

**Call to Order:**

The meeting was called to order at 7:36 pm. Present were Chairman, Paul Salafia, and members, Vincent Chiozzi, Linn Anderson, Selena Goldberg, John McDonnell (arrived at 7:55 pm) and associate member Joan Duff; also present were Director of Planning, Paul Materazzo, and Planner, Jacki Byerley.

**I-93 Project:**

Mr. Materazzo noted that all three towns have passed the 43D warrant articles and reviewed the Tri-Town Task Force meeting where they discussed how to spend the funds, expanding the themes and creating timelines for the towns. Chris Huntress, an I-93 Task Force member, gave an overview of the task force's next steps which is to expand on the memo of understanding and to determine what the priorities are for each community. He also noted that the goal of the Task Force is to review the application with Wilmington and Tewksbury and submit the application in September. Mr. Huntress noted that the Task Force will meet either the 2<sup>nd</sup> or 4<sup>th</sup> Tuesday of every month and invited the Planning Board members to attend. Mr. Materazzo noted that Mass Highway has started the MEPA process and they will be analyzing all three interchange options. The Board questioned the scope of the permit between town borders, formed based code and the selection process for the consultant. Mr. Huntress noted that the Town of Devins has the expedited process and uses formed based code. The Board noted they want input on the formed based code process.

Mr. Materazzo updated the Board on the Shawsheen River Project and noted the next phase is recreation development areas and invited the Board to a canoe launch on the river next weekend.

**34 & 36 Oriole Drive:**

The Board opened the public hearings on an application by George Hughes and Douglas Ahern for a Definitive Subdivision plan entitled 34 & 36 Oriole Drive and a Special Permit for Earth Movement located at 34 & 36 Oriole Drive. Chairman Salafia reviewed the Planning Board Public Hearing Procedures. William McLeod of Andover Consultants, Inc. representing the applicant gave an overview of the location, title search, the meeting with the Inspector of Buildings, and the applicant's rights in the right of way. He also reviewed the waiver requests, the Board of Health's and Conservation Commission's approval and noted this would be a low impact development. Ms. Byerley noted according to the Inspector of Buildings the applicant would have to come to the Planning Board for improvements to a way and questioned if the second plan complies with the rules and regulations governing the subdivision of land. The Board questioned if there were any plans to subdivide the back parcel and the applicant's right's within the right of way. Attorney Mark Johnson, representing the applicant, noted the applicant would be willing to have a condition that would prevent further subdivision of the back parcel and he also noted that the applicant does have rights within the right of way but it's not relevant to the plan before the Board. Mr. Macleod noted that the plan does not comply with the subdivision rules and regulation but presented a different plan to the Board that could comply with the regulations and noted he will amend his waiver request letter. Ms. Byerley reviewed her memo to the Board dated May 7, 2008 including comments from the IDR conducted on May 6, 2008. Mr. MacLeod gave an overview of the drainage and infiltration system. Ms. Byerley noted the applicant is requesting that the Board decide whether or not a peer review is necessary. The Board suggested that DPW review the drainage. Ms. Byerley noted it could take DPW up to thirty days to review the

**34 & 36 Oriole Drive (cont.):**

drainage whereas a consultant would not take so long. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearings on an application by George Hughes and Douglas Ahern for a Definitive Subdivision plan entitled 34 & 36 Oriole Drive and a Special Permit for Earth Movement located at 34 & 36 Oriole Drive to May 27, 2008 at 7:30 p.m. **Vote** Unanimous (5-0)

**Cassimere Street:**

The Board opened the public hearing for a 1-lot modification of a definitive subdivision entitled Cassimere Street per order of remand dated March 26, 2008. Mr. Materazzo reviewed his memo to the Board dated March 6, 2008 and the Land Court's order of remand dated March 2, 2008. Mr. Materazzo noted the Land Court's decision orders the Board to approve the 1-lot modification. The Board discussed the decision, the appeal and questioned the date when the original plan was approved. Mr. Materazzo noted the original plan was approved in 2001 and the modification was denied in 2005. Attorney Dan Hayes representing the applicant reviewed the Court's order and noted that the lot has been approved but the Board needs to approve the modification with reasonable conditions. The Board discussed the drainage and questioned if the drainage flow impacts the roadway. William MacLeod of Andover Consultants representing the applicant gave an overview of the drainage and noted that it does not impact the roadway. Mr. Materazzo noted that DPW was satisfied with the drainage. The Board discussed the slope and soil stability and questioned what recourse the abutters have if the slope fails. Mr. MacLeod noted that the site complies with the slope by-law. Several abutting residents expressed concerns about the integrity of the slope and asked if the Board could condition their approval to one additional lot. Several Board members expressed concern regarding blasting, the retaining wall and the drainage and suggested that DPW confirm the plan and their approval. Attorney Hayes noted the order of remand requires that the Board's conditions must be consistent with the Board's authority under the subdivision control law and with the conditions of the original subdivision approval; any new concerns the Board might have which were not addressed during the original subdivision approval would not comply with the Court's order of remand. The Board noted they want DPW's input on the conditions of approval regarding the drainage and the retaining wall. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to continue the public hearing for a 1-lot modification of a definitive subdivision entitled Cassimere Street per order of remand dated March 26, 2008. **Vote** Unanimous (5-0)

**Reynolds Street:**

The Board took up the discussions on a minor modification request by Vale Realty Trust to delete condition # 8 of the approved 1-lot definitive subdivision plan which requires the installation of an on-site disposal system prior to the start of construction,; and a minor modification request to delete a sentence in condition # 5 which reads "The eastern edge of paved roadway shall be no further than two (2') feet away from the eastern line of the Reynolds Street layout." Ms. Byerley reviewed a letter from the applicant's attorney requesting the Board continue the minor modification requests without discussion. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the discussion of a minor modification request by Vale Realty Trust without discussion until June 10, 2008 at 8:40 p.m. **Vote** Unanimous (5-0)

**Addison Gallery:**

The Board took up the deliberation on an application by Trustees of Phillips Academy for a Special Permit for a Major Non-Residential Project to allow for the restoration, renovation and expansion of 11,811 s.f. to the Addison Gallery located at 180 Main Street. The Board reviewed Mr. Materazzo's memo to the Board dated April 22, 2008 (amended) and suggested the following changes:

Condition # 10 delete the word "and" after the word construction in the 1<sup>st</sup> sentence

Condition # 15 shall read "All earthmoving activities associated with the project shall be regulated by the Inspector of Buildings pursuant to the requirements of the zoning by-law and as may otherwise be covered under this permit."

On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to approve the application by Trustees of Phillips Academy for a Special Permit for a Major Non-Residential Project to allow for the restoration, renovation and expansion of 11,811 s.f. to the Addison Gallery located at 180 Main Street subject to the 21 conditions outline in Mr. Materazzo memo to the Board dated April 22, 2008 (amended) as amended by the Board. **Vote** Unanimous (4-0); It should be noted Mr. McDonnell left the room prior to the vote.

Chairman Salafia updated the Board on the letters from abutters of Enterprise Bank expressing concern on the excessive lighting at Enterprise Bank; and the letter he sent to Enterprise Bank requesting all unnecessary lights be extinguished at 9:00 p.m. and a plan of the lighting be submitted within 14 days of the letter.

**Adjournment:** The Board voted to adjourn the meeting at 9:38 pm.