

APPROVED  
5-8-07**Call To Order:**

The meeting was called to order at 7:45 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi, John McDonnell, Sheila Doherty (arrived at 8:00) and associate member Selena Goldberg; also present were Director of Planning, Paul Materazzo, Senior Planner, Lisa Schwarz and Planner, Jacki Byerley.

**Legends:**

The Board took up the deliberations on an application submitted by CA Investment Trust for a Special permit for New Multi-Family Dwelling Construction-Attached Cluster (Phase I – 24 units), and a Special Permit for New Multi-Family Dwelling Construction-Attached Cluster (Phase II – 27 units) located off Crenshaw Lane and Muirfield Circle. The Board reviewed Mr. Materazzo's revised memo dated January 5, 2007. It was suggested to delete the word "street" and replace it with "roadway"; and to delete the words "in perpetuity" in condition # 22 in phase I & II; and to delete condition # 23 in both phases.

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the application as submitted by CA Investment Trust for a Special Permit for New Multi-Family Attached Cluster development (Phase I), which would allow for the construction of 24 residential condominium units, subject to the 27 conditions outlined in Mr. Materazzo's memo to the Board dated January 5, 2007, as amended by the Board; to delete the word "street" and replace it with "roadway"; and to delete the words "in perpetuity" in condition # 22 in phase I & II; and to delete condition # 23 in both phases, bringing total conditions to 26. Vote: Unanimous (5-0)

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the application as submitted by CA Investment Trust for a Special Permit for New Multi-Family Attached Cluster development (Phase II), which would allow for the construction of 27 residential condominium units subject to the 27 conditions outlined in Mr. Materazzo's memo to the Board dated January 5, 2007 as amended by the Board; to delete the word "street" and replace it with "roadway"; and to delete the words "in perpetuity" in condition # 22 in phase I & II; and to delete condition # 23 in both phases; bringing total conditions to 26. Vote: Unanimous (5-0)

**Congregation Beth Israel:**

The Board opened the discussion on an application for a Site Plan Review submitted by Congregation Beth Israel to construct a new 18,129 s.q. ft. temple and associated site work. Chairman Salafia reviewed the site plan review process, the role of the Planning Board and the procedures adopted by the Inspector of Buildings for "exempt" uses. Exempt uses include religious, educational, child-care facilities, and certain non-profit organizations, and are more commonly known as "Dover Uses". Joe Peznola of Hancock Associates, representing the applicant, reviewed the following: the proposed site, the enforcement order issued by the Conservation Commission, the wetland areas, access, and the 75 paved parking spaces. Mr. Peznola also reviewed the expected activities that would take place at the proposed temple: two preschool classes (16 students in each class) and the Hebrew school (90 students), which will meet once during the week and also on Saturdays. There will also be eight staff and administrative personnel on duty. Mr. Peznola noted there are 50 additional parking spaces on the lawn if extra parking is needed during the High

**Congregation Beth Israel (cont.):**

Holy Days, and he stated that Beth Israel will not allow the congregation members to park on Boutwell Road. He reviewed the drainage, utilities, zoning requirements, landscaping and photometric plan and noted there will be minimal impact to the surrounding area. Ms. Doherty asked if there was fire access to the back of the building and also asked if the Temple had geographic draw from neighboring communities. Mr. Peznola noted they combined the congregations in the Greater Lowell and Andover area. Ms. Byerley reviewed her memo to the board dated December 26, 2006 including staff comments and DPW comments dated January 9, 2007. Ms. Byerley also noted that the applicant has requested a waiver for the site plan review filing fees, which the Board has waived in the past. On a motion by Ms. Doherty seconded by Mr. Chiozzi the Board voted to waive the filing fees including the administrative, processing and square footage fees. Vote: Unanimous (5-0); Mr. Feldman an abutter expressed concerns regarding lighting, noise levels from the compressor unit, the dumpster location and pick up times. Mr. Harris, representing the applicant, noted that the compressor unit would be on the ground by the service area located on the Boutwell Road side. Mr. Peznola reviewed the service area, size and pick up time of the dumpster. Mr. Tihenea of 11 Boutwell Rd. questioned the distance from the proposed building to his property line and asked if screening could be provided in that area due to the proximity of his pool. Mr. Peznola noted that they couldn't plant in the non-disturbance zone. The Board discussed the drainage and was in consensus that a peer review of the drainage should be conducted, which the applicant agreed to. The Board also requested that Officer Cronin's comments regarding the traffic and safety of Boutwell Road be submitted in writing for the record. On a motion by Ms. Anderson seconded by Mr. Mc Donnell the Board voted to continue the site plan review for Congregation Beth Israel to February 13 at 8:30 p.m. and February 27 at 7:30 p.m. Vote: Unanimous (5-0); It should be noted that the following topics will be discussed at the Feb. 13th meeting: lighting, impacts on abutters, traffic impact and counts, additional topography of abutting properties, access to the proposed capped foundation and how the foundation will be capped. At the Feb. 27th meeting the following topics will be discussed: responses to DPW comments dated Jan. 9, 2007, Wetland delineation, provisions for stormwater management, snow storage and drainage.

**Merrimack College:**

Attorney Robert Lavoie, representing Merrimack College, gave an overview of the warrant article that was submitted in spring of 2006 and discussed why the article was withdrawn. He also reviewed the meetings Merrimack College has had with the Director of Planning and the Chairman of the Planning Board over the past year. He noted that the college hired a consultant to do a feasibility study and concept plan for a mixed used development for the site, and noted that the development would benefit the town and college. The president of the college, Mr. Santagati, indicated that if the rezoning of the parcel was achieved, the college would make a determination whether or not they would sell the property outright or entertain a ground lease option. The Board questioned if the property would still be considered a Dover use if it were leased. Attorney Lavoie said that the final nature of the use of the property would determine whether or not it would continue to be a Dover use. Attorney Lavoie asked if the Planning Board would sponsor the warrant article. Chairman Salafia complimented the college for their willingness to put future development to the site on hold by withdrawing the 2006 warrant article to

**Merrimack College (cont.):**

rezone the lot to Office Park. The Board discussed the merits of rezoning the property, and questioned if the YMCA property should be rezoned too. Mr. Materazzo noted that representatives from the college and town officials have met with YMCA officials and they did not want their property to be included as part of the rezoning, but they indicated that they were not opposed to the College's efforts. Ms. Doherty expressed concern that Town meeting voters might consider this spot zoning. Several abutting residents expressed concerns that a zone change could increase traffic, and had questions about what would be built, and how their properties would be affected. There was consensus among the abutters that they didn't want Haverhill Street to look like Route 114 and they want the Board to consider the residents of Andover not just Merrimack College. The Board reviewed the zoning map and noted that they have spent a year looking at what was best for the site. Ms. Anderson noted that a mixed-use zone would give the Board more control than a 40B project. Mr. Materazzo reviewed the Special Permit and Design review process. The Board reviewed the differences between the Special Permit process and 40B process, and noted that the Board has disapproved projects due to the impacts of a project on the surrounding neighborhood. The Board discussed who would sponsor the proposed warrant article. Because the Planning Board was in consensus that some type of rezoning was warranted, Attorney Lavoie, representing Merrimack College, asked if the Board would be willing to sponsor the rezoning article. Ms. Anderson noted that the Board has a protocol for Board sponsored warrant articles, and she expressed concern that the procedure outlined in the protocol had not been met in this case. On a motion by Mr. McDonnell seconded by Mr. Chiozzi the Board voted to sponsor a warrant article to rezone 175 Haverhill Street from SRB to Mixed Use. Vote: (3-2) Mr. Salafia, Mr. McDonnell, and Mr. Chiozzi voting yes and Ms. Anderson and Ms. Doherty voting no.

**Section 4.1.4.4. Mixed Use District:**

Ms. Byerley reviewed her memo to the Board dated January 4, 2007 and discussed the Planning Division recommended draft language. Mr. Materazzo noted that it was the recommendation of Town Counsel that a size threshold be established. The Board discussed their previous meeting and discussion on December 12th. The Board reviewed Ms. Byerley's memo dated January 4, 2007 and recommended the following changes: letter a) change the word "to" to "of"; delete the word "dwelling" and add "residential structure"; letter b) change "45,000 sf" to "65,000 sf."; change the word "common" to "independent" and after independent add the word "access"; and delete the last sentence in letter b and delete letter c in its entirety. The language of the warrant article to amend Section 4.1.1.4 Mixed Use District now reads: a. New structures and additions to existing structures shall not be erected within fifty feet of the nearest outside wall of an existing residential structure. b. No single establishment of a Business or Commercial Use as described in Appendix A Table 1 Section 3.1.3.C Table of Use Regulation, shall exceed 65,000 SF of gross floor area. A single establishment shall be defined as having independent access, egress and exit ways as required by State Building Code. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board vote to sponsor a warrant article amending Section 4.1.4.4 Mixed Use District. Vote: Unanimous (5-0)

**Hay Bale Parish:**

On a motion by Ms. Anderson seconded by Mr. McDonnell that Board voted to extend the performance guarantee for Hay Bale Parish Subdivision through January 4, 2008. Vote: Unanimous (5-0)

**ANDOVER PLANNING BOARD MINUTES**

**January 9, 2007**

**Minutes:**

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board vote to approve the minutes for November 14th, November 28th and December 12, 2006. Vote: Unanimous (5-0)

Adjournment: The Board voted to adjourn the meeting at 11:45 p.m.