

**Call to Order**

The Planning Board Meeting was called to order at 7:30 PM on February 9, 2021 via Cisco Webex online video conferencing platform. Present were Chair Zach Bergeron, Vice Chair Rocky Leavitt; members: Ann Knowles, Vincent Chiozzi, Neil Magenheim, and associate Morgan von Prella Pecelli. Also present was Jacki Byerley, Planner; and Tom Urbelis, Town Counsel.

**60 Canterbury Street– Special Permit for New Multi-Family Construction Attached Cluster Development Section 7.3 Special Permit for disturbance of slopes in excess of 35%**

Doug Lees and Kathryn Morin were present for the discussion of this item. Mr. Lees presented changes to the original plan to address Town concerns. Since the last meeting they removed a unit that was closest to the berm. They opened up more space between the edge of the building and the berm. There were other changes that were related to Department of Public Works requests, for instance to change a water line location. Mr. Lees also stated that they were going to remove the accessory building that was of concern to the Board during the previous meeting. Also, the relocated golf club building will only be used for activities related to running the golf course. Mr. Lees also stated that they plan to add trees between the planned development and Scotland Drive.

Mr. Lees was asked to address the reduction in the width of the drive into the development from 30ft to 24ft. He replied that the request was not in the original narrative. He added that there were no plans to add sidewalks.

The discussion then turned to a letter from Ms. Morin to the Board regarding the Cormier Greenbelt. Ms. Morin brought the Board's attention to the parking easement that is proposed in the plan. The Board had questions about who is responsible for the parking lot and in which way it is considered open space. Ms. Morin stated that the parking lot would be turned over to the condominium association if the Andover Country Club were to cease its existence. Ms. von Prella Pecelli asked that it be considered that the parking lot be turned into open space.

Ms. Morin stated the existing Swan Lane retention area and access road are subjects of an existing easement which is required to be maintained by CA Investment. That obligation would not change.

Ms. Morin stated that there were several questions related to the golf course easement. The Town felt that the structure of development should maintain the golf course as restricted from development. Mr. Leavitt stated that the [conservation] restrictions have not been signed off by the EOEEA. He stated that without authorization from the Secretary of Environmental Affairs, the restrictions could be unenforceable. Mr. Leavitt stated his concern that the Board should not move forward with this project (60 Canterbury) that would require another conservation restriction without assurances that the preceding restrictions' authorization (for CRs on previous Cormier developments on the golf course) are imminent. Ms. Morin stated that Mr. Leavitt was correct – there are two restrictions that have not been approved and accepted by the EOEEA. She stated that she has begun looking back through the documents related to setting up the development structure, but has not found anything showing formal submission to EOEEA. Her recollection is that there were discussions about waiting until the land was built out before submitting the restrictions for acceptance. According to Ms. Morin, it sounded like the Board did not want to wait until the end of the process any longer. Upon being queried about what further plans there were for the remaining developable parcels, Ms. Morin said there were no plans.

Attorney Urbelis pointed out that the 2014 restriction [concerning Frenchmen's Reserve and previous developments] committed the developer to submit that restriction to the EOEEA. Since then, no submission has been made despite the requirement. Mr. Leavitt asked the Board for some insight into the submission that may or may not have taken place since he was not on the Board at the time. Ms. Morin stated that she had not had enough time to obtain the documents or information Mr. Leavitt and Attorney Urbelis referenced. Mr. Leavitt stated that the Board wanted to avoid the possibility that a third party could come along after the applicant and say that the restriction is not valid because there is no approval. Without these issues having been addressed, the Mr. Leavitt felt that it was difficult to move forward with the current project.

Ms. Byerley stated that the Board should consider adding the special permit to the March 9, 2021 Planning Board meeting in addition to the scheduled February 23 meeting.

Ms. Knowles made a motion to continue the public hearings for both dates. Mr. Leavitt seconded the motion. Mr. Bergeron conducted a roll call vote with all members voting unanimously.

Vote: 6 – 0.

### **Adjourn**

Mr. Leavitt made a motion to adjourn. Ms. Knowles seconded the motion. The Board conducted a roll call vote and all members voted affirmatively.

### **Documents**

#### 60 Canterbury Street

Town Counsel Memo 2.4.21

Slide Show Clubview Estates 12.8.20

Slide Show Clubview Estates 1.26.2021

Memo from Jacki Byerley to Planning Board – 2.5.21

Email – DPW comments – 2.8.21

DPW comments – Attachment marked up plan – 2.8.21

Memo from Kathryn Morin to Jacki Byerley – 2.3.2021

Site development plan – 2.2.21

Memo from Doug Lees to Andover Planning Board – 2.3.21

Fire Truck Movement Plan – 01.04.21

Email from Lt. Robert Stabile to Jacki Byerley – 2.4.21

2 Scotland Drive email – 2.8.21

2 Scotland Drive email – 1.27.21

2 Scotland Drive email – 1.26.21