

Zoning Bylaw study committee (ZBSC) minutes Feb. 4, 2019

Members present: Dan Casper, chair, Heather Lauten, Jon Maren, Leonard James, Ellen Townson, Susan Stott

Staff present: Paul Materazzo (by phone), Carol McGravey, Austin Simko,

Dan Casper opened the meeting about 6:30 PM

Zoning Amendment Audit spreadsheet:

The ZBSC members briefly discussed the spreadsheet and agreed there is room for improvement. Susan will put gridlines on that print on a paper copy. Austin said the Planning Board (PB) thought of it as a qualitative checklist to be sure all impacts of a change are considered and unintentional impacts are anticipated. It is not intended to be a quantitative evaluation.

Sign Bylaw:

Paul explained that the revision to the sign bylaw was initiated a year ago in response to a legal case which found that signs can't be regulated around politics and other issues protected by first amendment rights. Initially the thought was just to remove content and leave all dimensional requirements in place. The Design Review Board (DRB) found that approach seemed to emasculate the sign bylaw. They stepped back from Town meeting and began meeting with stakeholders toward a revision for the 2019 Town Meeting. Carol McGravey shared Town Counsel's opinion that the proposed revision complies with the Reed decision. In the revision the dimensional requirements remain the same. The current bylaw was last revised in 2010.

Ann Constantine explained that the DRB realized that the new ID2 zone did not have sign regulations and crafted some of the revision to fit the development proposed for that zone: mixed use with a mix of building sizes and types. The mixed use zone across from the IRS was also considered as they thought about DRB oversight of these new areas, as well as the general business district and limited use district. They considered that signage is expensive and thought about how to fast track the DRB review process, especially for small businesses with limited resources. A driving issue in the revision is elimination of internal lighting, to reduce light pollution and keep the night sky. With new technology, such as LED lighting, it is brighter. Approvals at the medical center across from the IRS have required lights to be off until an hour before opening and from an hour after closing. The DRB has also tried to clarify the language so the layman can understand what it means. The amendment includes the purposes, findings and definitions to help residents and business owners.

Dan Casper shared that the most challenging issue for the ZBA recently has been requests for variances from requirements of the sign bylaw. The question, especially near the interstate highway exchanges, is what is needed for people to find their destinations, especially to the new medical facilities. Are there safety issues that conflict with the desire to minimize illumination? Dan asked if the DRB should be the permit granting authority for the sign bylaw as they have the expertise and might even engage consultants to assist in making decisions.

Ann Constantine said since the Reed decision was a few years ago, the DRB had the benefit of reviewing what other Towns have done to come into compliance. She talked about the purpose of a sign: identification, branding, labeling and wondered how far signage should go in promotion and marketing. She said signs, as well as buildings and roadways create a sense of place, for example the impression that motorists have as they enter downtown Andover.

There was discussion of what might be needed along highways, at Brickstone, the medical buildings, etc. and that the regulations might vary by zone. ZBA can grant variances based on hardship, but you don't want a bylaw where the ZBA leans toward granting a variance because it feels the bylaw does not adequately address the sign issues in some locations. This led to some discussion of the role of the ZBSC. Should it propose amendments? Does the ZBSC report that it believes a proposed bylaw may create problems. One reason the ZBSC was created was to search for unintended consequences of proposed changes so they can be considered before a bylaw amendment is passed.

Mark Johnson asked if businesses and property owners are aware of the proposed changes and how they might be impacted? As stakeholders, have they been informed and had an opportunity to speak? As businesses change ownership downtown, new owners will have to comply with new regulations. Has adequate consideration been given to attracting new business to West Andover, especially the Phillips Medical site? Should sign approvals be by special permit?

Ann Constantine recommended looking at the recommendations of Gamble Associates for the Historic Mill District.

Pulte:

Pulte has asked to reduce the age requirement in the Senior Residential Community Overlay District, which was passed in 2013, from 62 to 55. Mark Johnson told us this would be a starting point and would give permission for Pulte to return to the Planning Board, DHCD and other regulatory bodies to modify all the documents associated with this project. Heather sent us an advisory that DHCD may not count the affordable units on the SHI if the age restriction is 55 and no children under 18 are allowed. There are 30 affordable units, but only 20 are restricted to income less than 80% area median income and would be counted on the SHI. Pulte believes the lower age restriction would make the project more competitive with "little Andover" in Methuen, which is attracting Andover residents who are downsizing. Speeding up occupancy would be good for the Town and the developer and the residents. The association is responsible for compliance with the restrictions and there will be no additional burden on the Town.

Rezone property from IA to SRC:

This article affects AVIS property on the Shawsheen River, so Susan Stott, AVIS Trustee, left the meeting and did not return. Mark Johnson presented the proposal to rezone three contiguous parcels located within Andover, but accessible only via South Street along the Tewksbury town line, from IA to SRC, at the request of the owners of one of the parcels. The abutting two other parcels have agreed to the re-zoning proposal. The property is currently used for residential

use and the proposal would continue that use by developing the subject property into a subdivision with one-acre lots.

Several concerns regarding life safety responses to the area were identified by Mr. Materazzo and Mr. Casper. Ms. Townson would like to hear from the impacted town departments. Mr. James inquired as to how many homes could be constructed on the subject parcel, prospectively 8 to 14 could be possible. Mr. Casper inquired about water and sewerage connection, and Mr. Johnson suggested that they may seek an intermunicipal agreement with Tewksbury to tie in, but no systems have yet been designed as it is preliminary. Various other concerns regarding life safety, school bus, and other access issues were discussed. Mr. Materazzo confirmed that Andover life safety will serve as first responders and the level of intensity of the use is being considered in that regard.

Ms. Townson expressed a concern regarding continuing development along the rivers and other bodies of water, noting that residents should be made aware of the repercussions of development along the waterways.

Mr. Materazzo and the Planning Board will get additional information from the various town departments and provide it to the committee.

Other business:

Mr. Casper reviewed the upcoming meeting topics and scheduled a meeting for February 25, 2019, at 6:30 PM, with the Pulte proposed amendment and the South Street amendment as agenda items.

Mr. Casper circulated a draft press release (item attached)

Mr. Maren moved to postpone the approval of meeting minutes until the February 19, 2019 meeting, Ms. Townson seconded the motion and it was unanimously agreed.

Ms. Townson then moved to adjourn, with a second by Mr. Casper, all members present agreed and the meeting was adjourned.