

**Call to Order:**

The Planning Board Meeting was called to order at 7:05PM on April 12, 2022 via Cisco Webex online video conferencing platform. Present were Chair Zachary Bergeron; Members Neil Magenheim, Vincent Chiozzi, Jr. (via phone call), Ann Knowles, and associate Morgan von Prella Pecelli. Also present were Jacki Byerley, Planner and Lisa Schwarz, Assistant Director of Planning.

**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 to continue the public hearings without discussion to the Planning Board meeting on May 10, 2022.

On a motion by Ms. Knowles, seconded by Mr. Magenheim, the Planning Board unanimously voted to continue the public hearing to May 10, 2022 at 7:05PM. **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. Bergeron opened discussion on the continued public hearings for the abovementioned special permit applications submitted by IQHQ-1 Corporate, LLC and IQHQ-4 Corporate, LLC. William Jones, Senior Partner, Linden Engineering Partners, LLC; Jennifer Martel, Landscape Architect, Copley Wolff Design Group; and Kevin Gaughan, Goulston & Storrs PC, Attorney for the applicant, were in attendance. Ms. Byerley provided a progress update and briefly reviewed information that had been submitted to date, including revised site plans, a second stormwater peer review with recommended conditions from Horsley Witten Group, Police approval of the proposed traffic impact assessment, and approval of proposed sewer improvements with conditions from the Department of Public Works (DPW). Ms. Byerley stated that a draft recommendation had been submitted to the Planning Board for their review.

In reference to condition 20 on the draft recommendation which would require the developer to expend a maximum of \$100,000 to repair the sewer main, Mr. Chiozzi inquired on how the Town would control costs given that the applicant would be completing the work. Per Ms. Byerley, the applicant would review the work needed with DPW and determine a cost estimate prior to construction. Mr. Gaughan added that both parties agreed that \$100,000 is a conservative number and would be sufficient to address the concerns of DPW with respect to the sewer lines. Ms. Byerley stated the Town Engineer is comfortable with the condition as drafted.

Ms. Byerley noted that she would need to make corrections to the final decision, including adjusting some of the plan dates as well as adding landscaping and architectural plans not currently listed under general conditions for the Major Non-Residential Special Permit.

On a motion by Ms. Knowles, seconded by Mr. Magenheim, the Planning Board unanimously voted to close the public hearings for the Major Non-Residential Project Special Permit (SP22-04) and the Reduction in the Number of Parking Spaces Special Permit (SP22-05). **Vote: (5-0)**

The Planning Board proceeded to deliberations, whereby Ms. Byerley reviewed the special conditions outlined in her draft recommendation and provided clarification on conditions 11 and 19, as well as conditions 1 through 3 pertaining to the parking reduction special permit, as requested by the Board.

Ms. Knowles made a motion that the Board find that the Special Permits for a Major Non-Residential Project and to Reduce the Number of Parking Spaces, as amended, 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. Ms. Knowles further motioned that the Board approve with conditions, as amended, the Special Permit applications for a Major Non-Residential Project (SP22-04) and to Reduce the Number of Parking Spaces (SP22-05). Ms. von Prelle Pecelli seconded both motions. **Vote: (5-0)**

#### **PUBLIC MEETING:**

##### **25 Phillips Street – Phillips Academy – Site Plan Review (SPR22-01):**

Mr. Bergeron opened the public meeting for the abovementioned site plan review application submitted by Phillips Academy for the construction of a 30,800 square foot, two-story music building. The following representatives were in attendance for the presentation: Elizabeth Davis, Associate Director, Capital Projects at Phillips Academy, applicant; John Galanis, Project Manager, Galanis Consulting, LLC; Victor Agran, Associate Principal at ARC, Design Team; and Stephen Garvin, PE, President, Samiotes Consultants, Inc. Mr. Agran provided a comprehensive review of the building location, design concept, site plan including landscaping, program diagram, interior and exterior layout, and photometric study with accompanying PowerPoint slides. Mr. Garvin proceeded to review the stormwater and utilities plan, as well as site access, noting that efforts to ensure access for service emergency vehicles were paramount in discussions with Fire Safety during the Interdepartmental Review (IDR) process.

The team provided more detail on the grading, infiltration system, bioswale system, slope differential, and sheet flow in response to questions by the Board. They also elaborated on the building use and hours of operation, as requested. Ms. von Prelle Pecelli asked for more information on sustainability efforts. In response, Mr. Agran stated they are registered for LEED certification with a minimum initial goal to achieve silver level, but currently on track to achieve gold level, and explained the specific environmental strategies being proposed. He added that six parking spaces have been allotted for electric vehicles, in response to a question by Ms. Knowles. She further asked for clarification on energy use. Mr. Agran stated that the building is intended to solely run on electric energy and not natural gas as previously indicated. Mr. Chiozzi inquired on whether heating through the use of wells could be extended to Graves Hall as a cost-saving measure. Mr. Galanis responded that this idea would require further analysis. Ms. Davis added that more wells would be needed, consuming all the space between the two buildings.

Ms. Byerley specified that Horsley Witten Group had been contracted for a stormwater peer review and the applicant is in the process of submitting utility detail sheets and updated numbers for the campus Inflow & Infiltration (I&I) program with the Town, as requested.

Ms. Davis provided information on the design review process, per Mr. Bergeron's request. He commented that he appreciates the historical, yet modern look being proposed.

On a motion by Ms. Knowles, seconded by Ms. von Prelle Pecelli, the Planning Board unanimously voted to continue the public meeting to the May 10, 2022 meeting at 7:30PM. **Vote: (5-0)**

**PUBLIC HEARINGS:****Sellers Farm Estates – Definitive Subdivision Plan Modification (PL22-3370) and Special Permit for Earth Movement Modification (SP22-08):**

Mr. Bergeron opened the public hearings on the abovementioned special permit applications submitted by LRC Builders LLC for a modification to a 3-lot subdivision plan off of Highland Road and construction of a new 18-foot-wide road ending in a cul-de-sac to provide access to the new dwellings. Robert Innis, LRC Builders LLC, applicant; David Innis, LRC Builders LLC; and Olin Richter, Ranger Engineering Group, Inc. were in attendance for the presentation. Mr. Richter displayed the site plan on-screen and provided a summary of the proposed changes to the original plan that was approved by the Planning Board in 2006. Ms. Byerly noted that some updates would be needed based on discussions held at the IDR meeting and specified that review and testing of the water main and fire flow by the Public Works (DPW) and Fire Departments would be forthcoming. She added that the Planning Division had contracted with Horsley Witten Group to review the stormwater and the objective is to not move anything that had been previously approved in 2006 while also bringing the stormwater up to current standards. Ms. Byerly stated that this project was appealed by a neighbor in 2006 and did not have further details to offer when later asked by Mr. Magenheim; however she confirmed that said neighbor had received a copy of the plan and notification of the public hearing and they wanted to ensure that a peer review of the drainage would occur. Finally, Ms. Byerly noted that there is a pedestrian access easement owned by The Andover Village Improvement Society (AVIS) located at the rear of the subdivision, and it was suggested that this access be added to the plans.

The Planning Board expressed concern and asked further questions regarding maintenance of the right of way. Per Ms. Byerly, the Homeowners Association (HOA) would be responsible for maintaining the right of way to ensure public access to the easement and parking, and the applicant would need to provide this information to the Board. Mr. Richter added that a bump out could be placed at the end of the cul-de-sac for public parking, and he would add this to the plan per a request by Ms. Knowles.

Susan Stott, resident at 30 Pasho Street and speaking for AVIS as a member of the Open Space Task Force (OSTF), stated that the easement in question provides vital public access to the AVIS Andover Highlands Reservation and expressed appreciation that it was included in the plan.

On a motion by Ms. Knowles, seconded by Ms. von Prelle Pecelli, the Planning Board unanimously voted to continue the public hearings to the May 10, 2022 meeting at 7:45PM. **Vote: (5-0)**

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

The applicant requested to continue the public hearings without discussion to the Planning Board meeting on May 24, 2022. The applicant also requested an extension of time to August 31, 2022 for the Planning Board to take final action or to file with the Town Clerk a certification of such action.

On a motion by Ms. Knowles, seconded by Ms. von Prelle Pecelli, the Planning Board unanimously voted to accept the extension proposed by the developer to August 31, 2022 and to continue the public hearings without discussion to May 24, 2022 at 7:30PM. **Vote: (5-0)**

**DISCUSSION ITEMS:****7 Tantalon Drive – Multi-Family Dwelling Special Permit:**

The project team for 7 Tantalon Drive, a proposed multi-family redevelopment project comprised of twenty-four units that had been approved by the Planning Board in 2018, requested a pre-filing informal discussion to provide a project update and receive input from the Planning Board on how best to proceed. Representatives in attendance for the discussion included: Attorney Robert Lavoie, Johnson & Borenstein, LLC; Patrick Bogle, P.E., Civil Engineer, Howard Stein Hudson; and Jim Piemonte and Neil Rosenberg, owners of the property. Mr. Lavoie provided a summary of events that had occurred since project approval, as detailed in his memorandum to the Planning Board, dated April 6, 2022. Presently, project engineers are working with the Conservation Commission's peer reviewers to redesign the parking to ensure compliance with the local bylaw which prohibits parking within fifty feet of the riverbank, and they believe an accommodation has been reached. Mr. Bogle proceeded to provide an in-depth review the revised site layout and parking and requested feedback from the Planning Board on the changes. Mr. Lavoie added that they plan to return to the Conservation Commission upon receipt of the peer reviewer's report and were contemplating a new filing with the Planning Board instead of a modification of the special permit.

Ms. Byerley reviewed previous concerns of the Planning Board when this project was under review in 2018 and questions that arose during a pre-filing IDR meeting.

Mr. Chiozzi asked about water depth should the parking garage flood and the course of action if the depth exceeded a level that would cause damage to cars. Mr. Lavoie responded that the property would be organized as a condominium so there would be 24/7 management. He also stated that the river rises slowly so voluntary departures of unit owners or towing assistance would be likely in the event of a flood. Mr. Bogle added that the depth would be several feet. Ms. Byerley suggested that the applicant include any specific information regarding this matter when they file with the Planning Board.

Mr. Chiozzi stated that it was his understanding the building would be comprised of rental units and not a condominium as previously stated by Mr. Lavoie. Ms. Byerley answered affirmatively and added that four of the twenty-four units are designated as affordable. Mr. Lavoie responded that he may have misspoken and added that the zoning bylaw requires four units to be affordable in accordance with Ms. Byerley's previous statement. Mr. Chiozzi requested that the applicant confirm this information at a subsequent meeting.

Mr. Lavoie specified that the next steps would be to have the site plans drawn with the new parking configuration and submit them to the Planning Board and Conservation Commission in approximately six weeks and run the two processes simultaneously.

**Minutes:**

On a motion by Ms. Knowles, seconded by Ms. von Prella Pecelli, the Planning Board unanimously voted to approve the January 25, 2022 Planning Board minutes. **Vote: (5-0)**

**Town Meeting Warrant Article P31 – Funding to Repair Hacienda Way for Street Acceptance:**

Courtney Famiglietti, resident at 3 Hacienda Way and petitioner of the abovementioned private warrant article, presented her objective for the article which is to receive appropriated funds of \$120,000 to bring Hacienda Way up to code with the end goal of Town acceptance of the private way. Michael Famiglietti, resident at 3 Hacienda Way, provided a historical background of the development since he purchased his

home in 1978 and spoke to issues that he and other residents have encountered over the years with drainage and flooding, most notably. The following residents attended the meeting in support of the article and echoed similar concerns: Sanjay Kaul, 5 Hacienda Way; Chip Gregory, 232 Haggetts Pond Road; and Don Schroeder, 204 Haggetts Pond Road.

Mr. Chiozzi asked why the normal process for street acceptance was not followed and what happened to the financial security to ensure completion of the road. Per Mr. Schroeder, there was \$9,000 in a bank account, but the bond was not picked up because the Town's interest was never perfected. Ms. Byerley added that the developer attempted to do some of the work, but he was not comfortable with the requirements by other Boards and Commissions and ultimately walked away from the project. She explained that this project would be a multi-year process due to the outstanding work that remains, including construction, title work, and eminent domain taking. Ms. Byerley concluded by stating that the Planning Board approved Hacienda Way to be a public street. Mr. Chiozzi suggested to the petitioner that she explain the history of the development first at Town Meeting before requesting the funding and additional work that may be required.

On a motion by Ms. Knowles, seconded by Mr. Chiozzi, the Planning Board expressed support of the intent of Private Town Meeting Warrant Article P31 – Funding to Repair Hacienda Way for Street Acceptance and unanimously voted to recommend approval of the article. **Vote: (5-0)**

**Town Meeting Warrant Article P20 – Land Acquisition – 138A Chandler Road:**

Ms. Byerley stated that Paul Materazzo, Director of Planning & Land Use, as stated in his memorandum to the Planning Board, dated April 5, 2022, has asked the Board to support the purchase of 1.79 acres of land situated adjacent to the recently acquired Park Family Farm.

On a motion by Ms. Knowles, seconded Mr. Magenheim, the Planning Board unanimously voted to recommend approval of Town Warrant Article P20 for the acquisition of 1.79 acres of land at 138A Chandler Road. **Vote: (5-0)**

**Other Planning Related Topics:**

Ms. Byerley asked the Planning Board to respond to Mr. Materazzo's email and doodle poll regarding their availability to attend a tri-board meeting with the Select Board, School Committee, and Finance Committee.

The Planning Board discussed the summer meeting schedule, and no decision was made at that time to reschedule or cancel a meeting. Ms. Byerley requested Board members to email their vacation times to her and stated the discussion would be continued at the April 26, 2022 Planning Board meeting.

**Adjournment:**

On a motion by Ms. Knowles, seconded by Mr. Magenheim, the Planning Board unanimously voted to adjourn the meeting at 9:41PM. **Vote: (5-0)**

**Documents:****300 Minuteman Road**

- Continuance Request 4.1.22

**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
- Traffic Impact Assessment Report – 2.4.22
- Email from Applicant to Jacki Byerley RE: MVTMA – 3.30.22
- Revised Site Plans – 3.21.22
- Revised Stormwater Report – 3.31.22
- Memorandum from Linden Engineering to the Planning Board RE: Stormwater Peer Review Response – 3.31.22
- Horsley Witten Group Second Stormwater Peer Review – 4.6.22
- Memorandum from Jacki Byerley to the Planning Board RE: Draft Recommendation – 4.7.22

**25 Phillips Street – Phillips Academy**

- Schematic Design – 10.29.21
- Site Plan Review Elevations – 3.16.22
- Site Plan Review Application – 3.16.22
- Stormwater Report – 3.16.22
- Existing Conditions Plan – 3.10.22
- Plan Set – 3.16.22
- Site Lighting Photometric Study – 3.15.22
- Landscaping Plan – 3.15.22
- Memorandum from Jacki Byerley to the Planning Board RE: Project Review & Recommendation – 4.6.22

**Sellers Farm Estates**

- Definitive Plan Application – 3.4.22
- Special Permit for Earth Movement Application – 3.4.22
- Stormwater Management Report – 3.4.22
- Full Plan Set – 3.4.22
- Letter from AVIS to the Planning Board – 3.26.22
- Memorandum from Jacki Byerley to the Planning Board RE: Project Review & Recommendation – 4.6.22
- Email from Jim Sellers to Paul Materazzo RE: Roadway Name – 4.12.22
- 4 Woodland Road Attorney Request RE: Drainage – 4.12.22
- Memorandum from the Public Health Director to Jacki Byerley RE: Health Recommendations – 4.12.22

**22 William Street**

- Continuance Request – 4.7.22
- Extension Request – 4.7.22

**7 Tantallon Road**

- Memorandum from Robert Lavoie, Johnson & Borenstein LLC to the Planning Board RE: Pre-filing Informal Discussion – 4.6.22
- Revised Plan Layout – 4.6.22

**Town Meeting Article P31 – Funding to Repair Hacienda Way for Street Acceptance**

- Emails from Courtney Famiglietti to Paul Materazzo – 4.8.22

**Town Meeting Article P20 – 138A Chandler Road**

- Memorandum from Paul Materazzo to the Planning Board – 4.5.22

**Minutes**

- January 25, 2022 Planning Board Meeting Minutes

**Miscellaneous**

- 2022 Draft Annual Town Meeting Warrant
- Planning Board Agenda