

Call to Order:

The meeting was called to order at 7:40 pm. Present were Chairman, Paul Salafia, and members, Selena Goldberg, Linn Anderson, Vincent Chiozzi and John McDonnell (arrived at 7:45); also present were Director of Planning, Paul Materazzo, Senior Planner, Lisa Schwarz, and Planner, Jacki Byerley.

Amend the zoning by-law Section 10.0 Customary Home Occupation and Section 5.2.7.1. Permitted Signs in all zoning districts (respectively):

The Board opened the public hearing to amend the zoning by-law Section 10.0 Customary Home Occupation and Section 5.2.7.1. Permitted Signs in all zoning districts (respectively). Ms. Byerley reviewed her memo to the Board dated February 4, 2008 including a power point presentation to be presented at Town Meeting. Ms. Gilmore the Inspector of Buildings noted the need to define one employee; she stated that it must be specifically defined to be enforced. The Board discussed the number of employees that can be on the premise at one time and questioned if there could be more than "1 employee not a family member" if only 1 employee was on site at one time (ie, 2 part time employees). Ms. Byerley noted it's not the intent of the bylaw; the purpose is for a start up business with family members. A resident from 11 Crescent Drive expressed concerns with the elimination of types of businesses and questioned if the bylaw would apply to multi-family dwellings. Ms. Byerley reviewed the allowed zones for customary home occupation. Ms. Gilmore noted the building department cannot refuse a business license; the bylaw allows 1 person outside the family and noted if the use is not allowed because of condo documents the applicant is required to have a letter from the association stating the use is allowed. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to close the public hearing. **Vote Unanimous (5-0)**; on a motion by Ms. Anderson seconded by Ms. Goldberg the Board vote to recommend approval of the proposed amendment to the Zoning by-law Section 10.0 Customary Home Occupation and Section 5.2.7.1. Permitted Signs in all zoning districts (respectively). **Vote Unanimous (5-0)**

43D:

Mr. Materazzo reviewed his memo to the Board dated February 5, 2008 including the State incentives of grants up to \$100,000 for technical assistance, to assist communities in developing a blue print of how they want to do business with the designated PDS. Mr. Materazzo gave an overview of phase I and phase II vision for the area. Chairman Salafia suggested that a power point presentation be concise and discussed what it has to do. Michael Miller of 5 David Drive representing Mass Development reviewed the grant process and noted that the town will have access to technical assistance. Chairman Salafia noted that the presentation needs to be simplified because it's so complex. Ms. Schwarz noted that the property has been industrial property for over 50 years; it has remained undeveloped because there is no direct access to the site. Buddy Woods a stakeholder in the site supports the article and would like to see the site developed someday. David Wahr of 1 Center Circle and a stakeholder noted that Tewksbury has to change the zoning and noted that it's a long term process which will probably remain This will change the number of units per building originally approved by the board from 5 units per building to 4 units per building undeveloped until 2011 -2012. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to close the discussion on the preliminary warrant article P-27 43D. **Vote Unanimous (5-0)**; on a motion by Ms. Anderson seconded by Mr.

43D (cont.):

Chiozzi the Board voted to recommend approval of the preliminary warrant article labeled P-27 **Vote Unanimous (5-0)**; and 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 (5-0)**

Stormwater Management Bylaw:

The Board opened the discussion to amend the General By-law by adding a new by-law entitled "Stormwater Management & Erosion Control By-law". Ms. Byerley reviewed her memo to the Board dated February 1, 2008 and noted that 99% of the regulations for the by-law will be done by town meeting. Paul Finger of 3 Howell Drive, - speaking as a resident not for the Conservation Commission, stated that he supports the article however he expressed concerns that the by-law does not address watershed management. He also questioned projects that fall outside the jurisdiction of the Conservation Commission process, and noted that there can't be the same review for 1 acre or better. Ms. Byerley noted that the watershed protection overlay district is covered in the zoning by-law and the rest of his concerns are in the regulations. Mr. Finger noted that he had submitted comments to CEI but he never heard back from them. Ms. Anderson noted that they have been reviewing the stormwater by-law for over a year and have repeatedly invited the Conservation Commission to provide comments. She noted that Mr. Finger's comments can be addressed in the regulations and invited him to submit his comments in writing to the Board. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to close the discussion on the proposed general by-law amendment by adding a new by-law entitled "Stormwater Management & Erosion Control By-law". **Vote Unanimous (5-0)**; on a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to recommend approval of the amendment to the General By-law by adding by new by-law entitled "Stormwater Management & Erosion Control By-law" as written. **Vote Unanimous (5-0)**

Outdoor Dining License By-law:

The Board opened the discussion to amend the General By-law by adding a new by-law entitled "Outdoor Dining License By-law". Ms. Byerley reviewed her memo to the Board dated February 4, 2008. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to close the discussion to amend the General By-law by adding a new by-law entitled "Outdoor Dining License By-law". **Vote Unanimous (5-0)**; on a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to recommend approval of the amendment to the General By-law by adding a new by-law entitled "Outdoor Dining License By-law" as written. **Vote Unanimous (5-0)**

429 South Main Street:

The Board opened the discussion on an application for a site plan review by Andover Village Associates to build a two-story 4,500 sf. building to be used as a café and market/convenience store located at 429 South Main Street that was continued from the January 22nd meeting. Ms. Schwarz reviewed her memo to the Board dated February 8, 2008 including the outstanding issues from the previous meeting. Ms. Schwarz noted that revised plans were submitted Friday 4, 2008. Mr. Chiozzi questioned the am peak traffic and stated that he believes the traffic counts in Mr. Kelly's study are much lower that the actual traffic flow will be.. Dermot Kelly, of DJK & Associates and representing the applicant, gave an overview of the traffic study including the ITE model that was used. Mr. Kelly noted the driveway off Route 28 should be two way and reviewed the traffic flow and application submitted to Mass Highway. The Board discussed the turning movements, potential conflicts and noted they want to make the site as safe as possible. Ms. Anderson noted if the entrance was further south she would be more comfortable. The Board suggested the applicant develop an alternate plan with an island and signage. Mr. Kelly noted that there is 60' distance between Rattlesnake and the site access. Dick Cuoco, of Cuoco & Cormier, suggested that the applicant design an alternative plan with an island but not to construct the island unless there is a problem. Rob Bramhall, of Bramhall Architects, representing the applicant, gave an overview of the site and discussed why how he determined the placement of the building. He also noted that the buffer zone and the landscaping make the building more welcoming. Mr. Materazzo suggested that staff have the DPW Director and Safety Officer review the plan that the Board suggested. Dick Cuoco noted that he would draw a plan and hold a meeting with DPW before the Board's next meeting. On a motion by Ms Anderson seconded by Ms. Goldberg the Board voted to continue the discussion on a site plan review for 429 South Main Street to February 22, 2008 at 8:30 pm. **Vote Unanimous (5-0)**

Enterprise Bank:

The Board reviewed Ms. Schwarz memo to the Board dated February 8, 2008 and noted they would drive by the site prior to the Board's next meeting.

Andover Country Club Clubhouse:

The Board opened the discussion on an application for a Site Plan Review by CA Investment Trust for a new 2,000 sf clubhouse located at the Andover Country Club at 60 Canterbury Street. Ms. Byerley reviewed the application's request to continue the site plan review without discussion to address comments from the IRD conducted on January 22, 2008. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to continue the application for a Site Plan Review by CA Investment Trust for a new 2,000 sf clubhouse located at the Andover Country Club at 60 Canterbury Street until March 11th at 8:40 p.m.

5 Campanelli Drive:

The Board opened the public hearing on an application by Gutierrez Company for a Special Permit for a Major Non-Residential Project to allow for the construction of a new, three-story, 100,000 s.f. office building located at 5 Campanelli Drive more specifically identified as Assessors' Map 142 lot 6.

Adjournment: The Board voted to adjourn the meeting at 10:46 pm.