Call to Order:
The meeting was called to order at 7:31 p.m. in the 3rd Floor Conference Room of the Town Offices. Present were Chairman Zach Bergeron, members Joan Duff, Ann Knowles and Neil Magenheim, and Associate Member Rocky Leavitt. Also present were Paul Materazzo, Director of Planning & Economic Development, Lisa Schwarz, Senior Planner and Jacki Byerley, Planner. Member Vinnie Chiozzi participated remotely by telephone. Mr. Chiozzi was clearly audible and those present at the meeting were clearly audible to Mr. Chiozzi.

27-45 Main Street:
Mr. Bergeron opened the public hearings for 27-45 Main Street, an application submitted by Touchdown, LLC, for a Modification of a Special Permit (SP17-04) issued by the Planning Board in September 2017. The proposed modification is to eliminate all residential uses from the special permit and for the development to consist of 47,518 s.f. of retail, restaurant and other commercial uses. Ms. Schwarz noted that the items to be discussed were the landscaping, the trees on Main Street, the parking.

Bob Lavoie, an attorney representing the applicant stated that the parking peer review confirms that nothing has drastically changed downtown in regards to parking. TD Bank has shut down the outside bank teller lines and his clients are in negotiations with TD Bank to take down the canopies. When the canopies come down, parking spaces can be put in that area. Attorney Lavoie showed available offsite parking in close proximity to the building such as municipal lots and on-street parking. He stated that the peer reviewer has determined that when fully occupied, the peak parking demand for the building will be 66 parking spaces. The original special permit had a condition that required the applicant to come back to the Board only when a new use would cause the building to exceed a need for more than 89 parking spaces. He requested that the Board keep that condition in place.

Mr. Magenheim asked for clarification on the parking space requirements. Attorney Lavoie stated that the Town’s Bylaw requires 75 parking spaces for the new proposed uses of the building. The applicant can provide 38 parking spaces on site that are available to be used 24 hours a day, seven days a week. Mr. Chiozzi noted that with the original special permit, there were 24 parking spaces available in the parking lot associated with the building that could be used at night by the residents. He asked if those 24 parking spaces are being counted now as part of available parking. Attorney Lavoie stated that those 24 parking spaces are not being counted as available parking. He stated that there are about 43 parking spaces available to be used 24/7. Mr. Chiozzi asked if the restaurant patrons would be able to use those 24 parking spaces at night. Paul Kneeland of Touchdown, LLC, the applicant, stated that when the bank is closed, those parking spaces will be available for use. Mr. Bergeron stated that at the peak hour of noon the applicant has 38 parking spaces available on-site and after banking hours there would be a total of 62 available parking spaces onsite, with a requirement of 75 parking spaces.

Mr. Chiozzi asked what relief the applicant is requesting. Ms. Schwarz stated that as part of a special permit for planned development, an applicant can request a reduction to the parking requirement. The parking requirement for this application is 75 parking spaces. The applicant can provide 38 parking spaces during the day and 62 at night. Mr. Kneeland added that his business partner owns 23 Main Street which is the Bank of America building. The alleyway
27-45 Main Street (cont’d):
between 23 Main Street and 27 Main Street will be improved to allow for people to also park at 23 Main Street. Mr. Magenheim asked if the Bank of America lot would only be able to be used after hours. Mr. Kneeland stated that he could not commit to daytime use right now. Mr. Bergeron asked if the parking lot at 24 Central Street is factored into the parking calculation. Mr. Kneeland stated that right now the use of that parking lot is in litigation and is not part of any calculation.

Ms. Knowles asked whether the applicant is currently in negotiations to take down the canopy. Mr. Kneeland stated that taking down the canopy is not a priority to TD Bank. He stated that TD Bank may be tracking their ATM use to determine their future needs.

Mr. Bergeron noted that in regards to parking, there is availability on Main Street, there are additional spaces being provided in the lot in the off hours, connectivity is being provided within the improved alleyway and there will be additional spaces available in the off-peak hours. In addition, the canopy may be taken down in the future which could provide for additional parking. In his opinion this was going in the right direction. Mr. Leavitt noted that the original permit assumed a residential use which has a different peak hour. Ms. Knowles stated that there is available parking elsewhere. Mr. Kneeland noted that the building has historically been an office building.

Mr. Magenheim asked the applicant when the uses for the building will be locked in. He noted that right now the peak demand is being calculated from assumptions. Mr. Kneeland reviewed the uses for which he has signed leases and what he expects the other uses to be. Attorney Lavoie noted that the parking requirements are similar for expected uses except for the restaurant use. Mr. Materazzo stated that every building permit will have to confirm that the use meets the parking requirements set forth in the special permit. Ms. Schwarz added that the Board has the ability to change the number of required parking spaces that the final uses in the building cannot go if they choose to modify the special permit.

Attorney Lavoie showed the landscaping plan and explained the species of shrubs and trees. Ms. Knowles stated that she and Ms. Duff met onsite with the applicant twice and on one of those occasions, Mark Fournier, a Town arborist, was also present. She stated that the plan submitted does not reflect Mr. Fournier’s suggestions. She would like any trees to be placed in areas where the roots will be able to grow. Mr. Kneeland agreed to move one of the trees more south. Ms. Knowles stated that Central Street is a gateway to the downtown and she expected a landscaping plan which reflected that. She was looking for something more exciting. Mr. Kneeland stated that the landscaping that he is putting in will be sustainable in a tough environment. Ms. Knowles stated that she would also like to see curbing added to the plan to define the sidewalk and the plantings. Mr. Magenheim asked about landscaping in the interior of the parking lot. Ms. Knowles noted that if this were a new development interior landscaping would be required. Ms. Duff stated that she would like to see landscaping that would add color and brightness. Ms. Knowles requested that the applicant use both male and female holly bushes to assure the production of berries.
27-45 Main Street (cont’d):
Mr. Chiozzi asked for staff to break down and summarize the parking requirements and what will be provided where and when. The Board requested that the improvements to the alleyway be shown on a plan. Mr. Kneeland stated that he would work with the Town to replace the trees on Main Street that were damaged by the scaffolding. Mr. Bergeron directed the applicant to provide the Board one engineered plan showing the parking, landscaping and improvements to the alleyway. Ms. Knowles suggested that the applicant think about if they would like to work with the Town to have the street trees placed to frame their building.

Aimee Hellauer of 6 Chestnut Street stated that the Nelson Nygaard peer review mentions that 24 Central Street could be used for parking. She noted that the 24 Central Street lot is currently in litigation and shouldn’t be counted towards parking.

Jen Tietjen of 2 Chestnut Street questioned the methodology of Nelson Nygaard in determining the need of 66 parking spaces. Mr. Bergeron explained that the zoning bylaw requires 75 parking spaces, but Nelson Nygaard gave the opinion in their peer review that there is a need for 66 parking spaces. The applicant can provide 38 parking spaces onsite. The Board is not including the parking spaces at 24 Central Street as available parking for this application. The Board is considering available on street parking and municipal lots. Ms. Schwarz added that in speaking with Nelson Nygaard, they determined that the parking need is for the employees of the building. They assume that the parking lot will fill up almost immediately in the morning. Mr. Bergeron asked if Nelson Nygaard was informed that 24 Central Street was not included in the application. Ms. Schwarz stated that Nelson Nygaard was aware that 24 Central Street was not included in the application.

Mrs. Hellauer asked for clarification on if the canopy will come down. Mr. Bergeron stated that the Board had discussed the canopy coming down, and the Board was of the opinion that it was a good idea, but it was not part of the previous decision. Mr. Kneeland noted that he does not own the canopy and cannot guarantee that it will ever come down. Ms. Hellauer showed a photo of a sandwich board sign placed at the 24 Central Street lot which directed employees of 27-45 Main Street to park in the lot which is currently in litigation. Attorney Lavoie stated that the sign was removed today after the Inspector of Buildings informed his client of a zoning complaint filed by Mrs. Hellauer.

Mrs. Hellauer noted that a business has opened in the building without a certificate of occupancy. Mr. Bergeron agreed that the business should not have opened. He stated that a permit was issued for work to be performed in communal spaces, but not for occupancy. He stated that he personally did not want to take action to hurt that small businesses. He noted that from this point forward no other tenants will take occupancy.

On a motion by Ms. Knowles seconded by Ms. Duff the Board continued 27-45 Main Street Special Permit for Planned Development and the parking provision to May 14, 2019 at 7:30 PM. Vote: Unanimous (5-0) with Mr. Bergeron, Mr. Chiozzi, Ms. Duff, Ms. Knowles and Mr. Magenheim voting yes.
**400 Federal Street:**
Mr. Bergeron stated that the applicant for 400 Federal Street has requested that their public hearings for their requested Special Permit for Major Non-Residential Project and Special Permit for Change in Parking Space Requirements be continued without discussion. On a motion by Ms. Knowles seconded by Ms. Duff the Board continued the public hearing on 400 Federal Street a Special Permit for Major Non-Residential Project and Special Permit for Change in Parking Space Requirements without discussion to May 14, 2019 at 7:45 P.M. Vote: Unanimous (5-0). Mr. Bergeron, Mr. Chiozzi, Ms. Duff, Ms. Knowles and Mr. Magenheim voting yes.

**1 Minuteman Road and 161 River Road:**
Mr. Bergeron opened the deliberation on 1 Minuteman Road and 161 River Road for applications submitted by One Minuteman LLC c/o Brickstone Properties for a Special Permit for Major Non-Residential Project and a Special Permit for ID2 Zoning District Uses.

Mr. Bergeron noted that throughout the public hearing process, the applicant has been very receptive to all of the comments from the Board, staff and the Design Review Board. Mr. Bergeron reviewed the special permit criteria for both special permits. Ms. Schwarz reviewed the draft conditions. She pointed out that condition #20 noted that the applicant must receive all relevant approvals from the Conservation Commission and condition # 21 requires a review of the access onto River Road 6 months post occupancy to determine if a “No Left Turn” sign is appropriate.

On a motion by Mr. Magenheim seconded by Ms. Knowles the Board granted the Special Permit for Major Non-Residential Project and Special Permit for ID2 Zoning District Uses at 1 Minuteman Road and 161 River Road. Vote: Unanimous (5-0). Mr. Bergeron, Mr. Chiozzi, Ms. Duff, Ms. Knowles and Mr. Magenheim voting yes.

**146 Dascomb Road:**
Mr. Bergeron opened the public hearings on 146 Dascomb Road, a Special Permit for Major Non-Residential Project and a Special Permit for ID2 Zoning District Uses.

Rick Friberg of TEC, Inc. an engineer representing the applicant, reviewed the existing stormwater systems in place. He noted that stormwater on the site currently flows to four existing design points on the property and eventually into the Shawsheen River through different paths. Mr. Friberg reviewed the proposed conditions utilizing the existing four design points. He stated that the new stormwater system will improve water quality and not increase the existing discharge. The project increases impervious area by 2.6 acres. The system will consist of three underground infiltration basins and five water quality units (stormceptors). For the Board’s information he noted that discharge point 1, closest to Dascomb Road, will only receive discharge from the runoff of the side slopes of the onsite stream. It will not receive any runoff from impervious surfaces. Mr. Friberg stated that the project is meeting the MassDEP Stormwater Management Standards and the Town of Andover Stormwater Regulations.

Mr. Friberg stated that the Town’s Peer reviewer issued her first review letter on April 11th. He stated that he is in agreement with all of the comments and will work to revise the calculations.
146 Dascomb Road (cont’d):
and address all comments. Mr. Friberg noted that additional test pits will be performed on site in addition to the nine previously performed due to some relocation of the stormbasins from the initial design.

Janet Bernardo, P.E. of the Horsley Witten Group, the Town’s Peer Reviewer stated that she was familiar with this site because she reviewed this site for the Town when Restaurant Depot went through the permitting process. She stated that in general she is comfortable with the process that they are using with the water quality units ensuring that the stormwater is clean before it goes into the infiltration basins. She noted that the project is considered a land-use with higher potential pollutant loads due to the number of cars. This is being mitigated with the use of catch basins and water quality units before the stormwater infiltrates into the ground. She added that the comments in her review letter were technical in nature. The fine details need to be worked out.

Ms. Byerley asked about the phasing plan in regards to the stormwater systems. Mr. Friberg showed that the two basins closest to Dascomb Road and their connected pipes will be installed first. He noted that the phase by phase plans will have more detail. Mr. Bergeron asked if the stormwater will be evaluated with each site plan. Ms. Byerley stated that if the Board wants the stormwater to be evaluated with each site plan they will need to document that requirement. Mr. Friberg stated that he is comfortable with a stormwater review for each phase. Ms. Knowles asked for all existing easements to be provided to the Board. Mr. Bergeron asked if there are any known downstream issues. Mr. Friberg stated that nothing was raised when they went through the Conservation Commission process in 2016. Ms. Byerley asked if the applicant will have any responsibility in maintaining the basin on Restaurant Depot property. Mr. Friberg stated that through their easements they have the right to pass stormwater through the detention basin, but the maintenance is the responsibility of Restaurant Depot per the Special Permit issued by the Planning Board.

Mr. Magenheim asked Ms. Bernardo about her request in the peer review letter that the applicant provide a site plan with existing conditions and closed drainage system design calculations. Ms. Bernardo stated that the applicant intends to respond completely to the peer review letter.

The Board determined that site layout and details will be discussed at their May 14th meeting and water and sewer will be discussed at their May 28th meeting.

It should be noted that there were no questions or comments from the public because no one from the public was present for this public hearing.

On a motion by Mr. Magenheim seconded by Ms. Knowles the Board continued the Special Permit for Major Non-Residential Project and ID2 Use Special Permit for 146 Dascomb Road to the Board’s May 14th meeting at 8:00 p.m. to discuss the site layout and to continue the same property and special permits to May 28th a 7:45 p.m. to discuss sewer and water connections. Vote: Unanimous (5-0). Mr. Bergeron, Mr. Chiozzi, Ms. Duff, Ms. Knowles and Mr. Magenheim voting yes.
It should be noted that after the discussion on Dascomb Road, Mr. Chiozzi no longer participated in the meeting.

**Town Meeting Warrant Articles:**

**Article 62 – Greenwood Road Sidewalks and Article 63 Dascomb Road Sidewalks:**
Ms. Byerley noted that these articles are more than $100,000 so the Board needs to take a vote to satisfy bond counsel. She recommended the Board vote to take no position on these two articles.

On a motion by Mr. Magenheim seconded by Ms. Duff the Board voted to take No Position on Article 62 Greenwood Road Sidewalk and Article 63 Dascomb Road Sidewalk. Vote: Unanimous (4-0).

**Article 49 Amend Zoning Bylaw Article VIII: Solar Energy:**
Ms. Byerley informed the Board that the Board of Selectmen voted to not recommend the original article or the article with the proposed floor amendment. She noted that the BOS also recommended that the Planning Board withdraw the article from Town Meeting. She recommended that the Board refer the refinement of the article to the Green Advisory Board.

On a motion by Mr. Magenheim seconded by Ms. Duff the Board moved to withdraw Article 49 at Town Meeting on the request of the Board of Selectmen and further refer the drafting of a solar bylaw to the Green Advisory Board with oversight from the Planning Board. Vote: Unanimous (4-0).

**Fraser Drive:**
On a motion by Mr. Magenheim seconded by Mr. Leavitt the Board released the erosion control bond held for Fraser Drive to a zero balance. Vote: Unanimous (4-0).

**Meeting Minutes:**
On a motion by Ms. Knowles seconded by Ms. Duff the Board approved the meeting minutes of March 12th, March 25th and the TriBoard meeting of March 25th 2019. Vote: Unanimous (4-0).

**Other Business:**
Mr. Materazzo announced publicly that the Massachusetts Department of Conservation and Recreation is beginning the process to acquire a back portion of 180-182 Jenkins Road. If acquired, this land would be an addition to Harold Parker State Forest.

**Adjournment:** The meeting was adjourned at 9:29 P.M.

Documents:

27-45 Main Street:
- 27-45 Main Street Entrance Landscaping Drawing # SP-3 dated February 6, 2019 revised March 19, 2019 Channel Builders
- 27-45 Main Street Special Permit for Planned Development Parking Provision Peer Review dated January 17, 2019, Nelson Nygaard
400 Federal Street:
- Email from Marc DiPilato, Gorman Richardson Lewis Architects to Jacki Byerley, Planner dated April 19, 2019 Subject: Vicor 400 Federal Street Planning Board Hearing Continuance Request

1 Minuteman Road and 161 River Road:
- Draft Conditions dated April 23, 2019

146 Dascomb Road:
- Dascomb Road Project Drainage Report, 146 Dascomb Road – Andover, Massachusetts, Prepared by TEC, Inc. dated October 26, 2018
- Stormwater Peer Review Letter from Horsley Witten Group, Inc. to Jacki Byerley, Planner dated April 11, 2019

Town Meeting 2019 Articles:
- 2019 Annual Town Meeting Warrant

Fraser Drive:
- Memo to the Andover Planning Board from Jacki Byerley Planner dated April 10, 2019 Re: Fraser Drive Erosion Control Bond Release

Minutes:
- Andover Planning Board Draft Minutes of March 12, 2019
- Andover Planning Board Draft Minutes of March 25, 2019, Regular Meeting
- Andover Planning Board Draft Minutes of March 25, 2019, TriBoard Meeting