

**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 7:42 pm) and associate member Joan Duff; also present were Director of Planning, Paul Materazzo, and Senior Planner, Lisa Schwarz.

**5 Campanelli Drive:**

The Board opened the public hearing that was continued from the May 27<sup>th</sup> meeting 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. Mr. Materazzo reviewed the applicant's request to continue the public hearing without discussion. Chairman Salafia inquired why the applicant was requesting the continuance. Mr. Materazzo noted that the applicant only wants to revise the plan once so they are waiting for comments from the peer review from Conservation Commission. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to continue 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 without discussion until July 22, 2008 at 7:30 p.m. **Vote Unanimous (5-0)**

**34 & 36 Oriole Drive:**

The Board opened the public hearings that were continued from the May 13<sup>th</sup> meeting 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. Mr. Materazzo reviewed the applicant's request to continue the public hearing without discussion. Chairman Salafia inquired why the applicant was requesting the continuance. Mr. Materazzo noted that they are waiting for information. On a motion by Ms. Anderson seconded by Ms. Goldberg 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 13, 2008 at 7:30 p.m. **Vote Unanimous (5-0)**

**Enterprise Bank:**

The Board took up the discussion on the lighting at Enterprise Bank located at 8 High Street. Chairman Salafia gave an overview of the site visits, discussions and letter sent to Enterprise Bank requesting all lights except those required for security purposes only be extinguished at 9:00 p.m. at Enterprise Bank. Ms. Schwarz reviewed her memo to the Board including letters from abutters concerned about the Bank's lighting which were received after the Board's February 12<sup>th</sup> meeting. The Board discussed the lighting and questioned if all the lights belong to the bank. Bob Gilman, Executive Vice President of Enterprise Bank, noted that all the lights along the sidewalk are on bank property and were requested through the hearing process. Jim Keenan, representing Enterprise Bank reviewed the lights and noted only lights for security purposes are left on after 9:00 p.m. Doug Cummings of 67 High Street reviewed the special permit issued by the Board and noted the lighting at the bank is excessive. He noted that other banks in the area have

**Enterprise Bank (cont.):**

appropriate lighting and most lights are extinguished after business hours. The Board reviewed the conditions of approval and read condition # 15 for the record which can be viewed in the file. Deborah Cummings of 67 High Street noted that the neighbors just want the original special permit agreement enforced. Several other abutters concurred with their neighbors. Mr. Gilman noted that the lighting is a result of a meeting with the Preservation Commission who thought the building should be illuminated and he noted that the Bank has met multiple times with the Planning Board to address the neighbors' concerns. Ms. Schwarz noted that the written language in the conditions of the special permit is not consistent with the plan. The Board discussed the photometric plan, the landscaping plan, and the language in the special permit and noted the plans are not consistent with what was approved. Chairman Salafia asked the Enterprise representatives to create a new plan, which shall show all the lights on-site. Chairman Salafia also asked for a written narrative describing what lights are on and off at the end of business, and what light are for security purposes only. Once the Board has reviewed the new plan and narrative, the Board will discuss how to move forward. Mr. Keenan noted he will have a plan forwarded to the Board. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to continue the discussion the lighting at Enterprise Bank located at 8 High Street to June 24, 2008 at 8:00 p.m. **Vote** Unanimous (4-0); it should be noted Mr. McDonnell stepped out of the room prior to the vote.

**Cassimere Street:**

The Board opened the public hearing that was continued from the May 13<sup>th</sup> meeting for a 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 27, 2008 (amended) and noted that he worked with DPW and Fire Prevention on conditions per concerns from the Board at their last meeting. The Board reviewed Mr. Materazzo's memo to the Board dated May 27, 2008 (amended). Suzanne Robert of 37 Stevens Street reviewed her e-mail to the Board dated May 21, 2008 regarding the regulations for wells and noted that dry wells are considered wells in Massachusetts. 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. Mr. Materazzo noted that the Board of Health regulates wells. Abutters from Cassimere Street noted that they are opposed to condition # 19 which relates to Lot Y joining the Homeowners' Association and expressed concerns about the blasting operations. The Board reviewed condition # 19 and changed the wording to read: "Due to the change of status to Lot Y from "not buildable" to "building" the applicant/developer shall initiate the process of petitioning the Cassimere Street Homeowners' Association (HOA) for acceptance of Lot Y into the HOA as a buildable lot. This shall be done prior to the release of a clearance certificate for Lot Y. Copies of the applicant's formal petition to the HOA and final action/decision of the HOA shall be provided to the Planning Division. In the event the Cassimere Street HOA does not allow acceptance into the established HOA, said condition shall be deemed satisfied."

The Board reviewed the conditions outlined in Mr. Materazzo's memo and made the following changes:

**Cassimere Street (cont.):**

Conditions 1 through 5 will remain condition 1 through 5 and all subsequent conditions will be re-numbered 6 thru 27.

Condition # 3 (now condition # 8) "the applicant shall submit a plan in recordable form that reflects these conditions showing a six lot subdivision"

Condition # 5 (now condition # 10) will read:

" If ownership of Lot Y is transferred prior to the issuance of an occupancy permit the developer shall have 5 days to notify the Andover Planning Division of the name and address of the new owner and the developer shall provide the new owner with a copy of these conditions.

Condition # 7 now conditions # 12 in the 1st sentence after Planning Division "add Building Division"

Condition # 10 (now condition # 15) Add at the end of the second sentence "which may include a protective barrier for the down gradient properties.

Condition # 19 (now condition 24) shall read:

"Due to the change of status to Lot Y from "not buildable" to "building" the applicant/developer shall initiate the process of petitioning the Cassimere Street Homeowners' Association (HOA) for acceptance of Lot Y into the HOA as a buildable lot. This shall be done prior to the release of a clearance certificate for Lot Y. Copies of the applicant's formal petition to the HOA and final action/decision of the HOA shall be provided to the Planning Division. In the event the Cassimere Street HOA does not allow acceptance into the established HOA, said condition shall be deemed satisfied."

Condition # 20 (now condition # 25) the word "division" shall be deleted from the end of the paragraph.

Condition # 21 (now condition # 26) the first five words shall read:

Lot Y shall not remain in ....

Condition 22 (now condition 27) shall read:

The proposed retaining wall shall be reviewed and approved by the Inspector of Buildings and shall be consistent with the Massachusetts Highway Department specifications."

On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to close the public hearing for a modification of a definitive subdivision entitled Cassimere Street per order of remand dated March 26, 2008. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to approve the modification of Cassimere Street definitive subdivision subject to the 27 conditions outlined in Mr. Materazzo memo to the Planning Board dated May 27, 2008 (Amended) as furthered amended by the Board during the May 27<sup>th</sup> meeting . **Vote** Unanimous (5-0)

**Minutes:**

On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to approve the minutes for Feb. 22<sup>nd</sup>, March 11<sup>th</sup>, April 8<sup>th</sup> and 22<sup>nd</sup> and May 1, 2008

**Adjournment:** The Board voted to adjourn the meeting at 9:45 pm.