

PLANNING BOARD MINUTES
JULY 14, 2014

Call The Meeting to Order

Chairman David Plunkett called the meeting to order at 7:05 P.M. in the Town Hall Auditorium. Present at the meeting were, Stephen Johnson, Robert Fowler, Nancy Reed, Vincent Fratalia, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart.

(A) Approval of Minutes – June 16, 2014

MOTION - Mr. Fratalia made a motion to approve the Planning Board minutes of June 16, 2014 as submitted. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(B) Committee Reports/Administrative Actions

(B1) Zoning Bylaw Subcommittee

Mr. Sadwick stated that we are meeting following the end of this meeting.

(B2) Master Plan

Mr. Sadwick stated that the contract has been executed and Town Counsel has approved to form. The funding will come from the Hanover mitigation and CPA funds, as well as \$5,000 from the DPW transportation fund and the additional funding coming from the Town Manager and Community Development budgets. Mr. Sadwick stated that he brought everything to the Finance Director this morning so hopefully the Town Manager will sign off tomorrow. The consultants are looking to start in July but Judy Barrett is on vacation until July 17th. Mr. Sadwick suggested holding a meeting to discuss the Master Plan before the next scheduled Planning Board meeting.

(B3) Committee Reports

Mr. Fratalia stated that the Green Committee received a \$161,000 grant award and they are looking at coming before this Board to do a presentation in September on some of the proposals they are looking at.

(B4) 2087 Main Street, Merrimack Valley Pavilion - Discussion

Gary Brown appeared for discussions of outside activities at MVP. On April 28, 2014 a non-substantial determination was approved for an outside activity. He has decided on an urban adventure course. This will be geared to kids ages 4-10 with a maximum weight of 120 lbs. and this will be a suspended course about 7' in the air. The kids wear harnesses and go through the suspended ropes course. There will be no need for extra lighting except for maybe an extra light arm from the mini-course to shine on this activity.

Mr. Johnson asked what the total length of this course would be. Mr. Brown responded it is 37' x 16'.

Mr. Fratalia asked if this was one of the options purposed. Mr. Brown replied yes. Mr. Fratalia asked if it is safe. Mr. Brown replied yes, it is inspected and certified by the State. They are hoping to have it installed by August and it can be used until the snow comes.

Mrs. Reed asked if there will be safety measures added to prevent unauthorized people. Mr. Brown stated that the site is fully alarmed and there are cameras that go right to our cellphones and the harnesses are put away at night. Mrs. Reed wished him the best of luck.

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Mr. Brown stated that if he decides to do another outside activity would he need to come back. Mr. Plunkett replied yes, it would be an administrative action.

(B5) 1768 Main Street, Abuts - Discussion

Fred Geisel appeared for discussion at 1768 Main Street. Mr. Geisel stated that he is not the engineer of record for this project but was called in for advice. Mr. Geisel stated that during the construction process, a drainage pipe was discovered that went into the wetlands area out back. This is a Town drainage pipe and it was clogged by silt and not functioning. This flows from the manhole hole on Pinewood Road near the second house in from Main Street. He has worked with the Town Engineer to come up with a plan to run a pipe across the property and install a new manhole then connect the new pipe into an existing drainage pipe. An easement will be needed for the Town to access the manhole and the owner is willing to grant the easement.

Mr. Geisel stated that the second item is the front detention pond for the roof runoff. They are proposing changing the pond to underground infiltrator system. This will be in the same area as the detention pond so they will utilize the existing pipes and will have the same capacity as the pond but the area will be grass. They have been speaking with the Town Engineer and he has found this method acceptable. The owner wants wider parking isles so they are proposing changing the isles to 30' except at the openings which will remain at 24'. This will be about the same amount of pavement as there is now.

Mr. Sadwick stated that Town Engineer has indicated that he is looking for the storm water calculations in regards to ground water and there was a question of storage of the infiltrators. They may be shallower but wider. They have been working in the field to fix this so this could be considered a field change or a non-substantial change. Mr. Sadwick stated that the Town is involved because of the drainage pipe.

Mrs. Reed asked if the issue of 24' at the openings has been addressed. Mr. Sadwick replied yes, Weston and Sampson and the Town Engineer wanted to make sure that the openings are at least 24' and that has been addressed.

Mr. Fratalia asked how this problem was discovered. Mr. Geisel stated that during construction, they found the pipe and so the contractor investigated where the water was flowing from. Mr. Fratalia asked if there is a proposed tenant. Mr. Geisel replied that they have prospective tenant.

Mr. Fowler stated that he was always displeased with the open detention area in the front and he is glad it will be cleaned up with infiltrators. He is also glad that the parking and traffic flow will be defined.

Mr. Johnson stated that he agrees and has no comments.

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Mr. Plunkett stated that if the parking is being moved back then they will be losing 6' of green space which will affect the approved landscape plan. Mr. Geisel stated that all proposed landscaping will be installed but may need to be reconfigured. Mr. Plunkett asked when the landscaping will be installed. Mr. Geisel replied early fall, late summer. Mr. Plunkett stated that approval should include a detailed landscape plan. Mr. Geisel stated that they can resubmit a detailed landscape plan with the new configuration. Mr. Plunkett asked who would be in control of the easement. Mr. Geisel replied that he would submit an easement plan to the Town Engineer and then Town Counsel would draft the easement. Mr. Plunkett stated that the Occupancy should be held until the easement is recorded.

MOTION - Mr. Fowler made a motion to approve the changes presented tonight as non-substantial and incorporate them into the plan with the following conditions:

1. A detailed revised landscape plan needs to be submitted.
2. A drainage easement must be recorded at the Northern Middlesex Registry of Deeds prior to the issuance of any occupancy permit for the new addition. A copy of the recorded decision must be provided to the Community Development Department.

The motion was seconded by Mrs. Reed and unanimously voted 5-0.

(B6) 300 Ames Pond – Northland Discussion

Bill Gause and Jack Dawley appeared to discuss a conceptual residential design for 300 Ames Pond. Mr. Gause stated that they have presented this to the Board of Selectmen already. They are proposing to rezone 300 Ames Pond from Office/Research (OR) to Multi-Family (MFD). There are 55 acres in total but they are proposing using 30 acres for a 75-90 unit 55+ residential development. This would be a townhouse style development with 2-3 bedrooms per unit. Mr. Gause stated that the demand for office space is not there and a residential development would be more in line with the residential neighborhood. There would be a tax benefit to the town with this parcel being developed. Mr. Gause stated that they could develop this parcel as a 40B project but that is not what they want to do.

Mr. Dawley stated that Northland properties develop residential “for sale” projects. The main office is out of Burlington. They do not want to deed restrict the project for over 55, but instead they would design it for the over 55 client. This project will be serviced by Town water and sewer, gas and electric. There would be a home owner’s association. There is a similar project in Burlington that they are developing. Mr. Dawley stated that there would also be a wetlands crossing required. Mr. Dawley stated that they have met with the Board of Selectmen and their hearing was noticed to all abutters.

Mr. Johnson stated that he remembers a similar concept in a previous meeting and it doesn’t seem like this is much different. The only difference is from then to now be that a proposed casino failed in this location. Mr. Johnson stated that he won’t stand in the way but the owners bought this property knowing that it was zoned for office use.

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Mrs. Reed stated that she thought the previous proposal was for 50 units. Mr. Gause replied no, he believes there were 75 units. Mrs. Reed stated that the MFD zoning requires ratios including uplands and number of bedrooms per acre. Mrs. Reed stated that she does not believe that they typically approve 3 bedroom projects and age restriction projects are usually 2 bedrooms and has a deed restriction. A 3 bedroom unit does not lend itself to an over 55 group. Mrs. Reed asked if they are looking to build the affordable units or look to a fee in lieu of waiver. Mr. Dawley replied that they have not looked that far ahead. Mrs. Reed asked that they drill down for more information and also asked them to look at mixed use development.

Mr. Fowler stated that he would like to look at the project in Burlington that is similar to this one. Mr. Fowler stated that he does not appreciate the threat of a 40B project and he would not know how a 2-3 bedroom project could be marketed as a 55+ community without a deed restriction. This type of development would attract families and our schools are at their maximum now.

Mr. Fratalia stated that a lot of history was given but asked what the price range would be. Mr. Dawley replied that they would range from high \$300K to low \$500K. Mr. Fratalia asked if the Burlington development had 2 and 3 bedrooms. Mr. Dawley replied yes, the 3 bedroom was in the middle unit and the end units were the 2 bedrooms. Mr. Dawley added that he would setup a site walk on the Burlington site if the Board would like.

Mr. Plunkett stated that his initial concerns with a residential project are still there. He is concerned with the loss of potential commercial/office revenue. The Police and Fire departments have said they are concerned with the associated costs and time with residential developments. Mr. Plunkett stated that he does not agree that a 2-3 bedroom development would lead to empty nesters. We need to look at the best potential use for this parcel.

Gene Olsen of 71 Overlook Drive – Ms. Olsen stated that she would like to see this land remain undeveloped but the biggest concern is the density on this property. There are too many units.

(B7) 558 Clark Road, Discussion

Jeff Doherty and Costas Flessas of CTW Transportation appeared for discussion on 558 Clark Road. Mr. Doherty stated that Mr. Flessas is entering into a lease for the distribution center at 558 Clark Road. He will be contracting with Stoney Field yogurt and hopes to run his distribution center from this address. A Special Permit was issued in 2002 by this Board and this would be essentially the same use.

Mr. Plunkett asked why you are here tonight. Mr. Sadwick stated that the Building Commissioner received a phone call asking about this property. The way the business was described, it sounded like a trucking company. After further discussions, it was decided to have them come before the Board and let the Board decide if they should submit a new Special Permit, modify the existing Special Permit, have a non-substantial change or do nothing at all.

Mr. Plunkett stated that included with the Special Permit was a letter from Cuoco and Cormier which specified number of trucks to the site per day and types of trucks. Will this be the same for the new business? Mr. Flessas replied he was not sure because this is a new business. He would guess that they would be using semi-tractor trailer refrigeration trucks. The worst case he would guess would be five trucks per day.

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Mr. Fowler welcomed Mr. Flessas to Tewksbury. Mr. Fowler asked if the times of operation would be the same. Mr. Flessas replied yes, during business hours during the week and on Saturday mornings.

Mr. Johnson asked if the hours would be 9:00 AM to 3:30 PM. Mr. Flessas stated that he would maybe go a little earlier in the morning and a little later in the afternoon.

Mrs. Reed stated that as long as you stick with the conditions of the Special Permit and letter referenced by Cuoco and Cormier she sees no need to do anything right now.

Mr. Fratalia asked if there will be any improvements to the building. Mr. Flessas replied no. Mr. Fratalia asked if they were aware of the existing daycare. Mr. Flessas replied yes, they will not interfere with them but he probably will put up a fence around the retention area for safety. Mr. Flessas stated that he would probably like his hours to be 6:00 AM to 7:00 PM. This way he can avoid conflicts with traffic. Mr. Plunkett stated that the Cuoco and Cormier letter is incorporated into the Special Permit and any changes from the letter or the Special Permit would require an approval from this Board.

MOTION - Mr. Fowler made a motion that as determined by the Planning Board, the use that was presented tonight is the same type of use that was originally permitted. If any changes are to be requested then the new tenant should come back to the Board. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

(B8) 1497 Main Street, Bond Release

Mr. Sadwick stated that no one is here for this item so it should be tabled until the end of the meeting.

MOTION - Mr. Fowler made a motion to table agenda item B8 until the end of the meeting. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

(C) 1 Radcliff Road, VTH, LLC – Continue Site Plan Special Permit

MOTION - Mr. Johnson made a motion to table the continued Site Plan Special Permit for 1 Radcliff Road until August 11, 2014 at 7:10 PM. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

(D) 209 Salem Road, CC & Sons for Herbert Parker Trust, c/o Cynthia Shefshick – Open Space Residential Design (OSRD) Special Permit and Definitive Subdivision Continued

Dick Cuoco and Carl Cruppi appeared for the continued OSRD Special Permit and Definitive Subdivision for 209 Salem Road. Also in attendance was Kevin Hardiman, Town Engineer. Mr. Cuoco stated that there were a few remaining issues as outlined in a memo from Town Engineer Kevin Hardiman dated July 3, 2014. Under waiver requests, #3 they have requested a waiver for approximately 525' of sidewalks but the letter states that the calculations should include prevailing wage. That has not been the policy in the past and if it is the case, they will build the sidewalks instead. Mrs. Reed stated that is not our policy and we don't want sidewalks installed on dead end streets but there should be a standard linear foot amount for sidewalk construction. Mr. Plunkett asked what the rate per linear foot of sidewalk is.

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Mr. Hardiman stated that there is a book to calculate the construction cost. The Town could only construct about 50% of what the contractors can do. Mr. Cuoco replied that the Town cannot compare dollar to dollar cost but then there is the cost to maintain the sidewalks.

Mr. Johnson stated that if we are going to work under the assumption of including prevailing wage, then that is something to be looked at going forward, not with this application. Mr. Fowler concurred.

Mr. Frataglia stated that we perhaps should look at waiving the fees. Mr. Sadwick stated that there is a Ways and Means book that should help figure the costs. Mr. Hardiman replied that there is the RS Means book and that would capture construction costs. Mr. Cuoco stated that Weston and Sampson must have the number. Mr. Plunkett stated that the applicant can accept the amount or build the sidewalk.

Mr. Cuoco stated that wavier #4 asks for a waiver for the 50 year storm. The CFS is .02 for the 50 year storm and this only affects the wetlands and does not affect abutters. Mr. Plunkett asked what it would take to meet the criteria for the 50 year storm. Mr. Hardiman stated that there are certain design criteria to meet the storm water management for this project and they have not done it. Mr. Hardiman stated that he is concerned with setting a precedent for future developments to come in and ask for a waiver from storm water management regulations. Mr. Cuoco stated that this waiver is unique to this site and we do not usually ask for this waiver. Mr. Plunkett asked why this requirement could not be met. Mr. Cuoco replied that it can, but the number is so small versus the time and money it would take to meet the requirement doesn't make sense. The area would have to be regraded and the calculations have to be re-run, then it may change with the houses are in different locations. We are not asking to throw away the rule book.

Mr. Fowler stated that there are three engineers looking at this project. Mr. Fowler asked what Weston and Sampson has said on this issue. Mr. Cuoco replied that they had no issue. Mr. Sadwick replied that he did not see any comments from them. Mr. Fowler stated that two say this is not a big deal so he is going with the majority.

Mr. Johnson stated that he agrees that this should not set a precedent and each project needs to be looked at individually but the applicant is asking for waivers so they are requesting that the rule book be bent.

Mr. Cruppi stated that the Town's peer review consultants were ok with the changes. This area has good soil.

Mrs. Reed stated that if we grant the wavier, we need to qualify it to the CFS number, the site, etc. With the rational submitted, the waiver seems reasonable.

Mr. Plunkett asked if a .02 increase is substantial. Mr. Hardiman replied no, it is not substantial but does not comply with the threshold set forth in the regulations.

Mr. Cuoco replied that they are removing the request for a waiver from the Land Disturbance Permit.

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Mr. Cuoco stated that there were five comments under design comments from Mr. Hardiman's letter. The first issue is regarding fill and grading. Mr. Cuoco stated that they are not sure how they are going to build the houses yet. Mr. Sadwick asked if it is the intention to build out the entire subdivision. Mr. Crupi replied that he will be in control of the lots.

Mr. Hardiman stated that since his memo, more information has been provided and he is all set with #4, #10 and #12 can be handled with the Land Disturbance Permit. Mr. Cuoco stated that they are proposing to install a silt sock in a project limit area. Mr. Hardiman stated that can be discussed with the Land Disturbance Permit. Mr. Cuoco stated that this will also be handled in the SWPP. Mr. Hardiman stated that he is concerned with construction of the Stone Bridge/Emergency Overflow Spillway and the long term stabilization so more information including specifications is needed. They are concerned with sending town vehicles across this bridge without the proper specifications. Mr. Plunkett stated that the specifications need to be provided. Mr. Cuoco replied that they will. Mr. Cuoco stated that under general comments they will be using the silt sock and they also agree to add the correct paint for the proposed crosswalk.

MOTION - Mr. Fowler made a motion to close the public hearing. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

MOTION - Mrs. Reed made a motion to approve the requested waiver as detailed in a memo from Cuoco and Cormier dated May 23, 2014, Section 6.3.3 – Reduction of pavement width from 26' to 24' and Right of Way from 50' to 40'. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

MOTION - Mrs. Reed made a motion to approve the requested waiver as detailed in a memo from Cuoco and Cormier dated May 23, 2014, Section 8.1.15.1 – Reduction in cul-de-sac radius. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

MOTION - Mrs. Reed made a motion to approve the requested waiver as detailed in a memo from Cuoco and Cormier dated May 23, 2014, Section 8.2 – Allow less than 1' of freeboard in the storm water management facilities, 0.6' provided. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

MOTION - Mrs. Reed made a motion to approve the requested waiver as detailed in a memo from Cuoco and Cormier dated May 23, 2014, Section 9.3.1 – Allow 4" x 4" x 3' stone bounds with magnetic locator plug in drill hole, where 6" x 6" x 4' is required. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

MOTION - Mrs. Reed made a motion to approve the requested waiver as detailed in a memo from Cuoco and Cormier dated May 23, 2014, Section 9.3 – Sidewalks – allow construction of sidewalks on one side only. The length of sidewalk along the other side as well as the length of sidewalk along Salem Road will be made in a donation to the sidewalk fund for approximately 525'. The fee to determine the donation will be the RS Means book. The motion was seconded by Mr. Frataglia and unanimously voted 5-0.

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MOTION - Mrs. Reed made a motion to approve the requested waiver as detailed in a memo from Cuoco and Cormier dated May 23, 2014, Section 8.2.3 – The peak rate of storm water runoff from the subdivision shall not exceed the rate existing prior to the new construction based on a 2, 10, 25, 50 and 100 year design storm. There is a slight increase on the 50-year storm event to the wetlands. This waiver is approved due to the minor variance .02 cfs going into the wetlands area. This threshold is to be met in future developments. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

MOTION - Mrs. Reed made a motion to approve the waiver from Section 710, the affordable units will not be built and the fee in lieu of option is requested. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

MOTION - Mrs. Reed made a motion to approve the Open Space Residential Design Special Permit and Definitive Subdivision for 209 Salem Road as presented with the following conditions:

1. The approved waivers will be incorporated.
2. A cross walk will be added to the “Lot #1” side and will connect to the sidewalk on the other side of Salem Road.
3. The open space will be deeded to the Town of Tewksbury with the exception of Lots 12 and 13. Lot 12 and 13 will be granted as open space under a covenant to Lots 1 and 11.
4. An ANR plan was submitted on September 11, 2013 as referenced on Sheet C2 to allow for the bonus lot.
5. A condition will be added that if there is cutting of vegetative buffer beyond the limit of clearing line on the plan, the future owner will replace it with sufficient landscaping or buffer (i.e. fence).
6. The grading of the lots must be in compliance with drainage calculations.

The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(E) **1593 & 1605 Andover Street, FMP, LLC Site Plan Special Permit, Community Village Overlay District Continued**

(F) **1625 Andover Street, FMP, LLC Site Plan Special Permit, Community Village Overlay District Continued**

Mr. Plunkett stated that even though these are two separate filings they will take them together because they are inter-connected.

Frank Pollack, Matt Hamor, Kim Hazarvartian, and Lorraine Black appeared for the continued Site Plan Special Permits for 1593 and 1605 Andover Street and 1625 Andover Street. Mr. Hamor provided renderings. The day care will have a vestibule, architecture shingles, window treatments, a 3’ high brick façade and a hip roof. These design details have been added at the request of the Board. The coffee shop will have a copula, dormers and a split face stone façade around the bottom of the building.

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Ms. Black provided color pictures of the proposed landscaping. She looked at the site and wanted to soften it. There will be trees to provide shade and give color and detail throughout the year. She has added cherry trees, hydrangeas, dog woods, etc. There will also be three rain gardens on site. The lawn will have sprinklers and the islands will have cherry trees and low lying blueberry bushes. The day care will have a shade tree to the right and the left side will have cherry trees and junipers. The play area will have a rain garden, junipers and red maples. The coffee shop will have outside seating and there will be a shade tree and holly. There will be large evergreens and hydrangeas along the property lines.

Mr. Plunkett stated that rain gardens are part of low impact development.

Mr. Fowler stated that he likes the landscape plan and how it provides separation of the two sites.

Mr. Johnson stated that a 3D model of the landscaping would be very helpful. Mr. Fratalia agreed and would give the wow factor.

Mrs. Reed asked if more evergreens could be added along Andover Street. Ms. Black stated that could be looked at.

Mr. Plunkett stated that the site distance should be looked at in regards to the trees at the entrance.

Mr. Hamor stated that they had to move two parking spaces so the fire trucks could make the turn around the donut shop. Mr. Hamor stated that the lighting fixtures have not been determined yet and asked that the lighting plan be submitted at a later date.

Mr. Hazarvartian provided a traffic assessment report dated June 19, 2014. This report includes peak hours and trip traffic numbers for the daycare and food establishment. There are currently traffic lights at North Street and at the intersection of Rt. 495. In 2005, a full traffic study was done for Andover Estates and the North Street intersection was operating at a Level B, so there is no impact improvement needed. Mr. Hazarvartian stated that a cross walk for this project is not justified and he would not recommend adding it mid-block.

Mr. Fratalia stated that he wishes that they would get the review letters earlier than the meeting but he likes what is being proposed.

Mrs. Reed stated that they had talked about extending the left hand turn lane. Mr. Fowler added that it is in existence now and it just would have to be extended to this property. Mr. Hazarvartian replied that he would look at that. Mr. Fowler stated that he agrees with not adding a cross walk at mid-block. Mr. Plunkett asked if a cross walk could be added at the North Street light. Mr. Hazarvartian stated that he would look at that.

Mr. Plunkett asked if there will be sidewalks, benches, etc. for design detail on the site. Mr. Hamor replied there will be three internal benches, a stone wall and there are existing site sidewalks.

MOTION - Mrs. Reed made a motion to continue the Site Plan Special Permits for 1593 & 1605 Andover Street and 1625 Andover Street until August 11, 2014 at 7:20 PM. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

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(G) 940 Main Street, John D. Sullivan, Foster Place Special Permit, Modification to Existing Special Permit

Mr. Plunkett stepped down for this hearing and Mr. Johnson took over as Chair.

MOTION - Mrs. Reed made a motion to open the public hearing and waive the reading of the public hearing notice. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

Joshua Kelly appeared for the Special Permit at 940 Main Street. Mr. Kelly stated that there was an IDR held and they received minor comments from the Board of Health and the Fire Department. They agree with all the comments including updating all the smoke detectors in the existing units as requested by Deputy Fire Chief Vasas. He also met with the Building Commissioner and Mr. Sadwick and they suggested changing the application to a Town Center Overlay (TCOD) Special Permit.

Mr. Sadwick stated that when the Foster School was originally permitted, the Planning Board issued a Site Plan Special Permit and the Zoning Board of Appeals also issued a variance for a MFD in a Municipal zone. That ZBA decision gave the unit count so the question was how to increase the unit count. They decided that if you take into account the office space, this could be a mixed use development for the TCOD.

Mr. Johnson asked if this could open us up to issues in the future. Mr. Sadwick stated that Board can waive any requirements and the landscaping at this site is pretty good. Mr. Fowler agreed and is pleased with the landscaping that has been done.

Mrs. Reed stated that this type of mixed use was what was envisioned for the Town Center overlay.

Mr. Fratalia asked if the applicant has started fixing the smoke detectors as outlined by Deputy Vasas. Mr. Kelly replied not yet, but they will. This will be part of the process and the building has a sprinkler system.

Mr. Sadwick stated that the two new units will be affordable. Mr. Kelly replied that was correct. There will be two new affordable units and one business office.

There was no one in the audience.

MOTION - Mrs. Reed made a motion to close the public hearing. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

MOTION - Mrs. Reed made a motion to approve the Town Center Overlay District Special Permit with the following conditions:

1. The 2 new units to be added in the basement will be affordable as defined by DHCD and will count toward the Town's subsidized housing inventory.
2. The office in the basement will be used as the mixed use portion of the project.
3. The smoke detectors within the individual apartments will be upgraded.

The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

Mr. Johnson stepped down as Chair and Mr. Plunkett returned.

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(H) Administration Action – Rockland and Hillman Street (SPSP 2008-07) Extension Request

Mr. Sadwick stated that they are requesting an extension for the Special Permits at Rockland and Hillman Streets. Mr. Plunkett stated that we could extend the permits for two years retroactive back to 2010. Mr. Sadwick stated that the Permit Extension Act was automatic so the applicant did not have to come back before any Boards.

MOTION - Mrs. Reed made a motion to extend the Site Plan Special Permit and Groundwater Protection Special Permit (SPSP 2008-07) retroactive back to 2010. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(B8) 1497 Main Street, Bond Release

MOTION - Mr. Fowler made a motion to take Agenda Item B8 off the table. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

Mr. Sadwick stated that he did two site walks. On July 11th, the dead landscaping was replaced but they should have re-mulched the property but they did not. The Planning Board retains final approval of the site landscaping and determines if it is acceptable.

Mr. Fowler stated that a reminder letter should be sent that annual mulching is required.

Mr. Johnson stated that even with us holding the bond, the trees still died and there was no mulch so he is not confident they will do better without us holding some of the bond.

MOTION - Mr. Fowler made a motion to release half the remaining bond, which would be \$1,000 and send a cover letter that states that annual mulching is required. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Old Business

There is no old business.

New Business

There is no new business.

Director's Report

Mr. Sadwick stated that he received correspondence from Town Counsel regarding the Attorney General's question on Article 29. All other zoning articles have been approved except two items. Article 29, the CVOD map was changed but the text was not amended for the affordability requirement. The Attorney General also cautioned the Town on the solar farm article.

Adjournment

MOTION - Mr. Fowler made a motion to adjourn the meeting at 10:45 PM. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

Approved on: 8/11/14

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Documents can be located at the Community Development Office

- A. 7:00** Approval of Minutes – June 16, 2014
- B. 7:00** Committee Reports/Administrative Actions
- 1- Zoning Bylaw Subcommittee
 - 2- Master Plan
 - 3- Committee Reports
 - 4- 2087 Main Street, Merrimack Valley Pavilion – Discussion
 - Copy of email 6/24/14 including rendering of the “Urban Adventure Couse”.
 - Copy of Non-Substantial Determination #3 Decision dated 6/2/14.
 - 5- 1768 Main Street, Aubuts – Discussion
 - Memo to PB dated 7/11/14 from Steve Sadwick.
 - Revised Concept Plans.
 - 6- 300 Ames Pond - Northland Residential
 - 300 Ames Pond Drive – Future Development – June 17, 2014 presentation.
 - 7- 558 Clark Road, Discussion
 - Memo to PB dated 7/11/14 from Steve Sadwick re: former Reardon Distributor’s Site.
 - 8- 1497 Main Street, Bond Release
 - Sadwick memo dated 7/11/14
- C. 7:10** 1 Radcliff Road, VTH 7, LLC
Continued Site Plan Special Permit
(Applicant requesting to be continued to August 11, 2014.)
 - Email dated 7/9/14 – requesting to be continued to August 11, 2014.
- D. 7:15** 209 Salem Road, CC&Sons for Herbert Parker Trust,
c/o Cynthia Shefshick - Continued Open Space Residential
Design Special Permit and Definitive Subdivision
 - Memo 7/3/14 from Town Engineer re: IDR comments.
 - Sewer Flow Calculations dated 7/8/14.
 - Worksheet for Circular Channel dated 7/8/14 (SMH 403 to SMH 401 and 402)
 - Sight Distant Plan, prepared by Cuoco & Cormier dated 7/9/14.
- E. 7:20** 1593 & 1605 Andover Street, FMP, LLC
Continued Site Plan Special Permit, Community Village Overlay
District
- F. 7:20** 1625 Andover Street, FMP, LLC
Continued Site Plan Special Permit, Community Village Overlay
District
 - Response letter 7/3/14 from Landplex.
 - Review letter 7/11/14 from Town Engineer.
 - TEPP, LLC Traffic Assessment Memo dated 6/19/14.
 - Permit Site Plan (Proposed Coffee Shop) dated 5/1/14 revised 7/1/14.
 - Philippe Thibault Architect elevations and floor plan/roof plan dated 7/3/14.
 - Colored rendering of Proposed Coffee Shop.

PLANNING BOARD MINUTES
JULY 14, 2014

- *Permit Site Plan (Proposed Day Care) dated 5/1/14 revised 7/1/14*
- *Philippe Thibault Architect elevations and floor plan/roof plan dated 7/3/14.*
- *Colored rendering of Proposed Day Care.*
- *Colored Layout Plan dated 5/1/14.*
- *Landscape Plan prepared for FMP, LLC; by Lorayne Black, Landscape Architect dated 7/14/14.*
- *Colored rendering for Andover Street Development shrubs.*

G. 7:30

940 Main Street, John D. Sullivan, Foster Place
Special Permit, Modification Existing Special Permit

- *Application For Hearing packet dated 6/12/14*
- *IDR held 7/1/14*
 - *IDR comments dated 6/20/14 from Fire Department.*
 - *IDR comments dated 6/30/14 from Health Director.*

H.

Administration Action

1- Rockland and Hillman Street (SPSP 2008-07)

Extension Request

- *Letter 6/19/14 to Steve Sadwick from Maureen DiPalma request an extension to SP2008-07*