

Call to Order:

The Planning Board Meeting was called to order at 7:01PM on March 29, 2022 via Cisco Webex online video conferencing platform. Present were Chair Zachary Bergeron, Vice Chair Rocky Leavitt; Members Neil Magenheim, Vincent Chiozzi, Jr. (via phone call), Ann Knowles, and associate Morgan von Prella Pecelli. Also present were Jacki Byerley, Planner, Lisa Schwarz, Assistant Director of Planning, Paul Materazzo, Director of Planning & Land Use, and Glen Ota, Police Safety Officer.

CONTINUED PUBLIC HEARINGS:**300 Minuteman Road – Special Permit for a Major Non-Residential Project (SP21-06) and Special Permit for a Change in Parking Space Requirements (SP21-07):**

The applicant requested a continuance of the public hearing without discussion to the April 12, 2022 meeting.

On a motion by Ms. Knowles, seconded by Mr. Magenheim, the Planning Board unanimously voted to continue the public hearing without discussion to the April 12, 2022 meeting at 7:05PM. **Vote: (6-0)**

DISCUSSION ITEMS:**Town Meeting Warrant Articles:**

As communicated in a memorandum to the Planning Board, dated March 15, 2022, Mr. Materazzo stated that the Board provides advisory referrals on Town Meeting Articles requesting funding of more than \$100,000. He advised that the Planning Board vote to take “No Action” on the following articles: P8 – General Housekeeping Articles (A through H); P12 – Stabilization Fund Bond Premium; P14 – Water Treatment Plant Maintenance; P15 – Sewer Collection System Maintenance; P16 – Capital Projects from General Fund Borrowing; P17 – Capital Projects from Free Cash; P18 – Capital Projects from Water and Sewer Enterprise Funds; P23 – Public Safety Multi-Band Portable Radios; P28 – Shawsheen River Interceptor Improvements; P34 – Instructional Assistants Special Articles General Fund; and P35 – Mental Health & Wellbeing Special Articles General Fund.

On a motion by Mr. Magenheim, seconded Ms. Knowles, the Planning Board unanimously voted to take no action on Town Meeting Warrant Articles P8, P12, P14, P15, P16, P17, P18, P23, P28, P34, and P35. **Vote: (6-0)**

Mr. Materazzo proceeded to review Town Meeting Articles P25 – Discontinuance of Portion of Lewis Street and P26 – Abandonment of Portion of Lewis Street which he discussed in a memorandum to the Planning Board, dated March 22, 2022. He advised the Board to recommend approval of said articles, allowing the Town to square off the intersection of Lewis Street and Buxton Court and providing the Select Board flexibility to sell the land in the best interest of the Town should they deem appropriate. Approval would also provide site flexibility for MINCO Development Corporation (MINCO) who was selected for the redevelopment of Old Town Yard and recently acquired two additional parcels along Buxton Court. Mr. Materazzo specified there would be a small portion Lewis Street that would remain a public way and the Town would be responsible for maintenance should the article not pass, in response to an inquiry by Mr. Magenheim. Ms. Knowles commented that the additional space would be welcome as she recalled MINCO’s site plans displayed space constraints.

On a motion by Mr. Magenheim, seconded Ms. Knowles, the Planning Board unanimously voted to recommend approval for Town Meeting Articles P25 and P26. **Vote: (6-0)**

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

Mr. Bergeron opened discussion on the continued 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 present. Ms. Byerley stated that a final draft of the Zoning Bylaw was submitted to the Select Board for the Town Warrant on March 21, 2022. She added that this version had incorporated all changes discussed by the Planning Board and Andy Rouse, resident at 5 Cattle Crossing, at the working group meeting on March 15, 2022 and she is satisfied with the bylaw as it has been submitted. The Planning Board agreed and expressed appreciation for the time and quality of work that was given by Ms. Barrett and Mr. Mitchell. Per Ms. Byerley, the Select Board would review the bylaw at their meeting on April 4, 2022.

On a motion by Mr. Magenheim, seconded by Mr. Leavitt, the Planning Board unanimously voted to close the public hearing on the Zoning Bylaw Recodification. **Vote: (6-0)**

On a motion by Ms. Knowles, seconded by Mr. Leavitt, the Planning Board unanimously voted to recommend approval of Town Meeting Warrant Article P21. **Vote: (6-0)**

DISCUSSION ITEMS:**Minutes:**

On a motion by Ms. Knowles, seconded by Mr. Leavitt, the Planning Board unanimously voted to approve the minutes for the January 11, 2022 meeting. **Vote: (6-0)**

Other Planning Related Topics:

Ms. Byerley revisited the summer meeting schedule which was briefly discussed at the prior Planning Board meeting. She stated that she hoped to finalize the schedule in April so that the dates and subsequent filing deadlines could be updated accordingly on the Planning Board website. Mr. Bergeron stated that he could not attend the July 26, 2022 meeting.

Mr. Materazzo provided an update on the Shawsheen River Master Plan and encouraged Planning Board members to visit the public engagement portal on the Conservation website should they want to provide comments. He also updated the Board on efforts to engage the community on the Chandler Road property that was acquired at Town Meeting in 2021, which includes a public portal as well as two kickoff meetings scheduled for April 12 and 13, 2022. Mr. Materazzo alerted the Board to an article that would be presented at a subsequent meeting related to the acquisition of an additional 1.7 acres of land.

Ms. Schwarz provided an update on the Master Plan and efforts to secure a consultant for the vision statement. She also shared that the Steering Committee is working on another survey for residents only.

Mr. Materazzo stated that construction is underway in the Mill District at the intersection of Essex Street, Red Spring Road, and Shawsheen Road and discussed efforts to establish a vision for this area. Mr. Chiozzi requested a copy of the site plan and Mr. Materazzo responded that he would send it via email.

PUBLIC HEARING:**3000 Minuteman Road – Building 3, Lot 2: Special Permit for a Reduction in Parking Spaces (SP22-07):**

Mr. Bergeron opened the public hearing on the abovementioned special permit application for Building 3, Lot 2 submitted by ARE – MA Region No 93 Phase 2 Holding, LLC, as well as opened discussion on the continued public hearings for the special permits presented and recorded below. Dante Angelucci, Senior Vice President of Development, Alexandria Real Estate Equities, Inc. (ARE); Rickie Golden, Vice President of Real Estate Development at ARE; Brian Lawlor, PE, Executive Vice President, SMMA; Jeffrey Dirk, Managing Partner, Vanasse & Associates, Inc.; and Mark Johnson, Johnson & Borenstein, LLC, were in attendance.

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. Lawlor briefly discussed the request for a parking reduction for Building 3, Lot 2 with an accompanying PowerPoint presentation. He stated that the applicant is not proposing to change the number of parking spaces, as they anticipate the cGMP use would be consistent with the existing parking density (2.1 spaces/1,000 square feet). Ms. Byerley proceeded to review comments from the Public Works (DPW) and Police Departments related to the water/sewer and traffic for Building 3, respectively, and both were satisfied with the information that had been submitted by the applicant. Ms. Knowles sought clarification on water usage for Building 3. Per Mr. Lawlor, water usage calculations for Buildings 2, 3 and 4 [referenced as Phase A] were reviewed by DPW and they were satisfied, whereas Building 1 would require additional analysis. Mr. Chiozzi expressed concern with traffic impacts when considering the whole campus. A traffic impact assessment, dated March 17, 2022, was submitted by the applicant's traffic engineer, and it concluded that the Building 3 renovation would result in a reduction of traffic during weekday commuter peak hours. Mr. Chiozzi stated that this reduction would disappear with the construction of an additional 300,000 square feet planned for the second phase of the project. In response, Mr. Dirk confirmed this statement to be true and stated that a more robust traffic analysis would be needed at that time.

On a motion by Ms. Knowles, seconded by Mr. Leavitt, the Planning Board unanimously voted to close the public hearings for the Special Permit for a Major Non-Residential Project (SP22-03) and the Special Permit for a Reduction in Parking Spaces (SP22-07). **Vote: (6-0)**

Mr. Johnson proceeded to provide an update on the special permit applications related to Building 1, Lot 1, stating that SMMA is in the process of preparing a response to the peer review conducted by Horsley Witten Group. He noted that the applicant would not be able to satisfy a request related to solar panels and requested that the Planning Board consider adding a condition of approval to the decision. He added that DPW is working on request for proposals for a sewer and water peer review.

Mr. Chiozzi requested that the Planning Division contract with a traffic peer reviewer for Building 1 and to consider plans for the whole campus as part of the assessment. Ms. Knowles added that water, sewer, and traffic usage from One and Four Corporate Drive [which is currently before the Board and in the same area] be considered as well. Ms. Byerley responded that she would work on the request for proposals and provide an update at the April 26, 2022 Planning Board meeting.

Ms. Knowles and Ms. Byerley shared that they had visited 1776 Drive with James Landy, resident at 75 Brundrett Drive, to review his concerns. Ms. Knowles commented on cracked pavement that had she observed and requested that the applicant make infrastructure improvements so that the whole park is revitalized. Ms. Byerley added that an overgrowth of bittersweet had damaged the trees that were providing a buffer to the residents of Brundrett Drive and requested that the applicant submit a landscaping plan for mitigation. Mr. Angelucci responded that he would submit a plan, but the completion of the work would be dependent on the construction timing and financial capabilities. Mr. Landy expressed his appreciation to Ms. Knowles and Ms. Byerley for addressing his concerns and stated he was pleased that the applicant is amenable to working with the residents on the landscaping.

On a motion by Mr. Magenheim, seconded by Ms. Knowles, the Planning Board unanimously voted to continue the public hearing for SP22-01 and SP22-02 to the April 26, 2022 Planning Board meeting at 7:05PM. **Vote: (6-0)**

Ms. Byerley stated that she recommends approval of the special permit applications for Building 3 and referenced her memorandum to the Planning Board, dated March 28, 2022, which outlined twenty standard conditions and one additional condition related to the parking reduction that would require a recalculation of spaces should the use change. In this instance, the applicant may need to seek further relief from the Planning Board or Zoning Board of Appeals.

Mr. Magenheim made a motion that the Board find that the special permits for a major non-residential project (SP22-03) and special permit for a reduction in parking spaces (SP22-07) will not be unreasonably detrimental or substantially detrimental to the established or future character of the neighborhood and town and that this is in harmony with the general purpose and intent of the Zoning Bylaw. Additionally, Mr. Magenheim moved that the Board approve with conditions said special permits. Ms. Knowles seconded both motions. **Vote: (6-0)**

CONTINUED PUBLIC HEARING:

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

Mr. Bergeron opened the continued public hearing on the abovementioned special permit application. The following representatives were present for the discussion: Attorney Mark Bobrowski, representative for the applicant; Benjamin Osgood, PE, Director of Engineering, Ranger Engineering Group, Inc.; Kenneth Cram, PE, Director of Traffic Engineering, Bayside Engineering; Paul Kneeland, owner of Medico 140, LLC; and Greg Lucas, Senior Project Manager, Environmental Partners. Ms. Byerley stated that traffic and parking were the primary focus for the hearing.

Mr. Cram provided a comprehensive review of revisions made to the Traffic Impact and Access Study in response to comments by Environmental Partners, with whom the Planning Division contracted for a traffic peer review. He also provided an update on discussions held with Officer Ota and Mr. Osgood with regards to the retiming of the lights at the Haverhill Street and High Street intersection and driveway site lines, respectively. He concluded by stating that Mr. Lucas agreed that the proposed parking is adequate for the identified use. Mr. Bobrowski requested that Mr. Lucas state for the record that the proposed 153 parking spaces would be sufficient; however, Ms. Byerley responded that the Planning Board would base their decision on his memorandum stating the calculations were appropriate and in consideration of the zoning bylaw regulations. Mr. Bobrowski stated that he would submit a request for a reasonable accommodation to the Planning Board for discussion at the next hearing.

Mr. Osgood proceeded to review proposed parking changes on the revised plan, dated March 17, 2022. Ms. Knowles asked for clarification on four parking spaces that were located within a loading zone, in direct conflict with zoning bylaw regulations. Per Mr. Osgood, there would not be a loading dock for this use and the four spaces in question were reserved for staff. Ms. Byerley indicated that she would forward this matter to Chris Clemente, Inspector of Buildings, for further review, upon Ms. Knowles' request. She also noted that Mr. Clemente had submitted a memorandum, dated March 23, 2022, concluding that it would be appropriate for motor vehicles to back out of parking spaces, a point of contention in previous meetings.

Mr. Bobrowski earmarked topics for discussion at the next hearing including a review of the reasonable accommodation request and final security plan, which will be forthcoming. He also noted that a letter from the Wilmington Police Chief was submitted, reporting there had been no resident complaints since the detox facility opened on December 6, 2021.

Ms. Knowles noted that her previous request to have a notation added on the landscaping plan for invasive species to be removed had not been fulfilled. Mr. Osgood responded that the notation would be added.

Richard Renzi, resident at 135 Haverhill Street, expressed his continued concern with the proposed number of outpatients being transported by van and subsequent impacts to parking and traffic if the assessment is invalid. Mr. Kneeland responded that his traffic engineer surveyed parking at the Wilmington detox facility at full capacity, and he was surprised to learn that the lot had been nearly empty. Mr. Cram stated that evaluation of the Wilmington site was considered in his traffic assessment, in response to Mr. Bergeron's inquiry and proceeded to review the detailed trip generation numbers as presented on page nine of his memorandum. Mr. Lucas added that he had not been aware of the recent information pertaining to Wilmington; however, he concluded that the proposed parking exceeds the demand that is stated for the two facilities.

Thomas Flannagan, Attorney for MacLean Holloway Doherty & Sheehan, P.C. and representative for South Bay Properties, LLC, discussed the results of a traffic peer review submitted by William Bergeron, Project Engineer, Hayes Engineering, Inc., dated March 25, 2022, which contested findings presented by the Inspector of Buildings, Ranger Engineering, and Bayside Engineering. Mr. Bergeron proceeded to review his assessment in more detail, concluding that the proposed plan poses significant safety issues regarding the parking layout, loading area, and pedestrian access to the buildings. Mr. Flannagan requested a copy of the reasonable accommodation request when it becomes available, as well as the memorandum submitted by Mr. Clemente. Mr. Kneeland stated that he had been visiting Doctors Park for thirty years without any issues related to traffic and accessing the site and claimed that the concerns being presented were an objection to the use.

Mr. Renzi asked for Bayside Engineering to provide an updated number of total patients being picked up by van in the morning and confirmation that the Town would ensure compliance. He also cited concerns with noise caused by a HVAC system, snow removal, and trash pick-up and requested this be added as a topic of discussion at a subsequent meeting. Mr. Bobrowski responded that there is no zoning bylaw related to noise in the office district, adding that the applicant would accept a condition that noise does not exceed state regulations. He further stated that the applicant would work with the Town to schedule reasonable delivery times.

Mr. Flannagan stated that he did not appreciate previous comments made by Mr. Kneeland, adding that the community has a right to cite their concerns.

Ms. Knowles asked Mr. Lucas to advise on pedestrian splits for coming onto the site. He responded that there are not adequate walkways adjacent to the site; however he does not foresee pedestrian demand for this use.

On a motion by Mr. Magenheim, seconded by Ms. Knowles, the Planning Board unanimously voted to continue the public hearing to the April 26, 2022 meeting at 7:15PM. **Vote: (5-0)**

CONTINUED 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. William Ashton, representative for the property; William Jones and Richard Cutts, Linden Engineering Partners, LLC; and Kevin Gaughan, Goulston & Storrs, Attorney for the applicant, were in attendance for the presentation. Mr. Ashton provided a brief review of the project history and timeline to date, existing plan, current building uses, parking, and proposed plan. He added that a response to the peer review and department comments had been submitted to the Planning Board, including a commitment to repair the private sewer system within the area in an amount up to \$100,000.

Ms. Byerley indicated that the Town departments are comfortable with the revised plans and comments submitted by the applicant and noted that DPW agrees with the suggested improvements to the private sewer system. Further, she stated that Horsley Witten Group had completed an initial peer review of the stormwater management, and a response from the applicant is forthcoming.

The Planning Board expressed concerns with traffic flow, net traffic in consideration of other projects being developed within the area, and parking. Mr. Ashton reviewed the proposed access routes for large trucks in response to Mr. Leavitt's inquiry, as well as provided traffic and parking projections, as presented in the Traffic Impact Assessment submitted by Vanasse & Associates, the applicant's traffic engineer. Ms. Knowles commented that Vanasse & Associates had recently provided a master plan for some buildings within the area as part of another project before the Planning Board and requested that the applicant include this assessment in their traffic proposal. The Board also inquired about the maintenance of Shattuck Road, which would be managed by Hobbs Brook Management, as opposed to a Homeowners Association.

Ms. Byerley indicated that she would draft proposed conditions by the next hearing. The Planning Board advised that all outstanding items would need to be submitted in a timely manner to consider closing the public hearing and issuing a decision at the next meeting.

On a motion by Mr. Knowles, seconded by Mr. Magenheim, the Planning Board unanimously voted to continue the public hearing to the April 12, 2022 meeting at 7:00PM. **Vote: (6-0)**

Adjournment:

On a motion by Mr. Bergeron, seconded by Mr. Magenheim, the Planning Board unanimously voted to adjourn the meeting at 9:46PM. **Vote: (6-0)**

Documents:**300 Minuteman Road**

- Continuance Request 3.17.22

Town Meeting Warrant Articles

- Memorandum from Paul Materazzo to the Planning Board RE: Town Charter Articles – 3.15.22
- Memorandum from Paul Materazzo to the Planning Board RE: Lewis Street – 3.22.22

Zoning Bylaw Recodification

- Email from Elizabeth Oltman to Jacki Byerley RE: ZBA Comments – 3.15.22
- Andover Zoning Bylaw – 3.21.22
- Memorandum from Jacki Byerley to the Planning Board RE: Recommendation – 3.30.22

Minutes

- January 11, 2022 Planning Board Minutes

3000 Minuteman Road

- 72 Brundrett Drive Resident Email – 3.14.22
- ARE – Sanitary Sewer Building 3 Calculations – 3.15.22
- ARE – Water Use Building 3 Calculations – 3.15.22
- Email from DPW to applicant RE: Water/Sewer Calculations – 3.24.22
- Email from Jeffrey Dirk to Jacki Byerley RE: Traffic Impact Assessment – 3.11.22
- Email from Glen Ota to Jacki Byerley RE: Traffic Comments – 3.21.22
- Horsley Witten Group Initial Stormwater Peer review – 3.23.22
- Parking Reduction Special Permit Application Building 3 – 3.1.22
- Memorandum from Jeffrey Dirk to applicant RE: Transportation Impact Assessment – 3.17.22
- Memorandum from Jacki Byerley to the Planning Board RE: Recommendation – 3.28.22

140 Haverhill Street

- 135 Haverhill Street Resident Email – 1.17.22
- 197 High Street Resident Email – 2.8.22
- 207 High Street Resident Email – 2.8.22
- Memorandum from Bayside Engineering to Jacki Byerley RE: Response to Traffic Peer Review – 3.9.22
- Memorandum from Bayside Engineering to Jacki Byerley RE: Response to Traffic Peer Review – 3.15.22
- Memorandum from the Building Inspector to Jacki Byerley RE: Site Plan Interpretation – 3.23.22
- Memorandum from Environmental Partners to Jacki Byerley RE: Trip Generation Peer Review – 1.14.22
- Memorandum from Environmental Partners to Jacki Byerley RE: Traffic Peer Review – 2.3.22
- Memorandum from Environmental Partners to Jacki Byerley RE: Traffic Peer Review, Response to Comments – 3.11.22
- Hayes Engineering Review Requested by Andover Eye Associates – 3.25.22
- Revised Plan Set – 3.17.22
- Revised Planting Plan – 3.17.22
- Traffic and Impact Access Study – 1.19.22

- Traffic and Impact Access Study Appendix – 1.19.22
- Wilmington Police Letter – 3.24.22

1 and 4 Corporate Drive

- Deed with Road Maintenance Covenant – 3.24.22
- Email from Ryan Beal to Jacki Byerley RE: Fire Comments – 3.22.22
- Horsley Witten Group Initial Peer Review – 3.22.22
- IQHQ Response to Planning Board Comments – 3.18.22
- Revised Plans C-1, C-3, C-4, and C-7 – 3.18.22
- Sanitary Sewer System Investigation Supplemental Report – 3.17.22
- Sewer and Drain Profiles – 3.17.22
- Truck Turning Exhibits – 3.18.22
- Truck Turning Exhibits 1 and 2 – 3.18.22