located at 141 Elm Street. These documents were the:

- Affordable Housing Restriction
- Monitoring Agreement
- Affirmative Fair Housing Marketing Plan
- Tenant Selection Plan
- Age Restriction

She noted that the age restriction limits the age to those 55 and over and that the affordable restriction will apply to fourteen units. All of the documents have been reviewed and approved by Town Counsel.

On a motion by Mr. Chiozzi seconded by Ms. Duff the Board approved the Declaration of Age Restriction Covenant, the Affirmative Fair Housing Marketing Plan, the Affordable Housing Tenant Selection Plan, the Declaration of Affordable Housing Restriction and the Affordable Housing Monitoring Agreement as submitted. **Vote:** Unanimous (4-0).

**Minutes:**

On a motion by Ms. Knowles seconded by Ms. Duff the Board approved the meeting minutes of January 22, 2019. **Vote:** Unanimous (4-0).

**1 Minuteman Road and 161 River Road:**

Mr. Bergeron opened the continued public hearings for 1 Minuteman Road and 161 River Road, applications submitted by One Minuteman LLC c/o Brickstone Properties for a Special Permit for Major Non-Residential Project and a Special Permit for ID2 Zoning District Uses.

Sean Kelly, a traffic engineer from Vanasse and Associates representing the applicant, reviewed the area of the project. He noted that this area of River Road has low crash rates and the sight lines meet all applicable state regulations. Mr. Kelly showed the intersections that were studied as part of this application. He noted that the traffic signals in the corridor are coordinated. Mr. Kelly reviewed the trip generation summary. He stated that the traffic increases are projected to be 180 trips in the evening peak and 111 trips on Saturday. The lights on River Road will be

**1 Minuteman Road and 161 River Road (cont'd):**

retimed and the pedestrian equipment at the intersection of Shattuck Road / River Road / Minuteman Road will be replaced.

Mr. Chiozzi questioned the decision to not place a “No Left Turn” at the exit onto River Road. He asked if the traffic signal at Shattuck Road / River Road / Minuteman Road can be retimed to make taking the left directly onto River Road easier. Mr. Kelly stated that the signal retiming will give more green light time to the movements that need it. Mr. Chiozzi reiterated his concern about the direct left hand turn onto River Road. He questioned if that intersection should be a right turn in, right turn out. Mr. Kelly stated that in his opinion, during the peak hours, most people will prefer to go to the signalized intersection. Mr. Chiozzi and Ms. Knowles stated that they would feel more comfortable restricting the left turn onto River Road. Mr. Kelly stated that even with a sign, there is no mechanism from stopping people from taking the left hand turn. Mr. Chiozzi stated that he wants the left turn to be restricted during the peak times. Mr. Bergeron noted that the Safety Officer did not feel that a sign was necessary. Ms. Knowles asked what the speed limit is on the road and what the average speed is in the area. Mr. Kelly stated that the posted speed limit is 35 m.p.h. and the average recorded speed was 36 m.p.h.

Ms. Schwarz stated that the Board received review letters from the Health Department and the stormwater peer reviewer. The applicant is in contact with DPW and is currently before the Conservation Commission.

Austin Turner of Bohler Engineering, an engineer representing the applicant, stated that he is making updates to the plan based on comments from the stormwater peer reviewer. He reviewed the revised plans and pointed out the bank will no longer be a standalone building with a drive-thru ATM. The bank will now be part of the building with the retail and restaurant and will be further away from the wetlands. Moving the building and eliminating the drive-thru improved the site circulation and does not change the stormwater calculations. The application is also before the Design Review Board.

The Board discussed the proposed site circulation. Mr. Bergeron asked the applicant to consider a restriction on the left turn directly onto River Road at the un-signalized intersection. Mr. Turner stated that they would look into it to see if it would cause anything problematic.

On a motion by Ms. Duff seconded by Ms. Knowles the Board continued the public hearings of 1 Minuteman Road and 161 River Road to March 25, 2019 at 5:00 PM. **Vote:** Unanimous (4-0).

**Town Meeting 2019 Articles:**

Mr. Bergeron opened the public hearings on the 2019 Town Meeting Zoning Articles.

**Article 65 - Amend Andover Zoning Bylaw Article XIII:**

Mark Johnson, an attorney representing the proponent of the private article, Eliates Mercedat, stated that he intends to withdraw the article at Town Meeting and will send the Town Clerk a letter outlining those intentions. Mr. Materazzo recommended the Board vote to recommend Town Meeting disapproval of the article.

**Town Meeting 2019 Articles (cont'd):**

On a motion by Ms. Knowles seconded by Ms. Duff the Board recommended Town Meeting disapproval of Article 65 Rezoning a Portion of South Street from IA to SRC. **Vote:** Unanimous (4-0).

**Article 54 – Special Permit Lapse:**

Ms. Byerley explained that the current zoning bylaw calls for a special permit to lapse if there is no activity after 24 months. The Massachusetts General Laws have been updated to allow for 36 months before a special permit lapses. She recommended that the Board recommend Town Meeting approval of this article to be consistent with Massachusetts General Laws.

On a motion by Ms. Knowles seconded by Mr. Chiozzi the Board recommended a favorable recommendation to Town Meeting to Article 54 Special Permit Lapse. **Vote:** Unanimous (4-0).

**Article 49 – Amend Zoning Bylaw Article VIII: Solar Energy:**

Ms. Byerley reviewed this proposed bylaw which is a new bylaw for the Town to begin to regulate solar uses. Mr. Materazzo noted that today there is no mechanism to control mounted solar systems in Town. He noted that the town of Beverly recently ran into an issue with a resident placing a large solar mount in their front yard due to the lack of regulation in that town.

Mason Browne of 207 Haggetts Pond Road noted that the bylaw as written lists a small array as being under 250 kW. He questioned if this was a typo which should have read 25.0 kW. He stated that 250 kW could be 800 panels.

Mr. Bergeron asked if the capacity is listed as less than 250kW to compensate for any change in technology. Ms. Byerley states that he was correct.

Rosemary Halloran of 197 Haggetts Pond Road noted that the state defines a small system as less than 250kW. She stated that in her opinion that allowance of 20 ft in height is too high for a residential neighborhood because solar panels are ugly.

Ms. Knowles noted that from her experience with a solar purchase power agreement, the grid will not let you put in more kilowatts than you can use in your home.

Mr. Chiozzi asked why they chose to settle on 1,000 s.f. in size. Ms. Byerley stated that it was based off of examination of other communities' bylaws and from measuring existing arrays in town.

Mr. Urbelis noted that this bylaw was written at the request of the Inspector of Buildings so that he would be able to regulate solar in town. Right now there is no mechanism for him to regulate most of the solar arrays in town.

Don Schroeder of 204 Haggetts Pond Road asked about limits in the commercial districts or if entire properties would be able to be covered by solar arrays. Ms. Byerley stated that this bylaw does not place such a restriction in commercial districts. Mr. Schroeder stated that limits should be put in place, especially for the downtown. Ms. Byerley stated that the size of a proposed solar

**Town Meeting 2019 Articles (cont'd):**

array in commercial districts may trigger the necessity of a special permit for major non-residential project which would require Planning Board review to ensure it was meeting the special permit criteria.

On a motion by Ms. Duff seconded by Ms. Knowles the Board issued a favorable recommendation of Article 49 Solar Energy. **Vote:** Unanimous (4-0).

**400 Federal Street:**

Mr. Bergeron opened the public hearings on applications submitted by Vicor Corporation, for a Special Permit for Major Non-Residential Project and a Special Permit for a Change in Parking Space Requirements for a proposed 85,000 s.f. addition to an existing building and related parking adjustments.

Steve Lewis of Gorman Richardson Lewis Architects, an architect representing the applicant, reviewed the project. He stated that this 85,000 s.f. addition will be a manufacturing facility. The addition will be located in an area that currently has parking for the existing building. To compensate for the loss of those parking spaces, 71 new parking spaces will be added in other locations on the property. There are 500 existing parking spaces on site today, and once this addition is constructed there will be a total of 513 parking spaces onsite. Mr. Lewis showed a rendering and floor plans for the addition. Marc DiPilato of Gorman Richardson Lewis Architects, an architect representing the applicant, stated that once built, this addition will result the hiring of 25 new employees. At peak shift change, there could be as many as 498 employees on the property.

Mr. Bergeron asked if they will be breaking through the existing wall in any part of the addition to join into the existing building. Bob Hall of Vicor stated that some areas will be an extension of equipment in the existing building and other areas will be a duplication of the existing equipment. Mr. Bergeron asked about the height differential on the second floor. Mr. Hall stated that they have had issues in the past with moving equipment in and out so the height differential will help facilitate the manufacturing better.

Mark Beaudry of Meridian Associates, an engineer representing the applicant, reviewed the 16 acre site. He noted that they will be going before the Conservation Commission due to the proximity to both a pond and wetlands. The application requires 783 parking spaces and they will be providing 513 parking spaces. He informed the Board that in 1999 the Planning Board approved a parking structure that was never constructed because the existing parking functioned without the necessity of more. With this building addition, 25 additional people will be added to each shift, and 71 spaces will be added along the border with Interstate 93.

Mr. Beaudry explained the stormwater systems. He noted that today everything drains to the onsite pond. The site will have pipe storage systems and recharge chamber systems for flows. The utilities will come from the existing building. The lighting in the parking lot will be LED.

Ms. Byerley stated that the Conservation Commission is spearheading the stormwater peer review with the Planning Board copied on all correspondence. Ms. Knowles asked if the

**400 Federal Street (cont'd):**

addition would displace any existing stormwater apparatus. Mr. Beaudry explained the current systems in place that would have to be moved to another location or replaced.

Mr. Bergeron asked what will be done to meet the parking demand. Mr. Beaudry showed the area of the previously permitted parking structure. He noted that the parking structure could be up to three decks above ground level and would provide for a total of 894 parking spaces on site. Mr. Bergeron asked if there was any onsite land that additional parking could be planned for but not constructed until needed. Mr. Beaudry stated that there are too many constraints such as wetlands for additional onsite parking. Ms. Knowles asked what the current parking demand was onsite. Mr. Beaudry stated that this project would add more parking than the demand.

Mark Pascarella of 81 Osgood Street stated that Vicor is exactly the kind of company that Andover needs to invest in and the Town should be doing whatever it can to make sure that it remains a vibrant member of the community. They are good corporate citizens, are growing and have big name clients. The Town should be doing whatever it can to maintain and attract businesses like this one.

On a motion by Ms. Duff seconded by Ms. Knowles the Board continued the public hearings on Vicor Corporation to April 9, 2019 at 7:30 PM. **Vote:** Unanimous (4-0).

**146 Dascomb Road:**

Mr. Bergeron opened the continued public hearings for 146 Dascomb Road, a Special Permit for Major Non-Residential Project and a Special Permit for ID2 Zoning District Uses.

Rick Friberg of TEC, Inc., an engineer representing the applicant, gave a presentation on the project's Master Plan, the five phases of the project, and future approvals of site plans. He noted that the plan for now is five phases, but it could be fewer based on the needs of tenants. The Master Plan proposes the uses, square footage and site layout, identifies impacts and proposes mitigation which allows for the required special permits to be obtained. Mr. Friberg stated that each phase would return to the Planning Board for a Site Plan Review with an Interdepartmental Review Meeting held and Design Review Board review. The applicant would be required to provide the Board documentation of conformance with the approved Master Plan. Mr. Friberg showed a suggested tracking form that could be used for documentation in the Site Plan Review process. For each phase, the documentation provided for the Site Plan Review would include this tracking sheet, site plans, architectural elevations, signage and documentation that the requirements of Section 9.5 of the Bylaw are being met. After approval of the Site Plan, a building permit would be able to be obtained for each phase.

Mr. Chiozzi noted that the phasing plan shows roadway improvements not taking place until Phase II. He prefers that all roadway improvements take place first and that occupancy not be given to any building until those improvements are complete. He noted that the applicant may not receive approval from MassDOT for the main entrance to be built off of Dascomb Road. Mr. Bergeron asked if Phase II could work with only the Smith Drive access. Mr. Friberg stated that it could work.

**146 Dascomb Road (cont'd):**

Mr. Chiozzi asked about the MassWorks Grant process in regards to payment for work completed. Mr. Materazzo stated that the developer would be responsible for paying for anything that the MassWorks Grant did not cover. Mr. Chiozzi asked who controls the MassWorks money and how it is accessed. Mr. Materazzo stated that the Town controls the money but the Town does not yet have a contract for the grant. Mr. Chiozzi asked who would be hiring the contractors to do the infrastructure improvements. Mr. Materazzo stated that the Town would be hiring those contractors for the work that would be taking place on Town owned land. Mr. Chiozzi asked if the developer would be responsible for any shortfall. Mr. Materazzo stated that the developer would be responsible for the shortfall and if there was no money from the state the developer would be responsible to pay for everything. Mr. Chiozzi felt that because the developer would be responsible for any shortfall, it was very important for infrastructure improvements to take place immediately if approved. Mr. Chiozzi asked how the applicant would handle the payment of the cost of any improvements that the grant does not cover. Mr. Materazzo noted that if approval is granted, a condition could be put in place regarding the expectations of the Town on the overrun cost not covered by a grant. Mr. Chiozzi stated that the Board needs to make sure that the Town is not put in a situation where they have to be chasing the applicant for money or chasing them to finish the project. He asked who would pick the design engineer and Mr. Friberg stated that the Town would pick the design engineer. Mr. Chiozzi stated in his opinion, the Town should start sending out RFP's for the infrastructure work so that it can begin as soon as possible should the applicant receive an approval.

Ms. Knowles stated that she is concerned about the 30ft retaining wall that would be built as part of Phase III. Mr. Friberg stated that the retaining wall is necessary as it will be a permanent component of the parking structure, not a temporary measure. It is their hope that the parking structure will be able to be built quickly after the installation of the retaining wall.

Mark Pascarella of 81 Osgood Street stated that it would be wrong, reckless and a disservice to the residents to build large buildings at a dangerous intersection without having all of the infrastructure in place. Mr. Bergeron agreed and noted that the traffic peer reviewer has now been given the information on the phasing to opine on.

Paige Impink, a Tewksbury resident, asked how high the parking structure would be. Mr. Friberg explained that the parking structure is not above grade and would only be seen from Smith Way because of the topography. Ms. Impink asked how many floors the hotel would be and Mr. Friberg stated that it would be four floors. She asked about the hotel's height relative to Interstate 93. Mr. Friberg stated that the hotel is capped at 4 stories and 50 ft in height. The elevation of Route 93 is about 30 ft higher than Dascomb Road. The top of the hotel will be lower than the existing hill onsite. He noted that the existing cell tower on top of the hill is about 150 feet higher than the proposed hotel.

Joe Albuquerque of 197 Greenwood Road stated that in addition to site phasing, there should be a project phasing plan that addresses the traffic, sewer and other components. He noted that there were comments in the MEPA review regarding the proximity of the railroad crossing as well as the identification of potential future development in the vicinity which could impact traffic. He stated that the sewer piece will be part of the roadway improvements. Mr.

**146 Dascomb Road (cont'd):**

Albuquerque gave the Board a document from the town of Tewksbury showing that Tewksbury could meet the sewer demands of the development. Mr. Bergeron noted that the utilities will be covered in a future meeting. Ms. Byerley stated that the DPW has requested a peer review of the sewer design. She noted that the square footages and the uses needed to be known before the sewer capacity could be known. Mr. Friberg added that the Town's sewer master plan study included extending the sewer to this area of town. He intends to work with the DPW to determine if there is capacity in the system to accommodate an extension, and if so what upgrades are necessary. If the extension can take place, phase by phase the internal site connections would be examined. Ms. Byerley noted that the offsite sewer and water improvements take place at the same time as traffic improvements. The water and sewer mains are items for the Master Plan and the internal connections would be part of the individual site plan review applications.

Mark Pascarella of 81 Osgood Street noted that right now these parcels are serviced by Tewksbury. He asked if it has been determined if Tewksbury is capable of providing the same services to this project. Mr. Friberg stated that they will not be able to connect to Tewksbury.

Steve Sadwick, Tewksbury Assistant Town Manager, from the audience stated that the Town of Tewksbury currently has some excess sewer capacity. There is an existing problem in the East Street sewer line that would not allow for the flow to come out of this project. Tewksbury gave comments for the Environmental Notification Form regarding their concern that the size of the pipes are such that they can handle the capacity of this project, future development and every Andover property that is currently connected to Tewksbury sewer in that area. He noted that Tewksbury buys capacity from Lowell as they are connected to the Lowell Wastewater Treatment Plant.

Mr. Friberg stated that the pump station is planned to be located at a low point on the site to pitch flow from this property and surrounding properties. There will be a gravity sewer manhole at the top of Smith Way that would allow for future connections from across Dascomb Road. From there it would flow by gravity down Smith Way to the onsite pump station to a force main down Dascomb Road to Osgood Street where the existing Town sewer stops. Mr. Chiozzi asked for how long the sewer system would be maintained as private. Mr. Friberg stated that generally sewer systems are maintained as private until someone else connects to it. Mr. Chiozzi felt that the pump station should be closer to the public way to facilitate maintenance. Ms. Byerley stated that rights in the private way could be given to the town through easements.

Mark Pascarella asked if the onsite pump station will be sufficient to move the wastewater to Andover Street. Mr. Friberg stated that the pump station would move the wastewater to Osgood Street and from there it would feed to a gravity line. Mr. Pascarella asked what the Town can do to ensure that this development is being provided with fresh water. Mr. Friberg stated that the Town has never brought up any issues with the water supply during the interdepartmental review meetings.

The Board determined at the next meeting the Fiscal Impact would be discussed.

**146 Dascomb Road (cont'd):**

On a motion by Ms. Duff seconded by Ms. Knowles the Board continued the public hearings on 146 Dascomb Road until April 9<sup>th</sup> at 7:45 P.M. **Vote:** Unanimous (4-0).

**Town Meeting 2019 Articles:**

Mr. Bergeron opened the continued public hearings on Articles 50, 51 and 52 related to Signs. Mr. Materazzo stated that the working group does not feel comfortable moving forward with the bylaw this year. The articles will be withdrawn on the floor of Town Meeting. He recommended that the Board recommend Town Meeting disapproval of the three articles related to the sign bylaw. On a motion by Ms. Duff, seconded by Mr. Chiozzi the Board recommended Town Meeting disapproval of Article 50, 51 and 52. **Vote:** Unanimous (4-0).

**Adjournment:** The meeting was adjourned at 10:04 P.M.

Documents:

**Town Meeting 2019 Articles:**

- 2019 Annual Town Meeting Warrant

**141 Elm Street:**

- Affordable Housing Restriction
- Monitoring Agreement
- Affirmative Fair Housing Marketing Plan
- Tenant Selection Plan
- Age Restriction

**Minutes:**

- Andover Planning Board Draft Minutes of January 22, 2019.

**1 Minuteman Road and 161 River Road:**

- 1 Minuteman Road and 161 River Road Site Plan Revision 1 dated February 15, 2019

**400 Federal Street:**

- 400 Federal Street Vicor Corporation Site Development Plans dated February 12, 2019

**146 Dascomb Road:**

- TEC, Inc. 146 Dascomb Road Phasing, Master Plan and Future Approval of Site Plans Presentation March 12, 2019
- Letter submitted to Board by Joe Albuquerque, 197 Greenwood Road from Richard Montouri, Town Manager, Tewksbury, MA to Salvatore Lupoli, President / CEO Lupoli Companies, dated May 20, 2014