Board of Selectmen
Minutes of February 25, 2019
Regular Session

I. Call to Order
Chairman Vispoli called the meeting of the Board of Selectmen to order at 7:03 P.M. in
the Board of Selectmen’s Meeting Room at Town Offices. Present from the Board of
Selectmen: Annie Gilbert, Chris Huntress, Paul Salafia, Laura Gregory, and Alex Vispoli.
Also present: Town Manager Andrew Flanagan, Deputy Town Manager
Michael Lindstrom, Town Counsel, Tom Urbelis, and Town Clerk Austin Simko. The
meeting was duly posted and cablecast live.

II. Opening Ceremonies
A. Moment of Silence/Pledge of Allegiance
The meeting began with a Moment of Silence followed by Pledge of Allegiance.

III. Communications/Announcements/Liaison Report
The Town Manager announced that Barbara McNamara has been selected as the
successor to Beth Mazin, Director of MHL who is retiring in March. Barbara currently
serves as Assistant Director of the Library with 25 years of service.

Andrew provided clarification on the report in the Andover Townsman related to the
AHS Field House floor. Since November, the Town has been in the process of following
the normal terms of agreement for a Warrant Article which will be in next year’s CIP for
funding. The Town was not aware that any fundraising had started resulting in one
user group leaving.

The Historic Mill District will be discussing place-making at their meeting this Friday at
Memorial Hall Library.

Annie Gilbert attended a meeting of the collective groups working on private
fundraising for the renovation of the Senior Center for the items that won’t be covered
by the Town budget, such as equipment and furniture; so far $299,000 raised to date.

Paul Salafia recently attended the Economic Development Committee meeting at which
time they discussed EDC’s future direction. They have a lot of projects on the horizon
and are relooking at their mission, charter and foundational items they first established.

A respectful swearing in ceremony was held today for three new firefighters and five
new fire lieutenants which the Selectmen attended. This was an opportunity to thank
the firefighters for their efforts and support throughout the Columbia Gas explosion of
September 13th and afterwards.
IV. Citizens Petitions and Presentations
Joe Albuquerque, Greenwood Road, reported that a 50 gallon hydraulic oil spill occurred off of the compost site on High Plain Road, which is being used as a DPW Yard but has only been approved as a compost yard. Joe read a statement about the property and activities taking place there. Mishaps during the DPW activities at Bald Hill and at the landfill on Chandler Road are quite problematic. Mr. Albuquerque provided a Mass DPW Notice of Responsibility Document the Town Manager.

V. Regular Business of the Board
A. Local Initiative Project Off Haverhill Street
An overview of the proposed Local Initiative Project (LIP) off Haverhill Street was provided by Princeton Properties. The property is located behind York Street and owned by Brickstone Square. Princeton Properties have been negotiating with KS Partners, the new owners of Brickstone Square, about purchasing that part of the property (6-7 acres). Their plan is to build a retail area (restaurants) at the base of the building, garage parking, and housing above the first floor overlooking the Shawsheen River. Residences will be offered at 80% Market Rate, 20% Restricted who make 50% of the area’s medium income or less with 21-22% to be directed to Andover’s preference as they see fit.

Paul Materazzo, Director of Planning, provided background information on his engagement with the residents in the area on the process relative to the rezoning of Haverhill Street. This is an opportunity to integrate housing into the York Street/Haverhill Street area. The development will consist of five 3 bedroom units and the remainder will be 1 and 2 bedrooms units. Public Forums will be scheduled.

Don Robb, 36 York Street, said area residents knew that this property would one day be developed and they have consistently said they would like to have a restaurant in the area, but want to make sure the development fits in with the tone of Shawsheen Village.

B. Plastic Ban Implementation
An update on the implementation of the Town’ plastic ban bylaw was provided by Tom Carbone, Director of Public Health. Information has been sent to food service places in Town that there will be more information to come on this bylaw. Today, the Public Health Department held a staff level meeting about developing an open house that will provide information for restaurant operators on the by-law to be held on March 12th. Information will be uploaded to the Town website. The Board stressed how important it is to communicate the information on the by-law to businesses and the community. All of the documents are available on the Public Health Department’s website.

C. Annual Town Meeting Warrant
Laura Gregory moved that the Board approve and sign the Annual Town Meeting Warrant. The motion was seconded by Paul Salafia and voted 4-0 to approve. Chris Huntress was not present at time of the vote.
D. **Frederick Drive Appeal**

Board to consider appeal by Attorney Donald Borenstein, on behalf of Mark and Phillip D’Annolfo, to disqualify three expert peer reviewers selected by the Conservation Commission for a subdivision project on Frederick Drive.

**PROCEDURE FOR THIS APPEAL TO THE BOARD**

- This is the first time this Board has ever held a hearing to rule on such an appeal which is pursuant to State law and a Regulation adopted by the Conservation Commission in 2006
- Attorney Donald Borenstein will make his presentation with no questions from the Board
- Town Counsel Thomas Urbelis will make his presentation with no questions from the Board
- The Board will then have the opportunity for questions or comments to Attorney Borenstein or Town Counsel Urbelis or Director of Conservation Robert Douglas
- The Chair will then recognize other persons, if any, who wish to speak
- The Board will have the opportunity for questions
- The Board will then deliberate
- The Chair will then entertain a motion to deny the appeal or a motion to order the Conservation Commission to obtain one or more alternative peer reviewers

The property is located off of Rocky Hill Road, originally owned by the parents of Mark and Phillip D’Annolfo. Attorney Borenstein distributed a presentation sharing the history of the subdivision plan from 1958-2018. After several changes to the property to satisfy wetland concerns, approvals from the DEP, and the request for three additional peer reviews selected by the Conservation Commission, the decision is being appealed by Mark and Phillip D’Annolfo, who are asking the Board for a fair minded actual peer review, fair charges for the work done, and not something established as a road block to the project.

Town Counsel provided a lengthy response sent to the Board of Selectmen. Appeal results from the developer filing a totally new set of subdivision plans with the DEP during an appeal to the DEP of the Conservation Commission denial of their project and asking the DEP to reverse the Commission’s decision and approve those plans all without providing a copy of those plans to the Commission for peer review and a public hearing. Tom Urbelis walked the Board through a sequence of steps for the subdivision. The Planning Board approves the subdivisions (since revised in Sept 2018) the Planning Board has not held a hearing on, and has not approved, the September 2018 plans and a history of litigation on two of the projects. The Superior Court issued a 24-page decision to dismiss the case in December of 2018 without discussion of the billing dispute. In June of 2018 the DEP said that any new information filed with the DEP was to be shared with the other parties. The plans of September were not shared in accordance with the orders of the DEP. Tom shared information of MGL Chapter 44, Section 3G that provides that a conservation commission may adopt rules & regulations regarding peer review fees.
Bob Douglas, Director of the Conservation Commission, provided a memo to the Board and the Developers outlining the concerns of the Conservation Commission. Portions of the new plan may be dangerous, and peer reviews are critical of design plans, and concerns with the safety of the retaining wall. Peer reviewers have a duty to the Conservation Commission not the developer.

Grounds for the appeal are not for the qualifications of the peer reviewers or a conflict of interest is because the peer reviewers disagree with the developers. Tom recommends the Board deny the request.

Questions by the Board were directed to Attorney Borenstein and Town Counsel Urbelis.

Laura Gregory moved that the Board of Selectmen deny the appeal of Mark & Phillip D’Annolfo to deny three expert peer reviewers for the subdivision at Frederick Drive based on the Boards determination that neither the conflict of interest or required minimum basis has been met and as a result the Board denies the appeal. Paul Salafia seconded the motion. Motion passes 4-0-1. Chris Huntress abstained.

A. Appointments by the Town Manager
On a motion by Annie Gilbert and seconded by Paul Salafia and voted 5-0 that the following appointments by the Town Manager be approved.

<table>
<thead>
<tr>
<th>Department</th>
<th>Name</th>
<th>Position</th>
<th>Rate/Term</th>
<th>Date of Hire</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Jane Morrissey)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Services – Recreation (Seasonal)</td>
<td>Abigail Linzer</td>
<td>Seasonal</td>
<td>$11.00/hour</td>
<td>2/25/19</td>
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<tr>
<td>Community Services – Recreation (Seasonal)</td>
<td>Anna Riley</td>
<td>Seasonal</td>
<td>$11.00/hour</td>
<td>2/12/19</td>
</tr>
</tbody>
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VII. Approval of Minutes
Chris Huntress Moved to approve the Minutes of the January 22, 2019 Workshop as presented. The motion was seconded by Annie Gilbert and voted 4-0-1 to approve. Laura Gregory abstained.

VIII. Executive Session
Chris Huntress moved that the Board of Selectmen enter into Executive Session pursuant to purpose (3) of Massachusetts General Laws, chapter 30, section 21(a), the Open Meeting Law, to discuss strategy with respect to collective bargaining with New England Police Benevolent Association (NEPBA) Local 9 (Patrolmen), Local 109 (Communicators), and Local 99 (Superior Officers), AFSCME Local 1704, Department Heads, International Association of Fire Fighters Local 1658, and the Andover Independent Employees
Association, and that the Chair declare that an open meeting may have a detrimental effect on the bargaining position of the Board of Selectmen. The Chair so declared. The motion was seconded by Annie Gilbert. Roll call: P. Salafia-Y, L. Gregory-Y, A. Gilbert-Y, C. Huntress-Y, and A. Vispoli-Y. Motion passes 5-0.

IX. **Adjourn**
At 9:35 P.M. the Board of Selectmen adjourned from the Regular Meeting of February 25, 2019 to Executive Session not to return to Open Session.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

Documents: Princeton Andover Apartment Homes Presentation
Subdivision Plans for Frederick Drive