

**APPROVED****Call To Order:**

The meeting was called to order at 7:48 p.m. Present were Chairman, Paul Salafia, Board members, Linn Anderson, Vincent Chiozzi, Selena Goldberg, also present were Director of Planning, Paul Materazzo, and Planner, Jacki Byerley.

**Stormwater Management by-law:**

The Board took up the stormwater management bylaw discussion. Ms. Anderson reviewed the timeframe and regulation outline dated August 28, 2007. She also reviewed a three-page handout regarding the IDR process that was discussed at the Board's last meeting. The Board reviewed the draft by-laws with comments from Selena dated August 27, 2007 and they discussed land disturbance and ANR lots. Ms. Anderson reviewed the regulation outline, the Attorney General's guidelines regarding stormwater management regulations and noted that that outreach is needed and the Board wants input from the public. Ms. Byerley reviewed the requirements of a public meeting and the requirements of a public hearing. Ms. Byerley also reviewed the preliminary plan policy of sending courtesy notices to abutters. Mr. Materazzo reviewed the Form A process. Ms. Anderson reviewed the timeline of an application for a minor project and questioned if an outside consultant would be needed. Jack Petkus, DPW Director, noted that most reviews can be done in-house but the more complex projects would need an outside consultant. Mr. Petkus reviewed the timeline for IDR comments and noted that it usually takes about 2 weeks but it depends on how complete the application is as well as the complexity of the plan. The Board discussed what process a major project would follow and suggested it be the same as the preliminary plan process in terms of abutter notification and posting requirements. The Board also discussed making Form A lots more restrictive especially lots held in common ownership that are being carved out prior to development and the Board agreed with the concept of the revisions of the by-law dated August 28, 2007.

**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 was continued from the August 14<sup>th</sup> meeting, 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) that was continued from the August 14<sup>th</sup> meeting.

Mr. Materazzo reviewed his memo to the Board dated August 24, 2007 including comments from the Board's August 14<sup>th</sup> meeting and their request for more information on a gated private way for Swan Lane. Doug Lees from Land Engineering & Environmental Services, Inc., representing the applicant, noted that the applicant wants the roadway open to the general public and does not want it gated. Attorney Philip Sullivan representing the applicant noted that proper signage indicating the roadway is private and for residents only would be installed. Mr. Materazzo asked if the Board had any further questions regarding the operation of the roadway or traffic volume issues.

**Swan Crossing III (cont.):**

Mr. Chiozzi expressed concern that the applicant wants to use the emergency access for public use and that the access is through a parking lot. Mr. Chiozzi questioned if it would be safer to have less openings onto the roadway. Mr. Lees noted that police and fire were ok with the design. The Board discussed the traffic patterns, and the access points onto the roadway. Mr. Materazzo noted that he would set up a site visit with the applicant's engineer, Police and Fire to discuss the Board's safety concerns. Attorney Sullivan noted that Chili's restaurant access is through a parking lot. Dermot Kelly of Dermont J. Kelly Associates, Inc., representing the applicant, noted that the Burlington Mall roadway is accessed from a parking lot. Mr. Chiozzi noted that this was not the original intent of the roadway. Ms. Anderson questioned if the applicant could reconfigure the parking lot and noted that the Board needs to stop designing projects. Chairman Salafia noted that the applicant knows what the issues are and that the Board had wanted information on a gate across the roadway and how it would work but it was not submitted. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to continue the public hearings for Swan Crossing III and the public hearings for a modification of the Swan Crossing Development until September 11<sup>th</sup> at 8:30 pm. **Vote Unanimous (4-0)**

**Monette Circle:**

The Board opened the public hearings that were continued from the August 14<sup>th</sup> 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 22, 2007, including the Operations and Maintenance Plan that has been forwarded for review to Earth Tech and DPW. Attorney Mark Johnson, representing the applicant, reviewed the revised plans and noted that all the lots comply with zoning. Attorney Johnson reviewed his letter to the Board dated August 24, 2007 with his opinion of the process to remove the pavement of the cul-de-sac and noted that the applicant is agreeable to have no clearance certificates issued for lot 4 until evidence has been obtained to remove the pavement. Town Counsel, Thomas Urberlis, noted that town meeting approved the layout of the public way and noted that in his opinion any change in use has to go before town meeting for approval. Attorney Johnson noted that the applicant is willing to go before town meeting and wait for construction of lot 4 only. Attorney Urbelis reviewed town meeting process for the discontinuous of a roadway and the process for conveying a portion of that discontinued roadway and noted that it has to go through the procurement process. Mr. Materazzo questioned if the applicant is willing to buy the land from the town. Ms. Byerley questioned if DPW would allow the applicant to start work prior to a town meeting vote. Jack Petkus Director of the Department of Public Works noted that he would not allow the applicant to grass over the pavement because if town meeting votes no you would end up with 2 cul-de-sacs. Steve Stapinski of Merrimack Engineering representing the applicant reviewed the drainage and noted that there are no issues with the drainage. Ms Anderson questioned if the applicant thought about building a driveway rather than a roadway. Mr. Materazzo noted the Board should review what's before them. Ms. Byerley reviewed the original submission and noted that the applicant has requested a waiver from section VI.C.4.g-Extension of Cul-de-sac. The Board questioned if the applicant would not convey the lot until after town meeting. Attorney Johnson noted they would not have a problem with a condition

**Monette Circle:**

to not allow lot conveyance for lot 4 until after Town Meeting vote. Attorney Urbelis noted that a condition to not allow conveyance of a lot is not enforceable. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to close the public hearings for Monette Circle. **Vote Unanimous (4-0)**

**CVS:**

The Board began the deliberations for a Special Permit for Major Non-Residential Project and a Special Permit for a Change in Parking Space requirements that would allow for the proposed expansion of CVS from 9,342 s.f. to 17,699 s.f. The Board reviewed Ms. Schwarz's memo to the Board dated August 22, 2007 and the draft conditions for CVS. The Board reviewed the suggested amendments to the draft conditions by Ms. Goldberg and Ms. Anderson. On a motion by Ms. Goldberg seconded by Ms. Anderson, the Board voted to approve the Special Permit for Major Non-Residential Project and a Special Permit for a Change in Parking Space requirements that would allow for the proposed expansion of CVS from 9,342 s.f. to 17,699 s.f. subject to the conditions outlined in Ms. Schwarz's memo to the Board dated August 22, 2007 and to accept the redline amendments by Ms. Goldberg and further amended by the Board and subsequently renumbered at the meeting with the following changes:

Condition # 4 delete the word "If" and add "Should"

Condition # 9 to add after the word "façade" the sentence," and exterior replacement materials as specified in the final plans and drawings."

Condition # 14 to change "6 months" to "3 months"

Condition # 18 to add after the word "established ", as a performance guarantee"; and to insert after the last sentence, "The design of the new directory shall be reviewed and approved by the Planning Division or their designee."

Condition # 19 insert at the end of the last sentence "as approved by the Planning Division."; and "The Planning Division must be provided with final specifications from the bench manufacturer."

Condition # 20 to add after the word "equivalent" "approved by the Planning Division"

Condition # 21 the last sentence shall read "Screening or shading mechanisms for the windows have not been in the final plans and drawings. The addition of such devices will constitute a modification to the Special Permit, requiring review and approval by the Andover Planning Board.

Add a new Condition # 25 that will read: To ensure the continuing aesthetics of the streetscape, all plants in the planters along Main Street must be properly maintained. In the event that the proper maintenance is not performed, the Planning Board at its discretion may require professional landscape maintenance at the expense of the building owner."

Condition # 25 will become Condition # 26.

Deleted existing Condition # 26.

Add a new condition # 27 to read, "The applicant will use their best efforts to obtain a variance from the zoning Board of Appeals to relocate the existing backlit sign on Main Street closer to the new entrance on Main Street."

Condition # 27 will become condition # 28.

**Vote Unanimous (4-0)**

**Adjournment:**

The Board voted to adjourn the meeting at 10:33 p.m.