

APPROVED

8-12-08

Call to Order:

The meeting was called to order at 7:38 pm. Present were Chairman, Paul Salafia, and members, Linn Anderson, Selena Goldberg, John McDonnell, Vincent Chiozzi (arrived at 7:46), and associate member Joan Duff; also present were Director of Planning, Paul Materazzo, Senior Planner, Lisa Schwarz, and Planner, Jacki Byerley.

34 & 36 Oriole Drive:

The Board opened the continued public hearings from the May 27th meeting on the application of 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 previous meeting, and discussed the amount of area that would be disturbed by the proposed development. He also noted that the project is under the threshold for the Stormwater Management by-law, as it has less than 4 lots and is disturbing less than an acre of land. Ms. Anderson noted that the affidavit for sedimentation control developed by the Inspector of Buildings would be required soon. Mr. MacLeod reviewed DPW's memo to the Board dated June 24, 2008 and reviewed the Stormwater Management Policy requirements. He also noted that the drainage meets DEP standards. Ms. Byerley reviewed her memo to the Board dated June 18, 2008 including the applicant's response to comments from the IDR conducted on May 6, 2008 and DPW's comments dated June 24, 2008. Ms. Byerley noted that the Board can request more information regarding drainage or move forward with what has been presented. Mr. MacLeod noted that he would supply information if requested but he did not think it was necessary. The Board questioned what would be required if this were a regular subdivision. Mr. MacLeod noted he's trying to do a low-impact development and it's a driveway not a roadway. The Board discussed the drainage; DPW's memo to the Board dated June 24, 2008 and suggested that the applicant give a narrative of the drainage analysis to staff for DPW to review. Mr. MacLeod reviewed the Order of Conditions from the Conservation Commission and noted a copy was sent to DEP. 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 July 8, 2008 at 8:15 p.m. **Vote** Unanimous (5-0)

Enterprise Bank:

The Board took up the discussion that was continued from the May 27th meeting on the lighting at Enterprise Bank located at 8 High Street. Chairman Salafia gave an overview of the previous meeting. Jim Keenan, representing the Bank, reviewed the color coded lighting plan that was submitted on June 24, 2008 to the Board. He reviewed the requested times that the lights should be shut off. He also noted that he tried to speak with Officer Edgerly about the recent vandalism at the site and noted that the Officer could not see images on the video due to inadequate lighting on site. Ms. Schwarz reviewed her memo to the Board dated June 19, 2008 including a review of the site plan that shows the existing lights. She reviewed the Board's two options: to either enforce the current special permit conditions or to determine that it is a minor modification and change the language to reflect the minor modification. The Board asked if all the lights on the plan belong to the Bank. Bob Gilman, Vice President of Enterprise noted that all

Enterprise Bank(cont):

the lights that are along the sidewalk are on bank property. Jim Keenan, representing the Bank reviewed the light locations, the request for timed shut downs for different lights, and noted that currently only lights for security purposes are left on after 9:00 p.m. Deborah Day-Cummings, 67 High Street, noted she is pleased that the illumination appears to be lower and less obtrusive than before. Mr. McDonnell noted that comments made at the last meeting regarding the close proximity of the neighbors' homes were misrepresented and that the homes of several of the High Street residents who spoke in opposition to the lighting were not in close proximity to the Bank, but were much further north on High Street. Ms. Cummings noted that some abutters who spoke about lighting concerns live closer. Justin St. James noted that the proximity of the abutter is irrelevant. Doug Cummings, 67 High Street, objected to Mr. McDonnell's comment and noted that things have improved since the lights have been turned off at 7:00 p.m. Marybeth Nason, 55 High Street, noted there that there is an agreement amongst the neighborhood residents, and many neighbors had signed a petition requesting the Planning Board address the issue of spillover. The petition stated that the excessive lighting is intruding on the character of the neighborhood. She also asked that the existing special permit be enforced. The Board discussed the comments and input, the overall effect of lighting in the downtown area, and discussed how other businesses, including other banks, manage their lighting. The Board asked for more information from the Safety Officer and decided to deliberate after they received additional input. The Board requested a plan showing the lighting by specific zones from Mr. Keenan of Enterprise Bank. 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 July 8, 2008 at 8:30 p.m. **Vote** Unanimous (5-0)

180 Abbot Street:

The Board took up the discussion on an application by Michael Ristuccia for a 5-lot Preliminary Subdivision Plan entitled 180 Abbot Street. Chairman Salafia gave an overview of the preliminary plan process. Ken Buford of CDC Engineering LLC, representing the applicant gave an overview of the proposed project including sewer and water connections, Jacki Byerley reviewed her memo to the Board dated June 18, 2008 including comments from the IDR held on June 17, 2008, including wetlands, inadequate sight distances, and lot requirements. The Board discussed the proposed project including drainage, wetlands, slope requirements, and the width of the back two lots. Ms. Anderson disclosed that she lives at 93 Abbot Street. Janyce Ball of 47 Spring Grove Road expressed concern regarding drainage and runoff during storms. The applicant, Michael Ristuccia, noted that there is a brook but the subdivision is uphill and won't interfere with it. The Board discussed a low impact development option and noted they would encourage low-impact developments. Margret Pustell of 87 Porter Road noted she would like the development to be compatible with the neighborhood. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to disapprove application by Michael Ristuccia for a 5-lot Preliminary Subdivision Plan entitled 180 Abbot Street because it fails to provide sufficient public safety access, fails to meet the zoning requirements of the Zoning Bylaw and fails to meet the standards of the Subdivision Rules and Regulations. **Vote** Unanimous (5-0)

Merrimack Estates:

The Board opened the public hearings that were continued from the June 12th meeting on an application by Wiled Realty Trust for a proposed 8-lot Definitive Subdivision Plan and a Special Permit for Earth Movement entitled Merrimack Estates. Richard Cuoco from Cuoco & Cormier Engineering Associates, representing the applicant gave an overview of the proposed project. The following items were discussed: the revised plans, screening/buffering with evergreens, and points of discharge for the drainage per DPW's request. The applicant submitted and reviewed a color coded plan identifying components of the subdivision and ownership of surrounding parcels. The Board asked Robert Spengler, 47 Manor Hill Drive, Tewksbury, MA the abutter to the project, if he felt the screening was adequate. Mr. Spengler noted that it was OK and asked if the Board had conducted a site visit yet? The Board discussed open space, the detention area and questioned why lot 8 is a separate from Melmark School. Mr. Couco noted that the lot was always intended for the drainage and noted that the school would be part of the Homeowners' Association (HOA). The Board discussed the HOA, maintenance to the detention basin and questioned if lot 8 was officially part of the subdivision. Ms. Byerley reviewed her memo to the Board dated June 20, 2008 including the section of the rules and regulations regarding detention/retention basins. Peter Troy, representing Melmark School, clarified that they own lot 8 and stated that it was always Melmark's understanding that part of Lot 8 would be used for drainage. He further confirmed that lot 24 would be conveyed to Melmark when the subdivision was approved making Melmark part of the subdivision. The Board discussed access to AVIS land and the water main easement. Alix Driscoll representing AVIS, noted that they would like an easement/land in fee over lot 8. Mr. Cuoco noted they can't do the access in fee but would be willing to look at an easement for access to AVIS land. The Board requested that Ms. Driscoll and Melmark speak to Avis and Melmark management to see if it is possible to create a water main easement on either of their properties to loop the water main and improve fire safety. Ms. Byerley noted ESS Group is reviewing the drainage plans and suggested moving the discussion on the drainage to the July 22nd meeting. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to continue the public hearings on an application by Wiled Realty Trust for a proposed 8-lot Definitive Subdivision Plan and a Special Permit For Earth Movement entitled Merrimack Estates until July 22nd at 8:00 p.m. **Vote** Unanimous (5-0); it should be noted that the drainage was original scheduled to be discussed at the July 8th meeting will be discussed at the July 22nd meeting and issues pertaining to Melmark site plan, water main looping , access to AVIS property and language for the homeowners' association will be discussed at the July 8th meeting.

Adjournment: The Board voted to adjourn the meeting at 10:25 p.m.