

Call to Order:

The Planning Board Meeting was called to order at 7:30 PM on May 12, 2020 via Cisco Webex online video conferencing platform. Present were Chair Zach Bergeron; members: Rocky Leavitt, Ann Knowles, Neil Magenheim, Vincent Chiozzi, and alternate: Morgan von Prella Pecelli. Also present were Jacki Byerley, Planner, Michael Lindstrom, Deputy Town Manager, and Paul Materazzo, Planning Director.

Town Meeting Warrant Article 41 – Acquisition of 157 Andover Street

Deputy Town Manager, Michael Lindstrom, presented to the Board the Town Meeting Warrant Article 41 which considers the acquisition of 157 Andover Street, a property adjacent to the Ballardvale Fire Station. The Fire Station is under construction and the addition land would add parking to the project. Mr. Lindstrom stated that the acquisition of land would enhance the safety of the site and add parking for more community services that will be made available with the new Fire Station. Mr. Leavitt asked how many spaces the Town is looking to gain for the price of the property. Mr. Lindstrom said that they are expecting to gain 14 or 15 spaces and said for the price it makes sense to enhance the safety for the area.

Mr. Magenheim made a motion to recommend approval of the Town Meeting Warrant Article 41 – Acquisition of 157 Andover Street. Ms. Knowles seconded the motion. A roll call vote was conducted and all members voted in favor of the motion.

Frenchman’s Reserve – 90 Beacon Street – Modification of Special Permit for a Multi-Family Dwelling Attached Cluster. SP-15-04

The Board has previously approved a special permit for with 27 units. The applicant has applied to add a unit to a three-unit building to make it a four-unit building. The applicant’s engineer, Doug Lees, presented the modification to the plan. The modification included rotating the buildings and the addition of one unit. Mr. Leavitt asked about the rotation of the buildings. The Mr. Lees said that the orientation of the driveway would not change significantly because of the rotation to building 7.

Mr. Materazzo addressed to the Board a question that was emailed to the Planning Staff email form Stacey Albuquerque. The question did not pertain to the project before the Board, but to a different project which the applicant is involved. No other questions have come in by email or phone.

Mr. Magenheim made a motion to close the public hearing. Mr. Leavitt seconded the motion. The Board conducted a roll call vote and all members voted in favor of the motion.

Mr. Magenheim made a motion to approve the modification and the change to building 7. Mr. Leavitt seconded the motion. The Board conducted a roll call vote and all members voted in favor.

Burt Road Development – 3, 3R & 4 Executive Place – Special Permit for Major Non-Residential Project

Most issues have been addressed at this point through the public meeting process. Of the outstanding matters, The Board was looking for the Fire Department’s approval on the water main. Fire said that the use of the structure would be the determining factor for the approval of the dead-end water main. Peter Ellison, the applicant’s engineer, said that the applicant understands that they may need additional pumps to meet the pressure requirements. Mr. Chiozzi commented on the possible need for a condition

stating that the applicant would have to meet Fire's requirements before the applicant receives an occupancy permit.

The applicant, Scott Kelly, stated that they would not be able to get an occupancy permit without meeting code. Mr. Chiozzi wanted to know if the Building Inspector would be okay with giving a building permit without knowing that Fire has approved the pressure of the water main. Ms. von Prella Pecelli asked about the risk that would be held by the Town if the Board approved the project without water main testing. The risk lies with the applicant, but Mr. Chiozzi stated that it would be an awkward position for the Town to approve the project, but not allow a tenant to move in because of the fire safety requirements. Mr. Chiozzi would like Ms. Byerley to amend condition number 9 to include that the applicant must submit plans to Fire and DPW for approval. The Board and the applicant both agreed to the amended conditions.

Ms. Knowles made a motion to close the public hearing. Mr. Leavitt seconded the motion. The Board conducted a roll call vote and all members voted to approve the motion. Ms. Knowles made a motion to approve the special permit with conditions. Mr. Leavitt seconded the motion. The Board conducted a roll call vote and all members of the Board voted to approve the special permit.

95 Sunset Rock Road – Definitive Subdivision & Earth Movement Special Permit

Matt Hammer, the applicant's engineer, presented the plan to the Board. The applicant is in front of the Board for approval of a 2-lot definitive subdivision and a special permit for earth movement. Ms. Knowles inquired about the slope of the land surrounding the driveway. Mr. Hammer said that the grade is 8% with no leveling area at the bottom. They did not think that the grade was steep enough to pose a problem. Mr. Magenheim asked if the circle was necessary and if there was a possibility that the applicant could be back in front of the Planning Board to add a property to the subdivision. Mr. Hammer said that it was aesthetically pleasing and also served as a way to help with the drainage. Mr. Alexandris explained that there is no feasible way to add another property because of the landscape conditions. It is too steep and rocky to add anything more than what has been proposed.

Mr. Leavitt asked about the amount of soil that will need to be moved to Pride's Circle, as has been proposed. Ms. Byerley asked if Lot 1 will have access to the public land through Lot 2. Greg Alexandris, the applicant, said that it was unlikely that an access easement would be granted through Lot 2. Mr. Magenheim inquired about landscaping around the property along the road. Mr. Leavitt stated that there is a rock wall that is consistent with the neighborhood aesthetics that may be conditioned.

The applicant agreed that two weeks is enough time to respond to the Board's comments before meeting with the Board again. Mr. Magenheim made a motion to continue to the public hearings on the May 26 agenda. The Board conducted a roll call vote and all members of the Board voted to approve the continuation.

Bradford Pond Drive – Preliminary Subdivision

Mr. Ian Rubin, the applicant's engineer, presented the 6-lot preliminary subdivision plan. There is no town water in the area, so the plan is to put wells on each lot. Attempts have been made to develop the property a few times in the past. Ms. Byerley reiterated the fact that the property has been brought in front of the Board in the past, the last time having been in 2019. Since the applicant has been denied a definitive subdivision and a special permit for earth movement within the last two years, the applicant

needs to prove to the Board that their plan has changed to meet the requirements of the Board and receive a repetitive petition for a definitive subdivision to be approved or else the applicant would have to wait until two years have passed to apply for the subdivision and special permit for earth movement. With that being said, the applicant cannot apply for a definitive subdivision yet. The purpose of the preliminary plan is to check to see if there are any issues with the plan before the applicant comes back to the Board for a definitive subdivision approval. Even if the adjustments are made to the preliminary plan, it does not guarantee approval of the definitive plan. The Board received comments from abutters concerning the property for the Board's review, including one abutter who is concerned about protecting horse trails which abut the property.

Ms. von Prella Pecelli asked the applicant to explain how they plan to handle issues concerning the flood plain and wetlands. Specifically, whether there is a plan to deal with a change in the flood plan over time. Mr. Rubin understood that they need to work with Conservation to address these issues and make sure everyone is on the same page before the applicant applies for a definitive.

Ms. Byerley stated that the water main was an issue that came up with previous iterations of this plan. Mr. Rubin responded by saying that the previous water main issues would not arise as the applicant is planning to have wells on each of the lots. Ms. Byerley said that Fire would have to sign off on the wells. The applicant is also planning to use a shared septic system for the 6 lots. The Board and Ms. Byerley have not heard of any subdivisions that have included a shared septic system. The problem may lie with the maintenance of the shared system and the Homeowners Association (HOA) which designates who is responsible for the maintenance of the system. The subdivision rules and regulations do not state that a shared septic system is not allowed, but the Town's DPW may have issues with the plan. Mr. Leavitt asked why not have singular septic systems on each lot. Mr. Rubin stated that the soil of every lot may not be suitable. Ms. Knowles stated that we may need Board of Health approval before anything comes in front of the Planning Board. The last time the plan was proposed the Board of Health denied their application.

Mr. Magenheim made a motion to continue the discussion on the May 26 Planning Board agenda at 7:30 PM. Mr. Leavitt seconded the motion. The Board conducted a roll call vote with all members voting in agreement of the motion.

Meeting Minutes

Mr. Magenheim made a motion to approve the Planning Board minutes for the January 28, 2020, February 11, 2020, and February 25, 2020 meetings. Mr. Leavitt seconded the motion. The Board conducted a roll call vote with all members voting to approve the referenced minutes.

Other Business

The Town is targeting the local election for June 9, 2020 and Town Meeting for June 22 and 23, 2020. There will be more information to come after the upcoming Select Board Meetings.

Adjourn

Mr. Leavitt made a motion to adjourn the meeting. Mr. Magenheim seconded the motion. Mr. Bergeron conducted a roll call vote with all members voting affirmatively.

Documents

Town Meeting Warrant Article 41:

1. Town Meeting Acquisition of 157 Andover Street
2. Town Meeting Acquisition of 157 Andover Street Final

Burt Road Development

1. Planning Board Recommendation
2. Site Plans (2/27/20)

95 Sunset Rock Road

1. Horsley Witten Group – Stormwater Peer Review – April 27, 2020
2. Application for Definitive Subdivision
3. Cover letter to Planning Board – March 27, 2020
4. Definitive Subdivision Plan
5. DPW Comments – April 10, 2020
6. Fire Comments – April 24, 2020
7. Memo from Jacki Byerley to Planning Board – May 5, 2020
8. Police Comments – April 24, 2020
9. Special Permit Narrative
10. Stormwater Report – March 26, 2020

Frenchman's Reserve

1. Color Plans
2. Modification Plan
3. Memo from Doug Lees to Planning Board – February 10, 2020
4. Application for Special Permit Modification
5. Memo from Jacki Byerley to Planning Board – May 5, 2020
6. Special Permit (SP15-04)

Bradford Pond Drive

1. Signed application
2. Abutter Edmonds Letter to Andover Planning Board
3. Abutter Ely Email – May 14, 2020
4. Abutter Ely Email – April 27 & 28, 2020
5. Bradford Pond Drive – Preliminary Subdivision Comments – Markey and Rubin
6. Bradford Pond Dr denial January 2019
7. Stormwater Drainage Report – November 6, 2019
8. Bradford Pond Preliminary Plan
9. DPW IDR Comments – March 26, 2020
10. Memo from Tom Carbone (Andover Public Health) to Jacki Byerley – March 26, 2020
11. Plan Narrative – Markey and Rubin
12. Memo from Jacki Byerley to Planning Board – May 8, 2020
13. Recommendation Memo from Jack Byerley to Planning Board – May 21, 2020

Meeting Minutes

1. 1/28/2020 Planning Board Meeting Minutes
2. 2/11/2020 Planning Board Meeting Minutes
3. 2/25/2020 Planning Board Meeting Minutes