Call to Order:
The meeting was called to order at 7:32 p.m. in the 3rd Floor Conference Room of the Town Offices. Present were Chairman Zachary Bergeron, Members Vincent Chiozzi, Joan Duff, and Neil Magenheim (arrived at 8:07 p.m.), and Associate Member Rocky Leavitt. Member Ann Knowles called in to the meeting at 7:30 p.m. and she was clearly audible to all persons present and all persons present at the meeting were clearly audible to Ms. Knowles. Also present were Paul Materazzo, Director and Planning & Economic Development, and Jacki Byerley, Planner.

161 & 163 Andover Street:
Mr. Bergeron informed the Board that the applicant has requested that this public meeting be continued without discussion. Ms. Byerley suggested that the Board continue the meeting to August 27th at 7:30 p.m.

On a motion by Ms. Duff seconded by Mr. Chiozzi the Board continued the discussion on the 161 and 163 Andover Street Ballardvale Fire Station until August 27th at 7:30 p.m.

Vote: Unanimous (5-0). Mr. Leavitt Aye, Mr. Chiozzi Aye, Mr. Bergeron Aye, Ms. Duff Aye, and Ms. Knowles Aye.

Monarch Woods:
Kathryn Morin, an attorney representing the developer of Monarch Woods addressed the Board in regards to a request made by her client for two minor modifications to the development approvals.

Attorney Morin noted that a Condition #31 of the approvals called for a garage located on Lot 7 to be razed before a clearance certificate is issued for that lot. The developer has been using that garage as an onsite office and storage area throughout construction. The developer would like the condition to be modified so that the garage can be razed before an occupancy permit is issued for Lot 7. This will allow the developer to not have to bring a trailer onsite to use as an office. The second minor modification request is in regards to the gas line easement that is referenced in Condition #32. The developer has decided to use propane instead of gas, so this condition is no longer applicable and he would like the condition removed.

Ms. Duff asked if propane is a typical alternative to gas. Attorney Morin stated that she has seen propane in several places in Town. Mr. Chiozzi asked if the gas main was a loop or a requirement of the gas company. Ms. Byerley stated that it was neither a loop nor a requirement. Mr. Chiozzi questioned the legality of the Board allowing two structures on one lot. Ms. Byerley stated that it is in the purview of the Inspector of Buildings to determine if a building permit should be issued for the additional structure. She added that the garage is an accessory use, not a livable space. Ms. Knowles asked if it is an unusual request to install propane instead of gas. Ms. Byerley stated that a developer must provide a utility, but the Town has no preference regarding gas or propane.

On a motion by Ms. Duff seconded by Mr. Leavitt the Board found the modifications to be minor for the revision to Condition 31 and removal of Condition 32 of the approvals for the Definitive Subdivision and Special Permit for Cluster Development. The Board further moved to approve the minor modification requests for revision to Condition 31 and removal of
Monarch Woods (cont’d):
Condition 32 of the approvals for the Definitive Subdivision and Special Permit for Cluster Development, condition 31 will now read: “Prior to issuance of a Certificate of Occupancy for lot 7 the garage located on the Open Space lot must be demolished, the area shall be properly graded and stabilized;” Vote: Unanimous (5-0). Mr. Leavitt Aye, Mr. Chiozzi Aye, Mr. Bergeron Aye, Ms. Duff Aye and Ms. Knowles Aye.

Samuel Way:
Ms. Byerley stated that Samuel Way is a 3-lot subdivision previously approved by the Board. The developer has put in the roadway to binder coat and he is getting ready to start construction on the new homes. The Town Engineer is recommending a performance guarantee be established in the amount of $25,000.00.

On a motion by Mr. Chiozzi seconded by Mr. Leavitt the Board approved the Performance Guarantee amount of $25,000.00 to secure the proper construction and completion of the services and ways and release of lots once other relevant conditions of approval have been met as recommended by the Department of Public Works in a memo dated August 1, 2019. Vote: Unanimous (5-0). Mr. Leavitt Aye, Mr. Chiozzi Aye, Mr. Bergeron Aye, Ms. Duff Aye and Ms. Knowles Aye.

Minutes:
On a motion by Ms. Duff seconded by Mr. Leavitt the Board approved the Andover Planning Board minutes for the meetings of June 11, 2019 and June 25, 2019. Vote: Unanimous (5-0). Mr. Leavitt Aye, Mr. Chiozzi Aye, Mr. Bergeron Aye, Ms. Duff Aye and Ms. Knowles Aye.

At 7:53 p.m. the Board took a recess and reconvened at 8:07 p.m.

146 Dascomb Road:
Mr. Bergeron opened the continued public hearings on 146 Dascomb Road, a Special Permit for Major Non-Residential Project and a Special Permit for ID2 Zoning District Uses. The topics to be discussed tonight were an overview of what has been presented so far and a review of the special permit criteria.

Mr. Friberg gave a presentation on the special permit criteria for sections 9.4.2, 9.4.8 and 9.4.10 of the Zoning Bylaw and how the project meets each of the criteria.

Ms. Byerley reviewed her memo to the Board regarding the topics discussed so far through the public hearing process. She noted that some of the topics will go into greater detail during the Site Plan Review process. Any approval issued by the Board from this public hearing process is the approval of a master plan, not an approval that allows construction to start. The applicant may have to go to the Zoning Board of Appeals for approval of signage based on the number of signs the development will require and the size of the signs. Ms. Byerley stated that before the traffic mitigation or construction of any of the buildings can begin, the applicant will need to come back to the Board to modify their special permit. The application to modify the special permit will be Phase 1 of the project.
146 Dascomb Road (cont’d):
Mr. Bergeron asked Mr. Friberg if he agreed with the process Ms. Byerley laid out. Mr. Friberg stated that in his opinion the process is appropriate and makes sense. Mr. Materazzo noted that the development of Minuteman Park went through a similar process.

Mr. Chiozzi stated that his concerns were with the off-site improvements and questioned if they require an additional approval by the Board. Ms. Byerley noted that the off-site improvements are tied to the development. In addition to approvals from the Board, the developer also requires certain approvals from the state. The MEPA review of the Environmental Impact Report may lead to design changes of the off-site improvements that should come back to the Board for review before any of the work begins. Mr. Chiozzi noted that the state will want to be involved in reviewing the design and construction documents, as they are providing millions of dollars for the work. He asked when that would happen. He was concerned that the lengthy process could lead to the state will reneging on the grant money. Ms. Byerley stated that the developer would come back to the Board to show the design, construction timeline and delegation of work so that everyone is on the same page. Mr. Friberg noted that the Phase 1 plan will have most of the details that Mr. Chiozzi is concerned about.

Mr. Chiozzi asked what the minimum requirements are for the state to release the grant money for the off-site improvements. Mr. Materazzo stated that the state would move forward with a contract for the grant money with an approval of this master plan. Mr. Chiozzi asked who would hire the engineer for the design of the off-site improvements. Mr. Materazzo stated that the Town would hire the engineer. Mr. Chiozzi stated that if and when the master plan is approved the Town should immediately bring it to the state for the release of the grant money.

Mr. Chiozzi asked for a MEPA update. Mr. Friberg stated that they will be able to file additional documents with MEPA within three weeks of approval of the master plan. Mr. Chiozzi asked when they expect to get approval from MEPA. Mr. Friberg stated that once the additional documents are submitted to MEPA, Section 61 Findings should be issued within three months.

Ms. Byerley reviewed the outstanding items that the applicant is required to submit to MEPA for their Environmental Impact Report. This includes additional information on traffic, climate change, wetlands, stormwater, wastewater, and any proposed mitigation. Ms. Knowles asked if the concerns that have been raised by Tewksbury will be handled at the MEPA level. Mr. Friberg stated that they would be submitting information regarding Tewksbury’s concerns to MEPA.

Ms. Byerley reviewed details of the topics that have already been discussed and asked the Board if they required more information on any of the topics:

In regards to traffic the Board did not request additional information.
In regards to stormwater the Board did not request additional information.
In regards to sewer the Board did not request additional information.
In regards to water the Board did not request additional information.
146 Dascomb Road (cont’d):
Ms. Byerley discussed the fiscal impact with the Board. Mr. Leavitt felt that the failure of downtown businesses to respond to the survey does not prove that the development will not be unreasonably detrimental to the downtown. Ms. Byerley noted that the Board should review the professional opinion rendered by the Town’s peer consultant, RKG Associates, in regards to the impact of the development on the downtown. Mr. Bergeron stated that in his opinion the surveys would have been anecdotal, as opposed to the professional opinion rendered by the peer reviewer. Mr. Leavitt asked if there is a section in the peer review report that discusses how the development will not detrimentally affect the downtown. Ms. Byerley stated that the “Conclusions and Recommendations” section of the peer review report contained the professional opinion of RKG Associates. Mr. Leavitt asked if there were any other ID2 projects that have been reviewed against the Zoning Bylaw Section 9.4.10 criteria. Ms. Byerley stated Restaurant Depot and the recently approved 1 Minuteman Drive development were both ID2 projects.

Mr. Leavitt stated that in his opinion it should be the burden of the applicant to prove that they will not be unreasonable detrimental to the downtown. Ms. Byerley asked Mr. Leavitt what additional information he needed from the applicant in regards to the fiscal impact. Mr. Bergeron noted that much like traffic, the fiscal impact is something that can only be modeled at this point and the Board has to rely on their professional peer consultants when future measurements are not always tangible. He added that the numbers that the applicant provided to the Town for projections were less than what RKG has calculated. Ms. Byerley read from RKG’s memo of April 9, 2019 where they stated “the estimated impacts to the downtown Andover merchants could result in a 5% or less level of sales transfer not necessarily realized by all downtown merchants but perhaps more so by dining and drinking establishments.” Mr. Bergeron stated that he was unsure what further information the Board needs in regards to fiscal impact.

In regards to site layout and details the Board did not request additional information.

Mr. Leavitt asked about the status of the cell tower and Mr. Friberg stated that he did not have an update at this time.

Dave Robertson, State Representative of the 19th Middlesex District which includes parts of Tewksbury submitted a letter to the Board. He voiced his concern for his constituents regarding traffic from the development and increased commercial truck activity on Tewksbury streets. He stated that in his opinion there is a lack of mitigation being provided to Tewksbury in regards to improvements to sidewalks and the roadway at-grade rail crossings. He acknowledged that signing off on a truck exclusion that the Town of Tewksbury has been seeking is not in the purview of the Board, but requested that they take the truck exclusion into consideration. Mr. Bergeron asked what Representative Robertson was specifically asking for from the Board. Representative Robertson stated that the intersection of East Street and Shawsheen Street backs up on non-peak hours. He added that he would like sidewalks to be extended a quarter mile down East Street and improvements made to the roadway at the at-grade rail crossings. Mr. Bergeron asked Representative Robertson to provide the Board with a cost estimate for the
146 Dascomb Road (cont’d):
requested mitigation measures. Mr. Magenheim asked for the length of requested sidewalk to also be submitted.

Janet Clarke of 5 Carriage Hill Road asked the Board to review the information provided at the last meeting on traffic, sidewalks, crosswalks and bus stops. The Board and Mr. Friberg clarified the mitigation measures for her. Mr. Bergeron stated that the detail of bus stops would be reviewed during the Site Plan Review process. Mr. Friberg stated that the development will have a bus apron and shelter.

Brad Weeden of 5 Summer Street stated that Dascomb Road is a country road and gateway to the Town. He did not want to see the Rectangular Rapid Flashing Beacons installed on Dascomb Road at crosswalks.

Steve Sadwick, Assistant Town Manager for the Town of Tewksbury informed the Board that he submitted a letter to the Board today. He stated that Tewksbury would like to see improvements at the intersection of East Street and Shawsheen Street including widening the radius of the turn and relocating the traffic controller and signal arm to allow for safer truck turns. He stated that he will work on the requested cost estimate for mitigation in Tewksbury. He noted that Tewksbury officials are still concerned about traffic backing up onto the two active at-grade railroad crossings on Shawsheen Street and East Street. Mr. Friberg agreed that the controller at East Street and Shawsheen Street should be moved as part of the mitigation. He added that post-occupancy traffic monitoring may be able to include the at-grade railroad crossings. He stated that the traffic mitigation includes sidewalks from the development to an existing sidewalk network at East and Shawsheen Streets which is a logical stopping point so that there is not a sidewalk to nowhere. The same approach was taken on the Andover side and does not fill in gaps in existing sidewalks as Tewksbury is requesting. Mr. Leavitt questioned if the width of the right of way is enough to accommodate sidewalks in Tewksbury.

Ms. Byerley asked the Board if they need additional information on the impact to the downtown businesses. Mr. Bergeron stated that he did not feel that the information provided concludes that the development would have a detrimental impact to the downtown, but questioned if the Board had enough information to determine that it will not be detrimental. Mr. Bergeron challenged the Board to think about that in the next few days to come up with an “ask” for staff to help them to make their determination. Mr. Chiozzi stated that for the next meeting he would like the information on the cost and physical feasibility of the sidewalks in Tewksbury and the improvements to the at-grade crossings.

On a motion by Mr. Magenheim seconded by Mr. Leavitt the Board continued the public hearings for 146 Dascomb Road, Special Permit for Major Non-Residential Project and Special Permit for ID2 Zoning District Uses to the August 27th Planning Board meeting at 7:45 p.m. Vote: Unanimous (6-0). Mr. Leavitt Aye, Mr. Magenheim Aye, Mr. Chiozzi Aye, Mr. Bergeron Aye, Ms. Duff Aye, Ms. Knowles Aye.
Adjournment: On a motion by Mr. Magenheim seconded by Mr. Leavitt the meeting was adjourned at 10:00 P.M. Vote: Unanimous (6-0). Ms. Knowles Aye, Ms. Duff Aye, Mr. Bergeron Aye, Mr. Chiozzi Aye, Mr. Magenheim Aye, and Mr. Leavitt Aye.

Documents:

161 & 163 Andover Street:
- Email from Jeffrey Shaw, Context Architecture, to Jacki Byerley, Planner, Requesting to Continue Meeting without Discussion

Monarch Woods:
- Memo Jacki Byerley, Planner to Planning Board dated August 2, 2019 Re: Monarch Woods – Minor Modification Requests SP16-02 Special Permit for Cluster Development Monarch Woods Definitive Subdivision

Samuel Way:
- Memo from Jacki Byerley, Planner to Planning Board dated August 2, 2019 Subj: Samuel Way – Performance Guarantee

Minutes:
- Andover Planning Board Draft Minutes of June 11, 2019
- Andover Planning Board Draft Minutes of June 25, 2019

146 Dascomb Road:
- 2019.08.13 TEC, Inc. 146 Dascomb Road Special Permit Criteria Presentation
- Technical Memorandum from RKG Associates, Inc. to Paul Materazzo, Director of Planning dated April 9, 2019 Subject Summary of Stakeholder Interviews
- Memo from Jacki Byerley, Planner to Planning Board dated August 8, 2019
- Letter from David Robertson, State Representative 19th District to Town of Andover Planning Board – Undated – Received at meeting August 13, 2019
- Letter from Richard A. Montouri, Town Manager, Town of Tewksbury to Andover Planning Board dated August 13, 2019