Call to Order:
The meeting was called to order at 7:30 p.m. in the 2nd Floor Conference Room of the Town Offices. Present were Chairman Zachary Bergeron, Members Vincent Chiozzi, Joan Duff, Ann Knowles and Neil Magenheim, and Associate Member Rocky Leavitt. Also present were Paul Materazzo, Director of Planning & Economic Development and Jacki Byerley, Planner.

146 Dascomb Road:
Mr. Bergeron opened the continued public hearings on 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 reviewed the project for the Board. He noted that the stormwater, traffic and fiscal impacts of the projects were peer reviewed by experts hired by the Town. Those experts attended Board meetings to present their findings and answer questions of the Board and the public. Mr. Friberg reminded the Board that at the last hearing, the special permit criteria for each requested special permit were reviewed as to how this project meets each of the criteria.

Ms. Knowles suggested the Board discuss the letter received from the Town of Tewksbury. Mr. Bergeron reviewed a letter received from the Town Manager of Tewksbury dated August 27, 2019 which was a follow up letter to one received on August 13, 2019. He noted the letter was a request for the project to include certain improvements in Tewksbury and the costs related thereto. Mr. Leavitt noted that these requests came late in the public hearing process. He asked Mr. Friberg if he has had any further discussions with the Town of Tewksbury. Mr. Friberg stated that two of the three issues that Tewksbury has brought up in the letter will be addressed in the plans. The curb line at the intersection of East Street and Shawsheen Street will be revised and the traffic control cabinet will be moved. A new sidewalk will be constructed from the development to the existing sidewalk network at East Street and Shawsheen. The applicant is not interested in leapfrogging existing sidewalks in Tewksbury to construct additional sidewalks beyond the existing network. The applicant has also committed to adding the at-grade railroad crossings into the post-occupancy traffic monitoring program, and those findings can be presented at each phase.

Mr. Chiozzi questioned if the cost of additional sidewalks in Tewksbury could be covered by the MassWorks Grant. Mr. Materazzo stated that grant monies are to be used specifically for work in the right of way as shown on a submitted plan and the Town of Andover applied solely for the grant. Mr. Chiozzi suggested that the Town try to get the Tewksbury sidewalks included in the work that the grant will fund. Mr. Materazzo stated that the grant has already been allocated based in the information and terms provided at the time of the application, which did not include improvements in Tewksbury. Ms. Knowles noted that areas in which Tewksbury is asking for additional sidewalks is in an area where the applicant has noted that the traffic impact will drop off. Mr. Friberg noted that the area in question has not been surveyed and he has concerns regarding property lines and right of way issues as well as ledge constraints. Ms. Byerley stated that a condition can be placed to require a survey of one or both of the areas and come back to the Board to determine if sidewalks can or cannot be placed. Mr. Chiozzi suggested that the consultant hired by the Town for the utility work include the areas in Tewksbury in their survey to determine if sidewalks will be feasible. He noted that the applicant cannot make any
improvements to the at-grade crossings without permission from the railroad. He added that all improvements that the Board wants should be included in the initial drawings. Ms. Knowles stated that all decisions the Board makes on sidewalks should be made assuming that the sidewalks are not part of the work included in the grant award. Mr. Friberg stated that an interesting option would be for both Towns to petition for more grant money or additional state funds.

Mr. Bergeron noted for the record that a letter was received from Mr. Brad Weeden regarding the improvements to Dascomb Road. Mr. Bergeron stated that he agrees with how Mr. Weeden characterizes the nature of the road, but in regards to any improvements to Dascomb Road safety is paramount. Mr. Chiozzi stated that in his opinion the improvements should be determined by the Police Safety Officer and the Department of Public Works. Ms. Knowles noted that a point of the grant is to take a complete streets approach to the traffic improvements to maintain a gateway look and feel for the Town. Mr. Bergeron stated that the mitigation needs to be a traffic flow improvement over what is existing. Ms. Knowles stated that she wants calming measures so that cars and bikes can coexist on the street with additional sidewalks to help the neighborhood. Mr. Leavitt asked if the landscaping plans will come in with the phases. Mr. Friberg stated that specific landscaping plans with numbers and types of species will be part of each phase.

Tewksbury State Representative David Roberts was present in the audience. Ms. Knowles asked Representative Roberts how the state could help with the funding of the additional sidewalks. Representative Roberts asked how far off the numbers that the Town of Tewksbury provided for the sidewalks were. Mr. Friberg stated that in his opinion the number may be closer to $500,000 and that the numbers provided were most likely conceptual due to the fact that no survey has been performed nor has a design been drawn. What is also most likely not included in the cost provided are drainage improvements, costs such as the necessary police details during construction and any cost associated with blasting that may need to take place as it is known that there is ledge in the area. The estimate provided by the Town of Tewksbury was most likely a per linear cost for the sidewalk and curb. Representative Roberts stated that in his opinion, his colleagues would support the applicant and towns in trying to secure additional state funding for the sidewalks.

Keith Saxon of 15 Wethersfield Drive stated that the DOT letter to MEPA stated that the Interstate 93 northbound with the mitigation will still be worse than today after the build out with a Level of Service (LOS) of F. Mr. Friberg stated that he reviewed the letter from the traffic peer reviewer, GPI, Inc. noting that in the opinion of the peer reviewer, the left hand turn on to Dascomb Road which today is a LOS F is projected to become a LOS C or D with the mitigation. He noted that no construction can take place in the federal right of way without MEPA approval. Mr. Saxon asked about the fire protection systems, specifically the fire pump testing, causing brown water on that side of town. Mr. Saxon asked if the new sewer system will be able to handle the full buildout of the HP site. Mr. Bergeron stated that the sewer system will be able to handle the HP site. Mr. Saxon asked how long the Master Plan approval will stay in effect. Ms. Byerley stated that the Board has never put an end date on a Master Plan. She noted that monitoring is part of the Master Plan so that is a reason to keep the special permit open. Mr. Chiozzi noted that at times of economic downturn that state has taken measures such as the
Permit Extension Act to allow for special permits to remain open for longer periods of time. Mr. Saxon stated that there are reciprocal easements on the property between the applicant and Restaurant Depot and the plan shows blocking of those easements. Mr. Friberg stated that there is currently parking, landscaping and utilities in the easements and the plan shows reconfigured parking landscaping and utilities in the easements.

Ms. Knowles asked Mr. Friberg to discuss the brown water and fire suppression situation. Mr. Friberg stated that the Town is working to address the brown water situation. The development may have to install a filtration system. He noted that any building with a fire pump has to flush on an annual basis. Mr. Chiozzi noted that water only needs to be expelled during a pump test, not during pump exercising.

Mark Pascarella of 81 Osgood Street asked what the solution is for this development causing brown water for its neighbors. Mr. Friberg stated that the brown water problem exists today. The Town needs to replace or line old pipes. Mr. Pascarella stated that brown water is caused by flow and this project will dramatically increase the flow. Mr. Bergeron noted that Chris Cronin, the Director of the Department of Public Works, attended a prior hearing and he explained what is causing the brown water issue in Town and he stated that there is enough capacity for this development to come onto the system. Mr. Pascarella asked if there is available capacity without causing brown water. Mr. Bergeron stated that Mr. Cronin explained to the Board that brown water is not caused by increased flow, but fluctuation of flow, and there is enough capacity available for this development to come onto the system. Mr. Magenheim and Ms. Knowles noted that the DPW Director stated that this development would not make the brown water issue worse. Mr. Leavitt added that they will be replacing an existing 10” pipe with a new 12” cement lined pipe, and they will be undertaking a substantial inflow and infiltration (I/I) project.

Joe Albuquerque of 197 Greenwood Road showed the Board a map of the Andover water system and asked for an existing cast iron pipe in the area to be replaced at the same time as Phase I of this project so that Dascomb Road is not dug up twice. He stated that this will be a 5-10 year project and the Town has a responsibility to replace the unlined cast iron pipe in the Osgood Street area. Mr. Bergeron noted that it is a logical request, however the Board has no authority to tie this project to water pipe replacement in certain areas of Town. Mr. Albuquerque stated that traffic calming doesn’t work and showed photos of traffic at both Lowell Street and the Interstate 93 off-ramp at Lowell Street. He noted that he uses the Waze app to get to and from work in Boston and it often has him exit the highway at Dascomb Road. He felt that once this is built and the HP land is developed there will be gridlock and the Waze app will have commuters exit the highway at either Route 62 or Route 125 to get to Tewksbury and west Andover. Mitigation will not decrease traffic. Mr. Chiozzi noted that traffic is a state-wide problem. The state and the Town want growth and to attract businesses for tax revenue to fund schools and roadway and utility improvements. He stated that we are a driving society. Mr. Bergeron added that the Board has to consider the data that has been provided by the applicant and the information provided by the consultants hired by the Town. Mr. Albuquerque asked if the Federal Highway has been engaged regarding widening the Interstate 93 bridge because it would improve flow and traffic. Mr. Chiozzi noted that the ramp from Interstate 93 north to Dascomb Road will be improved because of the extra turning lane in addition to the signalized intersection. Mr. Bergeron noted that widening the Interstate 93 bridge is not within the Board’s purview.
Janet Clarke of 5 Carriage Hill Road stated that her biggest concern is the traffic. She asked for clarification regarding what Mr. Saxon stated about the northbound exit ramp intersection with Dascomb Road being a LOS F after mitigation. She stated that she thought that the mitigation was going to bring that intersection up to a LOS C. Ms. Byerley read from the state report that Mr. Saxon handed to the Board. The state report noted that the proposed mitigation would bring that intersection up to “an acceptable LOS” on the left turn approach, and asked for the applicant to explore additional mitigation on the right turn approach. Ms. Clarke questioned how the intersection can be made better.

Anne Sermos of 6 Carriage Hill Road stated that in her opinion, two lanes taking a left onto Dascomb Road from the off-ramp and then under the underpass will not be pretty.

Evan Sermos of 6 Carriage Hill Road asked at what point an artist’s rendition of how this development will look aesthetically will available. Mr. Bergeron stated that it will be addressed as part of Phase 1. Mr. Chiozzi added that the Design Review Board will weigh in at that point.

Mark Pascarella of 81 Osgood Street stated that there is currently inadequate traffic, water and sewer infrastructure to support this development. He stated that he was under the impression that the applicant needs to make the off-site infrastructure improvements before undertaking any of the building projects. Mr. Bergeron explained that the applicant is requesting that Phase I include a square footage swap out. This would allow the construction of the first building which includes 26,000 s.f. of office space to replace the existing building that is to be torn down which currently has 27,000 s.f. of occupied office space. Only the 26,000 s.f. of office space could receive occupancy until other improvements were made. Mr. Friberg stated that the applicant is committed to completing all of the off-site mitigation before Phase II.

On a motion by Mr. Magenheimer seconded by Ms. Knowles the Board closed the public hearings on 146 Dascomb Road for a Special Permit for Major Non-Residential Project and Special Permit for ID2 Zoning District Uses. **Vote: Unanimous (5-0).**

**146 Dascomb Road Deliberations:**
Mr. Bergeron opened the deliberations for 146 Dascomb Road.

Ms. Byerley reviewed her memo dated August 23, 2019. The Board reviewed each draft condition and made edits as appropriate. The Board discussed the management of the utility work in Town and the feasibility of the work in the right of way to take place at the same time as regularly scheduled Town work. The Board also discussed placing a time limit on the Master Plan work of ten years.

On a motion by Mr. Chiozzi seconded by Ms. Knowles the Board found the Master Plan at 146 Dascomb Road meets the Special Permit Criteria for a Major Non-Residential Project and ID2 project as outlined above and will not be unreasonably detrimental to the established and future character of the neighborhood and Town, and that such approvals are in harmony with the general purpose and intent of the Zoning Bylaw, and to approve, with conditions as modified
during this meeting, the application by Salvatore Lupoli for Special Permits. **Vote:** Unanimous (5-0).

**Recognition of Joan Duff**
Mr. Materazzo recognized Joan Duff for her dedicated ten years of service to the Planning Board as Ms. Duff had indicated her intention to resign from the Planning Board.

**Adjournment:** The meeting was adjourned at 9:47 P.M.

Documents:

146 Dascomb Road:
- Memo from Jacki Byerley, Planner, AICP to Andover Planning Board dated August 23, 2019, Re: 146 Dascomb Road Special Permit for Major Non-Residential Project ID2 Use Special Permit