

Call to Order:

The meeting was called to order at 7:31 p.m. in the 3rd Floor of the Town Offices. Present were Chairman Austin Simko, members Zach Bergeron, Vincent Chiozzi, Joan Duff, Ann Knowles and associate member Rocky Leavitt (arrived at 7:34 p.m.); also present were Lisa Schwarz, Senior Planner and Jacki Byerley, Town Planner.

27-45 Main Street:

Mr. Simko opened the continued public hearing for 27-45 Main Street, a Special Permit for Planned Development Mixed Use.

Attorney Mark Johnson, representing the applicant, Touchdown, LLC, stated that they have a meeting with the Design Review Board tomorrow and expect to have their recommendation from the DRB for the Board's next meeting.

Attorney Johnson stated that tonight they are there to discuss the reduction of parking. Mr. Chiozzi noted that the reduction of parking has been granted to other projects downtown and he doesn't disagree with it, but he questioned at what point it will become unrealistic for every new mixed use project to not meet the parking requirements. He stated that he does not think that traffic will be an issue for this use. Ms. Schwarz noted that it was previously discussed that traffic should not be an issue with these complementary uses. Mr. Chiozzi stated that he didn't feel that there were enough units to cause a problem on even the busiest days. Attorney Johnson stated that the parking study produced for the Town addresses parking capacity downtown. He added that TD Bank at 61 Main Street will be filing for a Special Permit for Reduction of Parking because the number of parking spaces in their lot does not meet Zoning Bylaw requirements. Ms. Schwarz stated that the applicant met with Chris Clemente, the Inspector of Buildings in regards to the parking. She noted that staff wants to make sure that all of the buildings downtown have their proper paperwork and a record of compliance in regards to parking.

Mr. Chiozzi questioned the hours of operation of the restaurants noting that often employees are leaving a restaurant an hour after closing which can cause late night noise for the residential units. Paul Kneeland, the applicant stated that any tenants will be aware of the restaurants and shops. He added that there will be odor and noise control. Mr. Chiozzi added that this parcel also abuts single family homes in a residential zone. Tom Belhuemer, the applicant, stated that most restaurants in Town close by 10 p.m. Monday through Thursday and on the weekend close by 11 p.m. Mr. Chiozzi asked if the Town has a Bylaw for how late these establishments can be open. Ms. Byerley stated that she believed that there is a last call at 1:00 a.m. Mr. Kneeland pointed out that the liquor license for any restaurant is controlled by the Board of Selectmen and limitations can be placed on it.

Ms. Knowles asked for the parking plan to be shown and for clarification on who can park where. Attorney Johnson reviewed the parking plan and easements. Mr. Kneeland stated that there is a high likelihood that TD Bank's drive thru banking with the pneumatic tube will go away in the future, opening up more parking. Mr. Bergeron asked who will own the additional parking lot located on Central Street. Mr. Kneeland stated that he would be buying that parking lot. Mr. Bergeron asked if they will be using that lot for overflow or guest parking. Attorney

27-45 Main Street (cont'd):

Johnson stated that they do not yet know what they will do with that lot and they have not included it in their parking calculations. Mr. Chiozzi asked if that parking lot is zoned residential and Attorney Johnson stated that it is zoned residential. Mr. Simko stated that the parking plan makes sense to him. He noted that the parking study indicates that there is a substantial amount of excess parking capacity downtown. He added that the second floor of this building is already developed with employees driving there and parking every day. He questioned if the parking requirement was waived when the permit was granted for the current use. Ms. Schwarz noted that the Zoning Bylaw and its requirements have changed since the building was originally built. Mr. Simko stated that he is under the assumption that a comparable amount of people work there right now with the number of people who will be living there, if not less people living there. Mr. Belhuemer stated that when Andover Savings Bank occupied the building there were 44 employees. If there were two people in each apartment it would only equal 24 people. Attorney Johnson noted that the parking requirement for the current use is more than the parking requirement for the proposed use. Ms. Schwarz stated that the special permits are being used to document the parking for the uses downtown and recorded at the Registry of Deeds.

Ms. Schwarz stated that Tom Carbone, Director of Health and Town Engineer Brian Moore, received the applicants' utility plan and are working with them to complete the process. They have both informed Ms. Schwarz that they are okay with the Board issuing an approval with the condition that the applicant has to receive the sewer permit that they have applied for before they can proceed with construction. .

Ms. Knowles asked about the two affordable units and what the income level is at 80% of mean income. Ms. Schwarz stated that for a family of four the income limit would be \$65,000 a year. Ms. Schwarz explained how the rent is calculated per the Department of Housing and Community Development. Mr. Chiozzi stated that he would like it put in the decision that the affordable units will be two bedroom units.

Ms. Knowles asked if there is a landscaping and screening plan. Mr. Kneeland stated that there will be no change on the Main Street side and there will be very few changes to the site. Ms. Knowles asked if trees and shrubbery could be added to the parking lot area. Mr. Kneeland stated that there is not much room to do anything besides add some planter boxes because most of the property is paved.

Mr. Bergeron asked if the Design Review Board would be looking at the balconies. Attorney Johnson stated that the DRB will make a recommendation on the exterior of the building. Ms. Knowles stated that some cities and towns are now requiring balconies for apartment buildings so that people can have a little piece of outdoor space. Mr. Belhuemer noted that the balconies are not overly big and they will supply fresh air. Mr. Chiozzi asked if there is an open space requirement for the Planned Development Mixed Use. Ms. Schwarz stated that there is an open area requirement however the parking lot can be counted as open area.

On a motion by Mr. Bergeron seconded by Ms. Knowles the Board continued the public hearing for 27-45 Main Street Special Permit for Planned Development Mixed Use to September 26th at 7:30 p.m. **Vote:** Unanimous (6-0).

Other Business:**Capital Senior Housing – 139-143 Elm Street and 26 Pine Street Bond Establishments:**

Ms. Byerley informed the Board that three bonds need to be established this property. These bonds are for the completion of the roadway, stabilization and removal of the erosion control and maintenance and upkeep of the stormwater facility.

Ms. Knowles asked who would hold the bonds. Ms. Byerley stated that the applicant has to provide proof that they have opened an account their name for the established amount for the stormwater maintenance and upkeep bond. This is an emergency account to be used if the Town ever has to do work on the facility. Ms. Knowles asked how the Town will know on an ongoing basis that the account is open and funded. Ms. Byerley stated that a yearly maintenance report is required and they can provide proof of the account as part of that report. Ms. Byerley added that the Town is the bond holder for both the roadway and erosion control bonds which can be either cash bonds or letters of credit.

Mr. Leavitt noted that the applicants' attorney has sent an email to the Board arguing that the stormwater bond is not necessary because they will maintain ownership of all of the lots in the development. Ms. Byerley stated that it is up to the Board to decide if they would like to waive the requirement. Mr. Chiozzi stated that he was inclined to agree with the Town Engineer and have the developer establish the bond.

On a motion by Ms. Duff seconded by Ms. Knowles the Board approved the Performance Guarantee amounts of \$173,800.00 to secure the proper construction and completion of the services and ways and release of lots, \$3,500.00 for the stabilization and erosion control bond and \$7,300.00 for the maintenance and upkeep of the stormwater facilities for CSH 139-143 Elm Street and 26 Pine Street Subdivision as recommended by the Department of Municipal Services in memos dated August 16 & 17 2017. **Vote:** Unanimous (6-0).

On a motion by Mr. Chiozzi seconded by Mr. Bergeron the Board approve the Declaration of Restrictions and Easements for the two lot subdivision entitled CSH of Andover. **Vote:** Unanimous (6-0).

Meeting Minutes:

On a motion by Ms. Knowles seconded by Ms. Duff the Board approved the Andover Planning Board minutes of August 8, 2017. **Vote:** Unanimous (6-0).

Adjournment: The meeting was adjourned at 8:19 p.m.