

April 11, 2007
APPROVED
9-11-07

Call To Order:

The meeting was called to order at 7:00 p.m. Present were Chairman, Paul Salafia, and members, John McDonnell, Vincent Chiozzi and Selena Goldberg; also present were Director of Planning, Paul Materazzo and Jacki Byerley, Planner.

Rules and Regulations Governing the Subdivision of Land in Andover:

The Board opened the public hearing to amend the Rules and Regulations Governing the Subdivision of Land in Andover. Chairman Salafia suggested the Board continue the hearing without discussion because one of the members was not present. On a motion by Ms. Goldberg seconded by Mr. McDonnell the Board voted to continue the public hearing without discussion. **Vote Unanimous (4-0)**

Warrant Articles:

The Board took up the discussion that was continued from the March 26th meeting on a warrant article submitted by the Conservation Commission to amend the General by-law, Article XIV, Section 3, fourth paragraph, Exceptions. The proposed amendment proposes to delete section 3. and add new section 3 that reads: "The application and permit required by this by-law shall not be required for work which is performed in connection with the ordinary maintenance or improvement of a single or two family house lawfully in existence or for which a building permit had been issued on or before January 1, 1999, including, but not limited to, building additions, septic systems replacements and sewer connections, and the conversion of lawn to accessory uses such as decks, sheds, patios and pools; except the application and permit required by this bylaw shall apply to the construction of free standing structures which have a footprint greater than 500 square feet." Following a detailed discussion by the Board the Board made the following motion. On a motion by Ms. Goldberg seconded by Mr. McDonnell the Board voted to recommend approval of the proposed amendment to the Wetland Protection Bylaw, Article XIV, Section 3, fourth paragraph, as further described as Town Meeting Article # 53, with a condition that the area contained in the new "Section 3. Exceptions" be changed from 500 square feet to 750 square feet. **Vote Unanimous (4-0)**

The Board took up the discussion that was continued from the March 26th meeting on a private warrant article to amend Article II of the General by-law to provide direct abutters proper and timely notice of proposed zoning changes. Mr. Materazzo reviewed his memo to the Board dated April 10, 2007. On a motion by Ms. Goldberg seconded by Mr. Chiozzi the Board voted not to support the proposed amendment to the General Bylaw that would provide notice to direct abutters of proposed zoning changes as drafted, further described in the Annual Town Meeting Article 59. **Vote Unanimous (4-0)**

Special Town Meeting Warrant Articles:

The Board took up the discussion on three warrant articles that would allow for the Board of Selectmen to acquire by gift, purchase or taking by eminent domain the properties at 16, 18 and 37 Pearson Street for municipal purposes. Mr. Materazzo reviewed his memo to the Board dated April 6, 2007. Following a detailed discussion the Board made the following motions:

On a motion by Ms. Goldberg seconded by Mr. McDonnell the Board voted to recommend approval to the Board of Selectmen to acquire by gift, purchase or taking by

Special Town Meeting Warrant Articles (cont.):

eminent domain the properties at 16 and 18 Pearson Street, as further identified as Special Town Meeting Articles P4 and P5. **Vote Unanimous (4-0)**

On a motion by Ms. Goldberg seconded by Mr. McDonnell the Board voted to recommend approval to the Board of Selectmen to acquire by gift, purchase or taking by eminent domain the property at 36 Pearson Street, as further identified as Special Town Meeting Article P3, with the recommendation that a task force be appointed following Town Meeting to study the feasibility of the reuse of the Town Yard property, as well as 37 Pearson Street in consideration of creating a 40R Zoning District or other viable land uses options. **Vote Unanimous (4-0)**

Swan Crossing III:

The Board opened the public hearings on applications by CA Investment Trust for a Special Permit for New Multi-Family Construction Attached Cluster and a Special Permit for Earth Movement that would allow for the construction of 21 residential condominium units entitled Swan Crossing III located at 55 & 50 Canterbury Street. The Board also took up the discussion on a minor modification request for Swan Crossing II submitted by CA Investment Trust that would allow the emergency access easement to be expanded and used by the residents of the Swan Crossing developments. Mr. Materazzo reviewed the applicant's request to continue the public hearings Swan Crossing III and the discussion for a minor modification request for Swan Crossing II without discussion. On a motion by Ms. Goldberg seconded by Mr. McDonnell the Board voted to continue the public hearings and discussion for Swan Crossing III and Swan Crossing II without discussion until May 8, 2007 at 9:00 p.m. **Vote Unanimous (4-0)**

176 River Road:

The Board took up the discussion on an application from George Fountes for a Site Plan Review at 176 River Road that would allow for the construction of a new 6,037 square foot building; 4,205 square foot is to be used as a veterinary hospital and the remaining 1,832 as storage. Ms. Byerley reviewed her memo to the Board dated March 27, 2007. Mr. Bernard Paquin of Dana Perkins, Inc. representing the applicant provided an overview of the project for the Planning Board. The Board requested that the revisions suggestion by Mr. Paquin to the landscaping plan, replies to the peer review and Department of Public Works comments, the Landowners' Association Agreement for the sewer forced main, report from the Public Safety Officer regarding the traffic generated and input from the town departments regarding the lighting be provided at the next scheduled meeting. On a motion by Ms. Goldberg seconded by Mr. McDonnell the Board voted to continue the public meeting and discussion for 176 River Road until May 22, 2007 at 8:30 p.m. **Vote Unanimous (4-0)**

Congregation Beth Israel:

The Board opened the discussion that was continued from the February 13th meeting 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. Ms. Byerley reviewed the applicant's request dated April 6, 2007 to continue the site plan review without discussion. On a motion by Ms. Goldberg seconded by Mr. McDonnell the Board vote to continue the site plan review for Congregation Beth Israel without discussion until May 22, 2007 at 9:00 p.m. **Vote Unanimous (4-0)**

Crystal Circle:

The Board opened the public hearings that were continued from the February 27th meeting for a Modification of a 14-lot definitive subdivision (9-lots in Andover and 5-lots in Tewksbury) plan entitled Crystal Circle approved by the Board in 1992. The proposed modification is for an 8-lot definitive subdivision plan and a Special Permit for Earth Movement. Ms. Byerley reviewed a request from the applicant to continue the public hearings without discussion dated April 10, 2007. On a motion by Ms. Goldberg seconded by Mr. McDonnell the Board voted to continue the public hearings for Crystal Circle without discussion until May 8, 2007 at 8::00 p.m. **Vote** Unanimous (4-0)

Lincoln Woods:

On a motion by Ms. Goldberg seconded by Mr. McDonnell the Board voted to set the bond for Lincoln Woods in the amount of \$18,500.00, that figure valid if the guarantee is posted within (30) days. The guarantee must be in the form of a passbook account entitled "Trust Account" in the name of the developer and the Town of Andover, and secured in the manner prescribed in the Subdivision Rules and Regulations. No Clearance Certificates will be issued until the performance guarantee has been secured and all punch list items required by DPW have been completed. **Vote** Unanimous (4-0)

Warrant Article:

The Board took up the deliberation on the proposed warrant article to amend the Zoning by-law Article VIII, Section 2.3. (District Boundaries) & appropriate changes to Zoning map to rezone 175 Haverhill Street to Mixed Use from Single Residence B (SRB). On a motion by Ms. Goldberg seconded by Mr. McDonnell the Board voted to withdraw the proposed warrant article to amend the Zoning by-law Article VIII, Section 2.3. (District Boundaries) & appropriate changes to Zoning map to rezone 175 Haverhill Street to Mixed Use from Single Residence B (SRB) with the understanding that following Town Meeting 2007 the Planning Board will establish a working group, consisting of area residents, a Planning Board member, a Board of Selectmen liaison, various Town Departments, Merrimack College and any other interested parties to further evaluate the potential pros and cons of rezoning the subject property. **Vote:** Unanimous (4-0)

Speaker for Warrant Articles:

The Board selected speakers at Town Meeting for the warrant articles.

Adjournment:

The Board voted to adjourn the meeting at 11:40 p.m.