

**Call to Order:**

The meeting was called to order at 8:00 pm. Present were Chairman, Paul Salafia, and members, Selena Goldberg, Linn Anderson, Vincent Chiozzi (arrived at 8:05 pm) and John McDonnell arrived at (8:43); also present were Director of Planning, Paul Materazzo, Senior Planner, Lisa Schwarz, and Planner, Jacki Byerley

**Enterprise Bank:**

Chairman Salafia gave an overview of the site walk the Board conducted today at 7:15 pm. Chairman Salafia noted that the Board requested that the Bank turn on the original 23 light poles on the approved plan. Chairman Salafia noted that the Bank had already reduced the wattage of the spotlights and turned off the 4 poles along High Street. Representatives of the Bank agreed to only turn on the 23 lights approved by the Board and the Board will conduct another site walk on January 22, 2008 at 7:15 pm.

**43D:**

Mr. Materazzo reviewed his memo to the Board dated December 6, 2008 which included the following: a permitting analysis prepared by planning staff, frequently asked questions about 43D, a summary of the statute. Mr. Materazzo reviewed the benefits that 43D provides: 1) The State provides incentives such as grants up to \$100,000 for technical assistance, to assist communities in developing a blueprint of how they want to do business with the designated PDS, priority consideration for PWED, CDAD, MORE, Brownfield remediation and other state sponsored grants 2) Streamlined permitting. Mr. Materazzo noted the permitting procedure would remain the same and noted that special permits are currently being permitted within 180 days but now the Town can get the benefit of technical assistance and grant money if a PDS site is adopted at Town Meeting. Ms. Anderson questioned if it was similar to the 40B process and would allow an applicant to by-pass local regulations. Mr. Materazzo noted that it does not by-pass any local regulations, it just an expedited process. The Board discussed the statute and the merits of adopting the statute. On a motion by Mr. Chiozzi seconded by Ms. Goldberg the Board voted to sponsor the 43D warrant article as written: To see if the Town of Andover will accept the provisions of chapter 43D of the Mass. General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land at 1350 South Street (Map184, Parcel 1), 1352 South Street (Map185, Parcel 1A), 1320 South Street (Map 184, Parcel 3) and 1323 South Street (Map 185, Parcel 1) as a Priority Development Site, or take any other action in relation thereto.  
**Vote Unanimous (4-0)**

**Lincoln Woods:**

The Board opened the public hearings that were continued from the November 27<sup>th</sup> meeting on an application by RayVon Realty Trust for a modification of a Special Permit for a Multi-Family Dwelling Construction –Attached Cluster and a modification of a Special Permit for Earth Movement, located off Shawsheen Rd. The modification requested is to add a 1.64-acre parcel to Lincoln Woods, and to construct on the new parcel one new 4-unit building and associated site work. This will change the number of units per building originally approved by the board from 5 units per building to 4 units per building. Dan Koravos of DK Engineering, representing the applicant, gave an overview of the proposed modification including the number of units on the

**Lincoln Woods (cont.):**

new parcel and noted that the number of units in the original approval would be reduced from 5-units per building to 4 units- per building. He also reviewed the comments from the Board's previous meeting and noted that ESS Group, the Town's peer consultant is satisfied with the design and the design layout. Ms. Byerley reviewed her memo to the Board dated January 2, 2008 including the outstanding issues of landscaping, snow storage areas and suggested signage indicating those areas. The Board discussed the expected build-out timeline for the project. Raymond Cormier, the applicant, noted that he expects buildout to be about 1 ½ years. Ms. Anderson questioned whether a lighting plan has been submitted. Mr. Koravos noted the lights are the same as the original plan. Ms. Byerley requested a copy of the lighting fixtures proposed for the file. Lisa Doucett of 26 Lincoln Street expressed concern with the screening by the Losigian property. Mr. Materazzo reviewed the acreage requirement and noted that the total site area for a cluster development cannot exceed 25 acres. Mr. Losigian of 165 Shawsheen Rd. expressed concerns regarding the clearing of trees on the eastern border of the development. Mr. Cormier noted that he enlarged the wall in order to save the trees. On a motion by Ms. Anderson seconded by Mr. Salafia the Board voted to continue the public hearings for a modification of a Special Permit for a Multi-Family Dwelling Construction –Attached Cluster and a modification of a Special Permit for Earth Movement, located off Shawsheen Rd to January 22, 2008 at 8:00 pm **Vote Unanimous (5-0)**

**Newport Circle:**

On a motion by Ms. Anderson and seconded by Ms. Goldberg the Board voted to set the performance guarantee for Newport Circle, which would serve lots 1 through 6 in the amount of \$92,700.00 , that figure valid if the guarantee is posted within (30) days. 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 (5-0)**

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board vote to establish the Water Main Bond by the developer in the amount of \$57,500.00 pursuant to Condition # 29 of the Newport Circle Definitive Subdivision Plan. **Vote Unanimous (5-0)**

**Warrant Articles:****Outdoor Dining:**

Ms. Byerley reviewed the proposed warrant article to amend the general bylaw for outdoor dining licensing. Ms. Byerley noted that ordinance previously supported by the Planning Board should be an amendment for Town Meeting vote to the General Bylaws. The bylaw presented this evening will need to be further amended to include hours that the street furniture will be allowed on Main Street to coincide with the Newsrack Article that will be submitted by the Main Street Committee. Ms. Byerley noted that the Board voted to support and forward to the Selectmen an Outdoor Dining Ordinance at its previous meeting. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to sponsor the Outdoor Dining License Bylaw along Main Street only, with an amendment to include the hours of operation. **Vote Unanimous (5-0)**

**Warrant Articles:**

**Customary Home Occupation:**

Ms. Byerley reviewed the proposed by-law amendment to Customary Home Occupation Section 10.0 and Section 5.2.7.1 Permitted Signs in all zoning districts (respectively). The Board discussed the proposed amendments and suggested the following changes:

**Subsection (a)** shall read: the use of more the 33 1/3 % of the gross floor area of the building up to a maximum of 1,000 square feet

**Section 5.2.7.1** shall read: One sign, not requiring a sign permit, either attached or freestanding, indicating only the name of the owner or occupant, and the street number and not to exceed 2 square feet in area, except if the sign indicates a home occupation the sign must be unlighted and affixed to the residence. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to sponsor and to forward the warrant articles for the zoning by-law amendments for section 10 Customary Home Occupation and section 5.2.7.1 Permitted Signs in All Zoning Districts to the Board of Selectmen. **Vote Unanimous (5-0)**

**Adjournment:**

The Board voted to adjourn the meeting at 9:52 pm.