

APPROVED

5-22-07

Call To Order:

The meeting was called to order at 7:38 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, John McDonnell, Vice chair, Sheila Doherty, Vincent Chiozzi and associate member Selena Goldberg; also present were Director of Planning, Paul Materazzo, and Senior Planner, Lisa Schwarz.

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 an informal meeting with the applicant's engineer, DPW, staff and the peer drainage consultant to clarify the remaining comments regarding the subdivision plan. Where there are a number of outstanding issues still to be resolved, the applicant has requested that the concurrent public hearings be continued without discussion in order to complete the revisions to the plans. On a motion by Ms. Doherty seconded by Ms. Anderson the Board voted to continue the public hearings until May 8, 2007 at 8:40 p.m. **Vote** Unanimous (5-0)

Warrant Articles:

The Board took up the discussion of two private warrant articles to accept Section 3 to Section 7, inclusive of Chapter 44B of the General Laws the Community Preservation ACT (CPA) and to adopt the Community Preservation Act bylaw. Richard Howe of 3 Robandy Road a member of the citizens' group for the by-law reviewed a PowerPoint presentation, which outlined the group's findings. Topics covered in the presentation were: areas where the funds could be used, how the CPA works, the funding allocation process, timeline for receiving funds, why Andover should adopt the CPA, State matching funds for area towns that adopted CAP, eligible projects, what the cost of the CPA would be to taxpayers, and amending or repealing the CPA. Ms. Schwarz noted that the Town of North Andover passed the CPA and noted that the surcharge is itemized on the tax bill so residents know how much money is going toward the fund. The Board suggested adding a slide showing what other communities have received, how much money Andover has lost, and projects that the funds can be used for. The Board also discussed the process for amending or repealing the CPA. Mr. Howe reviewed the committees that have endorsed the warrant article. John Hess of 145 Chestnut Street spoke in favor of the article. On a motion by Ms Anderson seconded by Ms. Doherty the Board voted to recommend approval of two private warrant articles to accept Section 3 to Section 7, inclusive of Chapter 44B of the General Laws the Community Preservation ACT (CPA). The Board voted to recommend approval of the above articles to adopt the Community Preservation Act bylaw at the highest possible percentage rate, but agreed to support the articles at any percentage rate. **Vote** Unanimous (5-0)

Warrant Articles:

The Board opened the public hearing on a private warrant article to amend Section 4.1.3 (Exceptions and Special Requirements) of the Andover Zoning By-law and adding new sections 4.1.3.5 and 4.1.3.6. (5) Municipal Senior Center land and structures used for

Warrant Articles (cont.):

municipal senior center are exempt for the lot area, frontage, building setback and off street parking and loading requirements of this by-law (6) Municipal Youth Center land and structures used for municipal youth center are exempt from the lot area, frontage, building setback and off street parking and loading requirements of this by-law. The Board also took up the discussions for three private warrant articles associated with the youth center regarding two land transfers and a private easement. Gerry Silverman, the proponent for the articles, gave an overview of the previous town meeting votes for the youth center on Greenwood Road and the fundraising efforts. He also reviewed their current plans to build a youth center behind the Doherty School and noted that the youth association is willing to raise \$100,000 a year to help support the ongoing operating costs associated with the building once it is constructed. The Board questioned the zoning amendment and why it is needed in the current proposed plan. Mr. Materazzo reviewed his memo to the Board dated March 6, 2007 and noted that the article as written is requesting no setback requirements. Mr. Chiozzi noted that the article as written would exempt the entire community, not just a specific site, from the setback requirement. The Board also questioned why they would need a by-law change rather than a waiver and questioned the building placement. Mr. Silverman reviewed the concept plan and the placement of the building and reviewed the parking on-site. Bill Fahey Director of Youth Services noted that the building would be used primarily during school vacations and early afternoon. He noted that the current programs at the Old Town Hall presently have no parking at all and there are no parking issues because the kids are dropped off and picked up. Judy Avery of Morton Street expressed concerns regarding traffic and hours of operation, especially during dances. The Board suggested that their Attorney Bob Lavoie speak with Board member John McDonnell regarding the language of the proposed article. John Hess reviewed the proposed articles and the agreement to authorize the Selectmen to negotiate an agreement giving the youth foundation permission to build. The Board discussed the other three articles associated with the land transfer. Following a discussion, the Board noted they do not have jurisdiction on the articles and decided to take no action on them. The Board again questioned if a zoning amendment is necessary. On a motion by Ms. Anderson seconded by Ms. Doherty the Board voted to continue the public hearing on a private warrant article to amend Section 4.1.3 (Exceptions and Special Requirements) of the Andover Zoning By-law and adding new sections 4.1.3.5 and 4.1.3.6. to March 26th at 7:35 p.m. **Vote** Unanimous (5-0)

Enterprise Bank:

Ms. Schwarz reviewed her memo to the Board dated March 13, 2007 including the Board's request in November 2006 for a revised lighting plan, which has not been received. She noted there are more lights now than what was shown on the February 2006 plan approved by the Board. Jim Keenan representing Enterprise Bank noted that they have shut off those lights not included on the plan. Dan Hennessey of Boston Light Source who developed the lighting plan reviewed and discussed the lighting plan. He noted that the floodlights are not part of the photometric plan but are the same lights that were used on South Church. Ms. Doherty expressed concern over the brightness of the lighting noting it's overwhelming and it's brighter than they were led to believe. Mr. Keenan noted that none of the lights spill light off the property. Mr. Salafia questioned if the lights are the same as the approved plan. Ms. Schwarz reviewed the analysis for -

Enterprise Bank (cont.):

special permit September 28, 2004 and noted 17 light posts were approved but the 2006 as built plan is showing 26 lights. Mr. Keenan stated that the 2006 plan is essentially an as-built plan and noted that the lights are shut off at 10:00 p.m. The Board would like to see our copy of the original plan and asked that Enterprise come back at a future meeting.

Northmark Bank:

On a motion by Ms. Doherty seconded by Mr. McDonnell the Board voted to release the \$400.00 tree preservation bond posted by Northmark Bank. **Vote Unanimous (5-0)**

Subdivision Rules and regulations:

On a motion by Ms. Anderson seconded by Ms. Doherty the Board voted to continue the public hearing to amend the Rules and Regulations Governing the Subdivision of Land in Andover that was last heard by the Board on July 11, 2006 to the April 10, 2007 meeting at 7:30 p.m. **Vote Unanimous (5-0)**

Warrant Article for Street Acceptance:

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to forward a recommendation to the Board of Selectmen that the following streets (Green Meadow Lane, Stirling Street and Whittemore Terrace) be laid out at the March 19, 2007 Selectmen's meeting contingent upon a favorable review from the Department of Public Works, Conservation Commission and Town Counsel. **Vote Unanimous (5-0)**; On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to forward a recommendations to the Board of Selectmen that the following streets (Andover Country Club Lane and Canterbury Street) not be laid out at the March 19, 2007 Selectmen's meeting based upon information received from the Department of Public Works. **Vote Unanimous (5-0)**

Private Warrant Article:

The Board took up the discussion on a private warrant article submitted by Richard Perry and others to take Granli Drive by eminent domain. The Board reviewed Ms. Byerley's memo to the Board dated March 12th. On a motion by Ms. Anderson seconded by Ms. Doherty the Board voted to recommend approval of Article 38 as amended and submitted by Town Counsel on March 13, 2007. **Vote Unanimous (5-0)**

Other Business and Correspondence of Interest:

Mr. Materazzo handed out correspondence of interest to the Board. They discussed Low Impact development and the benefits and disadvantages of these types of development.

Adjournment:

The Board voted to adjourn the meeting at 10:40 p.m.