

## ANDOVER PLANNING BOARD MINUTES

May 22, 2007

APPROVED

9-11-07

### Call To Order:

The meeting was called to order at 7:20 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, Selena Goldberg, Vincent Chiozzi (arrived at 7:37 p.m.) and John McDonnell (arrived at 8:03 p.m.), also present were Senior Planner, Lisa Schwarz and Planner, Jacki Byerley.

### Stormwater Management by-law:

The Board took up the stormwater management bylaw working group discussion. Ms. Anderson reviewed the state and federal mandate requirements. Ms Anderson also reviewed a handout drafted by the working group including the purpose and goals of the bylaw the pros and cons of the permitting authority options, and the extent of regulations. They also discussed in detail the possible solutions and outstanding issues for the permitting authority options and the pros and cons of the regulation options of 20,000 sf or 40,000 sf of disturbance. The Board also discussed regulations options for ANR lots and ANR lots adjacent to subdivision and under what circumstances if any exemptions would be allowed. The Board discussed the land disturbance, what would trigger a review and the building permit process. Ray Cormier of 31 Sunset Rock Road noted that the Board should think about land disturbance in the case of septic systems where earth material could be hauled off site and then brought back. Steve Stapinski of Merrimack Engineering Services noted that industrial development buildings are usually 3 acres in size. Ms. Anderson reviewed form A's and noted that they are outside the Board's jurisdiction. Mr. Perry of 25 Timothy Drive questioned if they regulate subdivisions and the accumulative effect ANR lots have on abutting properties. The Board noted that the subdivisions currently received a stormwater review.

### Minutes:

On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to approve the March 13<sup>th</sup> minutes. **Vote Unanimous (4-0)**

### Trevino Circle:

On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to set the performance guarantee for Trevino Circle, which would serve three (3-lots) in the amount of \$74,200.00, 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)**

### Monette Circle:

The Board opened the public hearings on an application submitted by 7-10 Paulornette Realty Trust, for a proposed 4-lot definitive subdivision plan and a Special Permit for Earth Movement entitled Monette Circle, located at 7-10 Paulornette Circle. Chairman Salafia reviewed the Planning Board's public hearing procedures. Steve Stapinski of Merrimack Engineering Services representing the applicant gave an overview of the proposed project including the location, access, the existing dwellings, and the preliminary plan that was filed. He also reviewed the length of the cul-de-sac, regrading, utilities, the conveyance of land to the abutter Mr. Wolfe, and noted they do not need

**Monette Circle (continued):**

additional drainage facilities on-site. Mr. Stapinski also stated they would have to eliminate a portion of the existing roadway which would need town meeting approval. He reviewed Attorney Johnson's opinion on the process of eliminating a portion of the roadway and noted that all the lots meet the zoning requirements even if town meeting does not approve the elimination of a portion of Paulornette Circle. Mr. Stapinski presented the Board with an e-mail from Mr. Wolfe supporting the project and will forward the e-mail to staff. Mr. Stapinski noted that he has addressed Earth Tech and DPW's issues in the revised plans that will be submitted. Jacki Byerley reviewed her memo to the Board dated May 9, 2007 including comments from the IDR conducted on May 1, 2007. Chairman Salafia opened the meeting to the public however there were no comments from those in attendance. The Board discussed options for the roadways and signage; following a discussing on roadway configurations the Board was in consensus that signage would be appropriate. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to continue the public hearings for Monette Circle to June 12, 2007 at 9:15 p.m. **Vote Unanimous (5-0)**

**Aisling Estates:**

The Board opened the public hearings on an application by Rayvon Realty Trust for a proposed 4-lot definitive subdivision and a special permit for earth movement entitled Aisling Estates located off Sunset Rock Road. Chairman Salafia reviewed the Planning Board's public hearing procedures. Dan Koravos of DK Engineering gave an overview of the project including wetlands that have been delineated, utilities, drainage, runoff, and noted that there is no increase of runoff on-site. Ms. Anderson questioned the design of the detention basin and the number of inches of rainfall that fall per hour over the course of a few days. Mr. Koravos reviewed the design of the detention basin and the 100-year storm, 50-year storm and 20-year storm and noted that he would run the numbers of inches of rainfall over a few days. Mr. McDonnell noted that the request is more stringent than the Board's design criteria. Ms. Goldberg question if the Board has seen this project as a LID during the preliminary stage. Mr. Koravos noted that there was some opposition to the LID project and the applicant decided to design a conventional subdivision. Ms. Byerley reviewed her memo to the Board dated May 14, 2007 including the IDR comments conducted on May 8, 2007. Mr. Koravos noted that the Form A lots have been included in the drainage calculations. Chairman Salafia explained the role of a peer consultant and reviewed the peer review process. Ms. Byerley noted that they are trying to coordinate using the same peer consultant as Conservation Commission. Mr. Perry of 25 Timothy Drive expressed concerns regarding the drainage, egress, the number of houses and questioned why the Board would only want one peer reviewer. The Board explained the peer review process and noted that the town engineer also reviews the drainage plans. Bonnie Floyd of 80 Spring Grove Road expressed concerns regarding the drainage, and vegetation. Attorney Andrew Caffery representing abutters questioned the grade on lot 3 and uplands. Mr. Koravos noted that the grade of the driveway to Lot 3 is about 15%. John Cronin of 24 Timothy Drive expressed concerns regarding the special permit for earth movement, the outcropping of ledge, and had questions about test borings and soil. He also questioned the soil classifications on the December 2003 plan. The Board questioned the driveway location's proximity to the Pike School. Mr. Koravos noted that the driveway is about 200' to 300' from Pike School. Alex Driscoll 11 Forbes Lane questioned if the peer review would take in to account the Form A lots.

**Aisling Estates (continued):**

Ms. Anderson noted that the developer has added those lots in the drainage calculations even though they are not legally required to do so and the peer consultant will review them. Chairman Salafia reiterated the role of the peer consultant and asked abutters to submit their concerns and/or any additional information in writing for the record. On a motion by Ms. Anderson seconded by Ms. McDonnell the Board voted to continue the public hearings to June 26 at 7:45 p.m. and July 10<sup>th</sup> at 8:00 p.m. **Vote Unanimous (5-0)**

**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 the applicant's request dated May 21, 2007 to continue the site plan review without discussion, to allow the applicant additional time to address the comments from the peer consultant. Attorney Caffery Jr. representing the applicant questioned the need for an indemnification/insurance clause in the homeowners' association and gave his opinion that as part of the homeowners' association an insurance policy with an indemnification/insurance clause is not necessary in this instance because the force main is not on town owned land. Ms. Byerley noted that within the past year all homeowners' associations have the indemnification/insurance clause. The Board discussed the issue and questioned if the existing homeowners' association document already has a clause in it. Attorney Caffery Jr. noted he would look into it. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to continue the site plan review for 176 River Road without discussion until June 26, 2007 at 8:15 p.m. **Vote Unanimous (5-0)**

**Congregation Beth Israel:**

The Board opened the discussion that was continued from the February 13<sup>th</sup> 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 requested dated May 16, 2007 to continue the site plan review without testimony. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board vote to continue the site plan review for Congregation Beth Israel without discussion until June 26, 2007 at 8:45 p.m. **Vote Unanimous (5-0)**

**CVS:**

The Board opened the public hearings on an application by Massachusetts CVS Pharmacy, LLC. for a Special Permit for Major Non-Residential Project that would allow for the proposed expansion of CVS from 9,342 s.f. to 17,699 s.f. and a Special Permit for a Change in Parking Space requirements. Ms. Schwarz reviewed meetings with representatives of CVS in February, meetings with the Design Review Board where the importance of Main Street was discussed. Ms. Schwarz noted that CVS revised the plans to include window treatments and other beautification improvements. Attorney John Smolak representing the applicant gave a brief overview of the proposed project including the location, zoning district, lot size, and the 1990 Planning Board decisions. Attorney Smolak noted that the existing parking lot would not change, and it is CVS's intent to use the 1<sup>st</sup> floor space to expand and modernize the existing facilities. Attorney Smolak discussed how the plans evolved through the process, that there are 365 spaces within 60' of the site and noted that the proposed expanded use is less intense than the

**CVS (continued):**

Banking operations that previously occupied that space. Mr. Chiozzi asked how many parking spaces does CVS really need. Attorney Smolak noted that the existing parking lot has the capacity to handle the proposed expansion. Daniel Lovas of VHB representing the applicant gave an overview of the site and noted that during peak hours the parking lot is 70% full. Ms. Schwarz noted that she has made daily site visits to view the parking lot and there has been parking available. The Board questioned deliveries during peak hours. The store manager noted that Coke and Pepsi deliveries are between 6:30 – 8:30 a.m. Mr. Chiozzi questioned if the lot would be reconfigured. Kevin Patten of BKA Architects, Inc. representing the applicant gave an overview of the location of the deliveries, delivery times, and the amount of time it take to unload the trucks. The Board discussed delivery times and noise levels during deliveries. The Board suggested that deliveries be early morning or after 10 p.m. Mt. Patten reviewed delivery options, storage, the new entrance, walkway, planters and benches along Main Street, signage and lighting. Ann Constantine, Chairperson of Design Review Board (DRB) gave an overview of the meeting for CVS, and noted that the DRB considered the gallery windows as an image or display which is allowed 30% coverage before it's considered signage. Ms. Goldberg questioned the rear elevation and if the existing CVS sign was going to be moved over the new entrance. Mr. Pattern reviewed the types of lighting allowed by the existing by-law and noted that they can't do an illuminated sign on this building. He also noted if they moved the sign they would lose their grandfathering status. Mr. Lovas reviewed the traffic analysis, peak hours and noted that there is a 20% turnover in parking within 30 minutes. Chairman Salafia questioned if there was a problem with long-term parking. Alan Yameen, the building owner noted there's always the potential of long-term parking but they sticker the cars and have them towed from the lot. Mr. Patten reviewed the parking spaces and on street parking and noted that there is sufficient parking for the use. The Board discussed the parking and noted there is not enough parking in the downtown area. Mr. McDonnell noted that smart growth practices have to be considered to have a vibrant downtown. Ms. Schwarz reviewed her memo to the Board dated May 15, 2007, including comments from the IDR conducted on May 1, 2007. The Board discussed parking in detail and requested that the applicant submit I.T.E. numbers and noted safety is their main priority. Ms. Constantine reviewed the DRB meetings what they were looking for and reviewed CVS plans planters and benches on Main Street. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearings for CVS until June 12, 2007 at 9:30 p.m. **Vote Unanimous (5-0)**

**Vraj Circle:**

The Board took up the public hearings that were continued from the March 13<sup>th</sup> 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. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearings without discussion until June 26, 2007 at 9:00 p.m. **Vote Unanimous (5-0)**

**Adjournment:**

The Board voted to adjourn the meeting at 11:13 p.m.