

APPROVED**Call To Order:**

The meeting was called to order at 7:50 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, Selena Goldberg, Vincent Chiozzi and John McDonnell (arrived at 7:55), also present were Director of Planning, Paul Materazzo, and Planner, Jacki Byerley.

Planning Session:

I-93: Mr. Materazzo reviewed a letter of support to Assistant Secretary Bialecki from the Planning Board supporting Andover's desire to move forward with the environmental study for a Lowell Junction interchange at the town lines of Andover, Tewksbury, Wilmington and Interstate -93. Mr. Materazzo noted that under existing zoning the land use projections estimate that approximately 700 acres of land could become available for development. Mr. McDonnell noted that the configuration of the interchange may change as part of the Mass Highway design process. Mr. McDonnell noted that the state is looking for support from the three towns before they move forward with the environmental (study) stage. He also noted that Mass Highway would shepherd the project. They will take the three designs; develop a design to 25% through the MEPA and environmental process. The Board discussed the options and the interchange and was in consensus that they agree on the concept of an interchange. On a motion by Ms. Anderson seconded Mr. McDonnell the Board voted to sign the support letter dated August 14, 2007 to the Assistant Secretary and General Counsel as it relates to the Lowell Junction Interchange. **Vote Unanimous (5-0)**

2008 Town Meeting: Mr. Materazzo reviewed his memos to the Board dated August 8, 2007 and July 6, 2007 and noted that staff is looking for direction from the Board as to what article to move forward for the 2008 town meeting. The Board reviewed and discussed the memos. It was suggested that Section 7.3. Open Space component and Section 7.3 Multifamily Cluster be taken off the list and that Graphic and Illustrations be added to the July 6th list. Ms. Anderson suggested Ms. Goldberg work on the graphics and illustrations with staff. Mr. McDonnell questioned if a straw vote could be taken at town meeting to get the consensus of the Town regarding the downtown and parking, or alternatively to handout a questionnaire at town meeting to get input from voters. Mr. Salafia suggested he speak with the moderator about the process. Mr. Materazzo noted that the town was sending a survey and suggested a question regarding downtown be included on the questionnaire. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to move forward with the articles for 2008 town meeting as outlined in Mr. Materazzo to the Board dated July 10, 2007 as amended by the Board

CVS:

The Board reopened the public hearing 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.. Chairman Salafia gave a brief overview the site walk held earlier this evening at 68 Main Street. Attorney John Smolak representing the applicant reviewed a conference call with Chairman Salafia at a meeting with Ms. Schwarz to discuss the Board's issues with the CVS plan. Kevin Paton of BKA Architects, Inc., representing the applicant, reviewed the revised plans including changes to the floor plan, the elimination of all corporate style logo posters, height of the fixtures, signs, elevations, planters and benches. He also reviewed that the transparency of the windows along Chestnut and Main Street and noted

CVS (cont):

that film will be on the windows above the ceiling only. The Board discussed the revision and questioned if there would be any window treatments. Mr. Paton noted that at this time there are no shades proposed. The Board discussed window treatments and noted that it could be in the conditions as a minor modification. Ms. Schwarz reviewed her memo dated August 10, 2007 to the Board. Several residents and members of the audience spoke in favor of the CVS project. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to close the public hearing 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. **Vote** Unanimous (5-0)

Swan Crossing III:

The Board also opened the public hearings that were continued from the July 24th meeting 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 opened the public hearings of an application by CA Investment Trust for a Modification of a Special Permit for New Multi-Family Dwelling Attached Cluster and a Modification of a Special Permit for Earth Movement (SP06-04 and SP06-05). Dermont J. Kelly of Dermont J. Kelly Associates, Inc., representing the applicant, reviewed the traffic study updated on August 9, 2007 for Swan Crossing Phase III, including traffic flow and trip generation. The Board discussed the traffic flow and some members expressed concerns that residents would egress via a parking lot and that the roadway would not be limited to residents of the development. Mr. McDonnell questioned whether or not the Board wanted a lift gate for access only for residents and emergency vehicles. Attorney Sullivan noted that it's not the applicant's intent that the roadway be used as a cut through. Doug Lees of Land Engineering & Environmental Services, Inc., representing the applicant, noted that the roadway will be private and signs will be posted. Attorney Sullivan reviewed the current application before the Board, which is to modify SP06-04 & 05. The applicant is requesting to utilize the emergency access for residential access only to Swan Crossing condo owners. The Board requested that the applicant provide the Board with more information on a possible gate across the roadway and how it would work. Mr. Materazzo reviewed his memo to the Board dated August 9, 2007 and questioned how the applicant met the frontage requirement. Mr. Less noted that there is frontage off Canterbury Lane and access from Beacon Street. The Board discussed the intent of the bylaw and the length of the roadway. Mr. Materazzo reviewed other developments with over 100 units with only one means of access/egress. Mr. Lees reviewed the drainage; drainage easements, the homeowners' association and noted CA Investment Trust would control the drainage area. The Board discussed the circulation of the parking lot, controlled access and traffic patterns. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearings for Swan Crossing III and the public hearings for a modification of Swan Crossing I & II until August 28th at 8:30 pm. **Vote** Unanimous (5-0)

Monette Circle:

The Board opened the public hearings that were continued from the July 24th meeting 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. Ms. Byerley reviewed her memo to the Board dated August 10, 2007, including the outstanding issues outlined in that memo and Town Counsel's opinion on the procedures for the discontinuance of a portion of Paulornette Circle. Attorney Mark Johnson representing the applicant noted that they have a letter from the abutter stating they are willing to accept the land and noted that the applicant won't look for a permit on lot # 4 until after town meeting vote. Ms. Byerley requested that the applicant submit a plan of action in writing on the town meeting process and how the conveyances would take place. Attorney Johnson noted he could submit language for the Board to review for a condition. The Board discussed the discontinuance of a portion of the roadway, the removal of pavement and the extension of a cul-de-sac. Steve Stapinski of Merrimack Engineering, representing the applicant, reviewed the process to discontinue a roadway. Mr. McDonnell questioned if staff would look into whether a statute exists that would allow for the abandonment of a cul-de-sac in cases where the Planning Board approved a new plan with a roadway which passed through and beyond the existing cul-de-sac Ms. Byerley reviewed Earth Tech, the peer consultant's, comments dated August 13, 2007 including the need for an Operation and Maintenance Plan for the infiltration trenches. The Board noted that an Operation and Maintenance plan should be submitted. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearings for Monette Circle until August 28th at 8:35 p.m. Vote Unanimous (5-0)

Stormwater Management by-law:

The Board took up the stormwater management bylaw discussion. Ms. Goldberg reviewed issues from the IDR for the Stormwater by-law conducted on August 7, 2007 as outlined in a Summary of Action Items from August 7, 2007 Stormwater IDR. The Board discussed the minor project policy and reviewed Town Counsel's recommendation that it be added to the rules and regulations. They also discussed erosion and runoff on site. Mr McDonnell noted that he disagrees with the Board on regulating land disturbance under 40,000 sf. Ms. Anderson noted that she would send Mr. McDonnell the language for a minor project for his review. The Board discussed the disturbance process and the expedited process for major projects by staff. Ms. Goldberg questioned if public comment was necessary or if it could be approved at staff level. The Board discussed the appeal process, Form A lots and the intent of the bylaw. McDonnell noted that DPW was concerned with erosion and runoff and wanted to catch the multiple Form A lots. On a motion by Mr. Chiozzi seconded by Ms. Goldberg the Board voted to confirm Planning Board sponsorship of the by-law; to add language to the Rules and Regulations for Minor Projects; and voted not to use an expedited process for Major Projects. **Vote (4-1)** Mr. Salafia, Ms. Anderson, Mr. Chiozzi and Ms. Goldberg voting yes and Mr. McDonnell voting no.

Adjournment:

The Board voted to adjourn the meeting at 10:18 p.m.