

APPROVED

5-8-07

Call To Order:

The meeting was called to order at 7:38 p.m. Present were Chairman, Paul Salafia (arrived at 8:35 p.m.), and members, Linn Anderson, Vincent Chiozzi, John McDonnell, Vice Chair, Sheila Doherty, and associate member Selena Goldberg. Also present were Director of Planning, Paul Materazzo and Planner, Jacki Byerley.

Stormwater Management By-law:

The Board opened the public hearing on the proposed amendment to the Town's General by-laws to add a new section entitled Stormwater Management & Erosion Control By-law. Ms. Byerley reviewed her memo to the Board dated January 17, 2007 and discussed the changes suggested by the Board at their previous discussion at the December 12th meeting. Town Counsel Tom Urbelis noted that the Stormwater Committee would follow the open meeting law. Ms. Eileen Pannetier, a consultant from CEI, noted that the proposed bylaw must be accepted before the deadline of April 2008. Ms. Pannetier also reviewed the committee that would have authority to administer the by-law, which will be comprised of staff from DPW, Conservation, Planning, Building and the Board of Health. She stated that the by-law does not step on Planning Board's or Conservation Commission jurisdiction, but is meant to catch those parcels currently not reviewed by either of those two Boards. The Board questioned what would happen if the by law wasn't passed at town meeting. Town Counsel noted that this bylaw is federally mandated and if the Town fails to pass the proposed bylaw the Town could be fined and sued by the Federal Government. Jack Petkus, Director of Public Works, stated he looks at the by-law as an opportunity to control land that is not subject to Conservation or Planning Board jurisdiction such as Form A lots and other lots that fall through the cracks. Some of the Planning Board members stated that they saw this by-law as redundant, and, questioned if applicants would apply to the Stormwater Committee before or after applying to the Planning Board. Some Board members expressed concern that the committee might not have any representation from an Andover resident, and that the appeal process is to Superior Court rather than to another Town entity. Town Counsel noted the appeal process would follow the same process as Planning and Zoning Board appeals. The Board questioned the threshold that would trigger a review and questioned why an applicant would need to go before the Stormwater Committee to request an exemption if the Planning Board has already approved a project. Ms. Byerley reviewed a scenario where an additional 40,000 SF of land was disturbed that would trigger a review from the committee after Planning Board approval. Ms. Byerley noted that there needs to be a minimum standard in place. Town Counsel noted that once the Planning Board has approved their Rules and Regulations the design criteria for stormwater management would be the same as the criteria the Stormwater Committee is proposing. Ms. Anderson suggested that a condition of Form A lots be that they need to receive Stormwater Management approval. Town Counsel noted that the Planning Board couldn't legally condition Form A lots under the Subdivision Control Law, but that form A lots could be reviewed under a Stormwater Management by-law. Ms. Anderson asked Mr. Petkus if he thought it was possible to have a Form A lot become un-buildable due to the adoption of a stormwater management by-law. Mr. Petkus noted any lot is buildable if engineered properly. Alex Driscoll, a resident, questioned if the threshold could be lowered to 20,000 s.f. rather than 40,000 s.f. Ms. Pannetier noted that town standards could be more

Stormwater Management By-law (cont.):

stringent than the federal standards but it's easier to obtain Town Meeting approval for a higher threshold. On a motion by Ms. Doherty seconded by Ms. Anderson the Board voted to close the public hearing to amend the Town's General by-laws by adding a new section entitled Stormwater Management & Erosion Control By-law. **Vote:** Unanimous (5-0); (the vote was unanimous to close the hearing) on a motion by Mr. Chiozzi seconded by Ms. Doherty the Board voted to support the proposed amendment to the Town's General by-laws by adding a new section entitled Stormwater Management & Erosion Control. **Vote:** (3-2) Mr. Salafia, Mr. Chiozzi, Ms. Doherty, voting yes and Ms. Anderson and Mr. McDonnell voting no.

Mullin Rule:

Town Counsel Tom Urbelis reviewed the process on how the Mullin Rule became legislation and the warrant article submitted for the acceptance of that rule G.L.ch.39, §23D. On a motion by Ms. Anderson seconded by Ms. Doherty the Board voted to support the warrant article to accept G.L.ch.39, §23D as submitted. **Vote:** Unanimous (5-0)

Vraj Circle:

The Board took up the public hearings that were continued from the November 14th meeting on an application submitted by The Prime Group, Inc., for a proposed 4-lot Definitive Subdivision, Special Permit for Earth Movement, a Special Permit Watershed Protection Overlay District (WPOD) and a Special Permit for Disturbance of Slopes in Excess of 35% entitled Vraj Circle located at 73 Greenwood Road. Mr. Materazzo reviewed his memo to the Board dated January 18, 2007 and noted that revised plans were submitted on January 12, 2007. Bernie Paquin of Dana Perkins, Inc. representing the applicant reviewed the revision to the plans, grading, utilities, rights in June Street, the sound barrier and noted that all DPW's issues have been resolved. Mr. Materazzo noted that a letter from the abutter at 171 Greenwood Road approving the grading on their property should be submitted. The Board questioned who would own and maintain the triangular piece of property known as lot B shown on the plan. The Board also requested the applicant submit a letter from the abutter agreeing to the proposed grading to their property and requested Town Counsel's opinion regarding the applicant's rights in June Street. Mr. Materazzo suggested the applicant revisit the triangular piece of property and get back to the Board on their decision.

Pike School:

The Board took up the discussion for a Site Plan Review on an application by Pike School. The proposed plan entails the construction of a new 280-seat auditorium and renovations to the existing school totaling 17,000 sf., with associated site improvements. Chairman Salafia gave an overview of Dover Uses and the procedures for Dover Use. Bernie Paquin, of Dana F. Perkins, Inc. representing the applicant, gave an overview of location, setback requirements, abutting property lines, zoning requirements, wetlands, the relocation of the parking lot and the proposed addition for a new 280-seat auditorium. Mr. Paquin also reviewed comments from the IDR regarding the emergency fire access to the rear of the building, and the queuing on Sunset Rock Road. Mr Paquin noted that the relocation and reconfiguration of the parking lot would eliminate the stacking on Sunset Rock Road. Paul Viccica of CBT, representing the applicant, reviewed the proposed

Pike School (cont.):

additions and reviewed the changes to the main entrance of the school. He also noted that the proposed changes are making the school more handicapped accessible. Mike Sardinina of Brown Sardina representing the applicant reviewed the new parking lot, access, egress, the realignment of the roadway and the removal of the underground oil tank. The Board asked about the exterior lighting and requested a photometric plan. Paul Viccica stated that they are not adding any additional light fixtures; they are only relocating existing lighting fixtures. Exterior fixtures are on timers to shut off in the evening. John Waters, Principal of the Pike School, reviewed the student enrollment capacity of the school, and noted that it is not the school's intention to rent out the auditorium for outside functions. It may be used for Pike School sponsored summer camp programs. Ken Cram of Vanasse Associates, representing the applicant, gave an overview of the site, and discussed the morning and afternoon drop off/pick up traffic patterns. He noted that with the site improvements the stacking of cars on Sunset Rock Road would be eliminated. Mr. Cram stated that Andover Safety Officer Cronin is happy with the plan. The Board asked about the parking capacity during school events. Headmaster Waters noted the biggest event that occurs is graduation. He stated that the entrance roadway is wide enough to accommodate parking on one side, and during graduation overflow parking is directed to Pike's adjacent fields. He also reviewed the construction schedule, the drop off and pickups during construction and noted there will not be a summer program during construction. Ms. Byerley reviewed her memo to the Board dated January 12, 2007 and noted that all the IDR comments have been addressed, however revised plans showing the location of the waterline need to be submitted. On a motion by Ms. Anderson seconded by Ms. Doherty the Board voted to close the discussion for a Site Plan Review on an application by Pike School to construct r an addition to house a new 280-seat auditorium and additional renovations to the existing school totaling 17,000 sf. with associated site improvements. **Vote:** Unanimous (5-0)

Other Business:

Mr. Materazzo gave the Board an update on services being provided by students from Merrimack College for the redesign of the Old Town Hall parking lot. He also noted that he is working with DPW and the Town Manager regarding the future needs of the Town, the town yard and what is the highest and best possible use of that land.

Adjournment: The Board voted to adjourn the meeting at 10:05 p.m.