Call to Order:
The meeting was called to order at 7:30 p.m. in the 3rd Floor Conference Room of the Town Offices. Present were Chair Zachary Bergeron, Vice Chair Vincent Chiozzi, Members Ann Knowles, Neil Magenheim, and Rocky Leavitt and Associate Member Morgan von Prelle Pecelli. Also present was Jacki Byerley, Planner.

3, 3R & 4 Executive Place - Burtt Road Special Permit for Major Non-Residential Project:

Peter Ellison, Project Engineer with TEC, and Scott Kelly, of RJ Kelly, the applicant, presented the project to the Board. The 53-acre lot is bisected by the town line between Andover and Tewksbury and is bound by the railroad and Route 93, adjacent to Gillette with a National Grid substation location on an easement that is part of the parcel. The lot is accessed by way of a private right of way (r.o.w.). Access would be along Lowell Junction Road to Burtt Road and then onto the private r.o.w. known as Executive Place. The project consists of two warehouse buildings, with Warehouse I split by the town line, 105,000 square feet of which is located in Tewksbury and 80,000 square feet located in Andover. Warehouse II is entirely in Andover. 252 parking spaces are proposed, with 20 full-sized tractor-trailer spaces, along with 38 loading docks.

Traffic trip generation is projected to be 400 trips per day from the two warehouses, which is an increase from the current 7,300 trips along Lowell Junction Road and Connector Road. Ellison will provide a breakdown of the number of trips generated by employees and trucks including how many come through town and how many come directly from the highway at the next meeting at Ms. Knowles’ request.

The applicant has appeared before both the Andover and Tewksbury Conservation Commissions and will appear at the October 7th Tewksbury Planning Board meeting.

The exact use of the warehouses is undetermined. Mr. Chiozzi asked how traffic trip generation has been calculated if the exact use is not definite. Mr. Ellison explained that they based the calculations on the ITE and the land use code for warehousing. The Board suggested having a traffic peer review conducted. Ms. Byerley will have the applicant’s traffic engineer come to the next meeting to answer questions and set up a traffic peer review if requested after the next meeting. Truck access should be limited to Route 125. Since there is no sewer access for this site, the future tenant use will be one with minimal water usage.

Ms. Knowles commented on the landscaping plan that shows Bradford Pear trees, which are an invasive species. She suggested that they consult with the Town Tree Warden for recommended alternatives.

Mr. Leavitt asked if National Grid has given any input yet. Mr. Ellison stated that they have not, adding that the r.o.w. is a shared easement between Pfizer, Gillette, National Grid, and Ballardvale, LLC (the applicant). The rights are the same as if it were a public way. No new easement agreement will be created as all details have been addressed already.
Ms. von Prellé Pecelli asked for an overview of the environmental impact and mitigation of the proposal. Mr. Ellis noted that the project complies with both Andover & Tewksbury’s bylaws. The peer review process has commenced and the property has been mapped for rare species, which is under review by Fish & Wildlife. Ms. Byerley informed the Board that an Interdepartmental Review (IDR) was held on 9/17/19. The comments from Andover Fire Rescue and DPW suggested the addition of a water line for pressure and volume sufficient for the Fire Dept. It is possible that the water line may have to be a dead-ended and to require the installation of a cistern. There will be improvements to Burtt Rd / Biotech Dr and the Health Division will require more test pits to be witnessed for the septic and stormwater systems. Mr. Ellison clarified that there are 4 stormwater basins. Ms. Byerley continued that at the IDR they discussed the possibility of adding hydrants along Burtt Rd/Biotech Dr and that the Police are concerned with the amount of truck traffic. She suggested that Officer Ota could come to a meeting to answer questions. The Board discussed options for restricting access to the site, including Ballardvale St, River St and Connector Rd as well as interior circulation for trucks. Signage on River St. and a lease restriction will prohibit the use of local roads for truck traffic to/from the site. Ms. Byerley noted that parking lot lighting needs to be added to the plans. She informed the Board that the stormwater peer review has been contracted and will be done by Horsley Whitten.

Ms. von Prellé Pecelli inquired about the energy / green practices. Mr. Ellison explained that green practices can be included, but they have not reached that phase in the design yet. The buildings will be designed to fit into the neighborhood. However, the buildings may be noticeable from the highway or railroad tracks, but it is an isolated lot. Mr. Chiozzi asked if abutters had been notified, and at what distance. Ms. Byerley explained that abutters within 300’ are notified. Mr. Chiozzi suggested that the residential neighborhood may not be aware.

The next step will be to review the Horsley Whitten stormwater peer review. Mr Magenheim asked how they could synchronize the process with Tewksbury and reminded the Board that they need to discuss the fee waiver request. Ms. Byerley informed the Board that she will attend the Tewksbury IDR. Ms. Byerley stated that Wilmington has requested reports for the project since it abuts their town. The Board discussed what would happen if one town approves the project and the other denies it. Ms. Byerley suggested that either it wouldn’t be built or it would be smaller. She will update the Board on 10/8 after attending the Tewksbury IDR meeting on 9/24. Ms. Byerley sent all the paperwork and the notice for this evening’s meeting to Wilmington, but no public hearing will be held in Wilmington.

Mr. Bergeron summarized what will be considered during the 10/8/19 meeting:
- Stormwater
- An update from the Tewksbury IDR
- Fee waiver
- Answers from applicant for tonight’s questions

Mr. Ellison emphasized to the Board that they need to go through the approval process in order to attract a tenant. On-site improvements will be made, including sprinklers and parking for tractor-trailers. Ms. Byerley will speak with the Inspector of Buildings to determine the required dimensions for a tractor-trailer parking space. Mr. Magenheim noted that one parking space per 600 net sq. ft. of floor area is required. Mr. Chiozzi asked if parking for each building needs to
be in the respective town. Ms. Byerley will ask at Tewksbury’s IDR. The Board discussed whether the entire building’s area, or just the office space area, dictates the total number of required parking spaces. Mr. Chiozzi pointed out that an office park is different. Mr. Ellison offered to expand the parking memo. Mr. Leavitt suggested that additional land could be earmarked for parking. Ms. Byerley clarified that the total number of spaces required is based on the net floor area, excluding stairwells and loading docks. Mr. Magenheim and Mr. Leavitt requested a comparison of the parking space requirement. Mr. Ellison noted that there will be approximately 170 employees and 252 parking spaces will be provided, excluding tractor-trailer spaces.

The Board considered the type of tenant(s) that may occupy the buildings, which will not likely be manufacturing due to the lack of water. It is possible that there may be multiple tenants. Mr. Ellison reminded the Board that they are working with two zoning bylaws and have exceeded the parking requirement by 40 spaces. Ms. von Prelle Pecelli requested a sense of the tenant types.

On a motion by Mr. Magenheim, seconded by Mr. Leavitt the Board voted unanimously to continue the public hearing to 10/8/19 at 7:30.

**Murray Hill Estates – Bond Transfer:**
Ms. Byerley briefly explained that the subdivision was approved in 2004. The owner, Greenwood Trust, recently sold it to Whitehouse Lane LLC. The surety bond amount has to be transferred to the new owner. The release needs to take place back to Greenwood Trust. The expiration date is typically two years, so September 2021. The motion should include after the amount “by September 2021, unless otherwise extended.” DPW updated their estimate in 2017.

On a motion by Ms. Knowles to accept the Surety Bond posted by Whitehouse Lane LLC to ensure the completion of Murray Hill Estates in the amount of $135,700 by September 2021 unless otherwise extended and to release the tripartite agreement posted by Greenwood Trust, seconded by Mr. Magenheim the Board voted unanimously to transfer the bond.

**Minutes:**
There being no changes, on a motion by Mr. Leavitt to approve the minutes of July 23, 2019 seconded by Mr. Magenheim, the Board approved the Andover Planning Board minutes for the meetings of July 23, 2019. **Vote:** Unanimous (5-0).

**Other Business:**
Ms. Byerley reminded the Board of the meeting dates in November and December (11/12, 11/16, 12/10, and 12/24) suggesting that they may wish to cancel some of them due to their proximity to Thanksgiving and Christmas. The Board agreed to meet on 11/12 and 12/10.

Ms. Byerley informed the Board that she sent a letter to Representative Tram T. Nguyen regarding legislation to allow a Chair to continue public hearings due to inclement weather. The Chair would be authorized to make the motion to continue the hearings. Ms. Byerley explained that the Town calls inclement weather cancellations, not the Board. It is currently the practice at the State level that the Moderator can make a motion to continue Town Meetings due to
inclement weather. The Board felt that it makes sense to ensure an expeditious process. Ms. Byerley will update the Board as any information becomes available.

**Adjournment:** On a motion by Mr. Leavitt, seconded by Mr. Magenheim, the meeting was adjourned at 8:41 P.M. **Vote:** Unanimous (6-0). Ms. Knowles Aye, Ms. von Prelle Pecelli Aye, Mr. Bergeron Aye, Mr. Chiozzi Aye, Mr. Magenheim Aye, and Mr. Leavitt Aye.

Documents:

**3, 3R and 4 Executive Place:**
- Memo from Jacki Byerley, Planner to the Planning Board dated September 18, 2019
- Submittal memo from TEC to Planning Board Chair dated August 28, 2019
- Waiver Request memo from TEC to Planning Board Chair dated September 23, 2019
- Site Plans Burtt Road Development sheets 1-23 dated 8/28/19
- Traffic Impact Assessment from TEC to Planner dated August 19, 2019

**Murray Hill Estates:**
- Murray Hill Tripartite Agreement April 2017
- Jacki Byerley, Planner memo to the Planning Board dated September 17, 2019
- Morris, Rossi & Hayes memo to the Planner dated September 17, 2019
- Subdivision Performance Bond White House Lane LLC

**Minutes:**
- Andover Planning Board Draft Minutes of July 23, 2019