

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 Zachary Bergeron, members Vincent Chiozzi, Joan Duff, Ann Knowles and Neil Magenheim, and Associate Member Rocky Leavitt. Also present was Jacki Byerley, Planner.

180-182 Jenkins Road - Bradford Pond Drive:

Mr. Bergeron opened the continued public hearings on applications submitted by SSB Properties, LLC for a 15-lot Definitive Subdivision Plan, a Special Permit for Earth Movement and a Special Permit for Cluster Development.

Ian Rubin of Markey & Rubin an engineer representing the applicant stated that he was aware that it was the Board's intention to close the hearing and deny the subdivision. He stated that if the Board chose to keep the public hearing open he would be able to provide a new plan that addresses all of the Town's concerns. He stated if the Board's main concern is the length of the roadway, he can provide a new plan with a shorter roadway and work with the Board of Health to have each lot have individual septic systems. He stated that he would be able to provide the Board with a new plan of a standard subdivision with 6 house lots including the existing lot.

Ms. Byerley stated that she did not recommend that the Board keep the public hearing open. The Board of Health has recommended disapproval of the subdivision plan making it ineligible for any housing lots at his time. The Board will have to close this hearing and issue a decision. She stated that if the applicant wants the Board to review a new plan, a new application will need to be filed. If the Board issues a disapproval of this plan, the applicant may have to file with the Zoning Board of Appeals for a Repetitive Petition to show that substantial changes have been made to the plan before they can refile with the Planning Board.

A representative from SSB Properties stated that they have invested a lot of time, money and energy into this project. He acknowledges that the Board is not satisfied with 15 lots and stated that they are willing to reduce the number of lots by a substantial amount. He requested that the Board keep the hearings open so that they can provide the Board with substantial changes.

Mr. Bergeron stated that shortening the roadway does not help with the Board of Health situation. Ms. Byerley stated that he was correct, the Board of Health has already denied the application, so it cannot be modified at this time. The applicant would have to refile. Mr. Chiozzi noted that the applicant could also request to withdraw their application. He asked if the Board waived their filing fees when they previously withdrew their application. Ms. Byerley stated that applications for this property have been withdrawn more than once. On the last withdrawal, the Board waived the fees for one year, and then extended that waiver of fees for an additional 2 months and then the applicant filed this plan. Mr. Chiozzi stated that the fees should be paid on a completely different plan due to the staff time necessary to review the new plan.

On a motion by Mr. Chiozzi seconded by Ms. Knowles the Board closed the hearings for the definitive subdivision, the special permit for cluster development and the special permit for earth movement for Bradford Pond Drive. **Vote:** Unanimous (5-0).

180-182 Jenkins Road - Bradford Pond Drive Deliberations:

Mr. Bergeron opened the deliberations for 180-182 Jenkins Road, Bradford Pond Drive.

Ms. Byerley stated that the plan as submitted does not meet the Rules and Regulations for the Subdivision of Land or the Zoning Bylaw. She recommended the Board issue a disapproval of the plan. She stated that the reasons for disapproval are outlined in her memo to the Board dated December 18, 2018.

On a motion by Ms. Knowles seconded by Mr. Magenheim the Board moved that in the opinion of the Board the applications and supporting plans and documents submitted do not meet the standards of the Rules and Regulations Governing the Subdivision of Land and the Town of Andover Zoning Bylaw, further the Board is unable to make the findings necessary to grant the Special Permits requested as the subdivision as proposed does not meet the standards of the Rules & Regulations Governing the Subdivision of Land. The plans prepared by Markey & Rubin dated 9/12/2018 entitled Definitive Cluster Subdivision "Bradford Pond Drive" 180, 182 Jenkins Road, Andover MA and Definitive Subdivision, Special Permit for Cluster Development and Special Permit for Earth Movement applications submitted on October 15, 2018 are disapproved for failure to comply with the Rules and Regulations Governing the Subdivision of Land and the Town of Andover Zoning Bylaw as outlined in the memo. **Vote:** Unanimous (5-0).

Meeting Minutes:

On a motion by Ms. Knowles seconded by Mr. Chiozzi the Board approved the November 13, 2018 Andover Planning Board minutes. **Vote:** Unanimous (6-0).

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. He stated that the discussion for the evening would be on traffic.

Ms. Byerley noted that Steve Sadwick, the Assistant Town Manager of the Town of Tewksbury was present tonight for the discussion and he also attended the Interdepartmental Review that was previously held.

Rick Friberg of TEC, Inc. an engineer representing the applicant gave a presentation on the traffic report that was produced by his office. He noted that the Town's peer reviewer, GPI, Inc. was present, as well as Steve Sadwick, Tewksbury Assistant Town Manager. The study area includes nine intersections from the Tewksbury town line to the intersection of Dascomb Road and Andover Street. Traffic counts were taken on September 13th from 7 a.m. - 9 a.m., September 20th from 4 p.m. - 6 p.m., and September 22nd 11 a.m. - 1 p.m. Due to the projected increase in traffic from the development, and per the analysis run using the Manual on Uniform Traffic Control Devices, additional traffic signals are proposed as mitigation measures at the intersections of Dascomb Road/Smith Way; Dascomb/I-93 Northbound ramp; and Frontage Road/I-93 Southbound Ramp. Improvements such as geometric improvements and/or lane widening are proposed mitigation measures for the intersections of Dascomb Road/Clark Road/Bannister Road, Dascomb Road/Lovejoy Road/Acorn Drive, and Dascomb Road/Andover Street. Those mitigation measures will have to be reviewed by the Department of Public

146 Dascomb Road (cont'd):

Works. The traffic report also proposes pedestrian improvements of sidewalks and rapid flashing beacons at crosswalks.

The Board discussed the study area. Mr. Chiozzi stated that in his opinion, additional intersections in Tewksbury should be included those in the Shawsheen Street corridor in Tewksbury. He asked Steve Sadwick, Tewksbury Assistant Town Manager, about the potential for development off of Shawsheen Street. Mr. Sadwick stated that Shawsheen Street is a narrow street but it is a connector street to Route 38 so it could bring traffic to the site. Mr. Chiozzi asked if existing industrial uses on that street, such as Holt and Bugbee, could be developed into something else. Mr. Sadwick stated that they could. Mr. Friberg noted that a traffic study does not speculate what could be developed on other property, but it does factor in a yearly anticipated growth rate. The burden of mitigation for traffic created by a future development of other properties would be on that applicant or property owner at the time of their application. Mr. Chiozzi noted that the applicant has to go through the MEPA process, and MEPA will often make an applicant put projected traffic from undeveloped parcels into their analysis. He stated that he would be interested to know what the number is for the potential development of Shawsheen Street. Mr. Bergeron stated that the applicant should not be responsible for all potential future use in the study area. Mr. Leavitt noted that the mitigation proposed is designed to “carry additional reserve capacity for potential future expansion of projects.” Mr. Friberg stated that as designed the road will be able to handle more capacity than the traffic from the site and the 1 % annual growth for the area for eight years. Mr. Leavitt asked if the 1% growth rate is an industry standard. Mr. Friberg stated that ½% or 1% is an industry standard that is verified by MassDOT permanent count stations.

Keith Saxon of 15 Wethersfield Drive stated that the owners of the vacant Hewlett Packard land have completed their Order of Resource Area Delineation with both the Town of Andover and the Town of Tewksbury Conservation Commissions so they are theoretically ready to go if someone had a development proposal. The property is about 60% wetlands. The land could house four large office buildings or 117 single family homes. Mr. Friberg stated that he did not feel that this information was germane to the discussion because if HP decides to develop their land, they will have to provide any necessary mitigation based on their proposal. Mr. Chiozzi stated that he is not saying the applicant should be responsible for that mitigation, but he feels that the HP land should be part of the analysis to determine and make a decision on that impact to the Level of Service.

Mr. Friberg reviewed the dates and times of the turning movement counts and counts taken by Automatic Traffic Recorders (ATRs) which are the traffic counting tubes that are placed on the road. He noted that the Tewksbury Street Bridge was closed at the time of the traffic counts and traffic was being diverted to Dascomb Road. The ATRs were put down on the road again after the bridge reopened for four days in early December and there was lower volume of 1% to 5% on each recording device. The higher traffic counts recorded in September are what is reflected in the traffic report.

Mr. Friberg stated that a safety analysis is conducted as part of the existing conditions analysis. The intersection of Dascomb Road at Frontage Road is eligible for federal funding called

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Highway Safety Improvement Plan (HSIP) funding because it is in a top 5% crash cluster in the region. A site walk was performed with Town staff, Police, Fire and MassDOT where the corridor was walked and potential safety issues were identified. He noted that a road safety audit was prepared in March 2017.

Mr. Friberg reviewed the proposed mitigation measures for each intersection. Mr. Magenheim asked why the intersection of Andover Street and Central Street was not included in the study area. Mr. Friberg stated that per MassDOT guidelines that intersection falls below the threshold of criteria to include it within the study. Mr. Bergeron asked when the traffic mitigation would take place. Mr. Friberg stated that the mitigation would have to be worked out when they come to the Board for the Site Plan Review for each phase. At that time they will be able to bring in documentation to review how close their traffic counts were on the prior phase. The mitigation proposed should remedy existing conditions and accommodate for future conditions created by the development. It should drastically reduce the queues at the northbound and southbound off-ramps and all intersections in the study area should operate at an acceptable level of service with the full build at an 8 year horizon. The geometric improvements suggested by the peer reviewer will be explored in the next iteration of the study. They will also be issuing a formal response to peer review comments letter.

Douglas Halpert, P.E. of Greenman Pedersen, Inc., the Town's traffic peer reviewer, stated that as part of their review, they analyzed the application, site plans and traffic study submitted. He stated that they agree with the traffic volumes presented and the industry standard methodology used to obtain these volumes. In regards to the study area, he suggested three additional intersections be analyzed; two intersections on Smith Drive and a four-way internal intersection. By expanding the scope they hope to ensure that traffic will not back up onto Dascomb Road. The applicant has agreed to analyze these intersections.

Mr. Halpert noted that there is a MassDOT standard for intersections with channelized right turns where new traffic signals will be placed in the intersection, the channelized right turn has to be incorporated as part of the signal. The intersections with the channelized right turns are owned by MassDOT and will have to go through MassDOT review. In reviewing the onsite parking, any preferential parking spaces should be designated on the plan. He has suggested more pedestrian accommodations be added to the plan and the applicant has agreed to these accommodations. The applicant has also agreed to fix parking areas on the plan that seem dangerous. They have suggested that the applicant provide a loading diagram. In regards to data, the intersection of Dascomb/Clark/Bannister had additional crashes that need to be added to the report. These crashes were not easily identified from the data provided by the Andover Police Department and MassDOT, which is not uncommon. GPI suggests that there be a monitoring program put in place to reevaluate the traffic one year post-occupancy. Mr. Halpert noted that since the project will be phased, MEPA will also monitor the project. Mitigation should take place prior to occupancy. Mr. Friberg stated that all mitigation except for the new entry onto Dascomb Road at Frontage Road will take place before occupancy. The construction of the new entry will take place at a later time due to the need for Federal Highway approval.

146 Dascomb Road (cont'd):

Mr. Halpert discussed bus services and noted that he recommends the applicant provide additional connections to the Park & Ride on Frontage Road if the bus services cannot come into the site. Mr. Halpert noted that a resident email was forwarded to him that expressed a concern about bicycles and sharrows under the Interstate 93 bridges. He suggested additional pavement markings in the roadway for bicycles because it doesn't make sense to make physical changes to the I-93 bridges nor for bicycles to go up onto the sidewalks.

Mr. Leavitt asked Mr. Halpert if he concurred with the scope of the traffic study area. Mr. Halpert stated that he concurs with the traffic study area because it follows the MassDOT regulations regarding trip dilution. Mr. Bergeron asked if traffic dilution occurs after East Street or if the study area stopped due to it being the Town line with Tewksbury at that location. Mr. Friberg stated that the study area stopped in that location because of dilution and the warrants dictated that they stop at that signalized intersection. Mr. Bergeron asked Mr. Halpert if he agrees with the growth methodology. Mr. Chiozzi felt that the responsible thing was to include the HP land and developable land off of Shawsheen Street in Tewksbury because those parcels would use the same roadway network to get to Interstate 93. He noted that MEPA generally looks at existing large parcels that could be developed relatively close to the subject parcel as well as the background growth.

Mr. Bergeron asked Mr. Halpert if he agreed in the methodology. Mr. Halpert stated that he agrees with the methodology used by the applicant because it conforms to MassDOT's counts of traffic in the area increasing by 1% every year. Tim Letton of GPI, Inc. added that as part of the review, Town staff was contacted regarding development and were informed that no other developments were in the queue for this area, so the applicant defaulted to the 1% growth rate. He added that in his experience, he has never seen MEPA ask for a scope of what an undeveloped adjacent parcel could add for traffic. He has seen MEPA request the entirety of a parcel be scoped when development is only planned for one part of it. Mr. Bergeron noted that the area as a whole will be looked at every time the applicant comes back to the Board for review of each building.

Steve Sadwick, Tewksbury Assistant Town Manager, stated that Tewksbury was not consulted on projects they may have in their queue, but there is nothing to report right now on potential projects. He added that if asked, he will provide information to traffic engineers on projects that are planned as well as permitted. Mr. Chiozzi asked Mr. Sadwick if the Tewksbury Master Plan has long term plans for the Shawsheen Street corridor. Mr. Sadwick stated that the area is zoned industrial, which in Tewksbury allows for industrial uses, office and retail. In his opinion, if this development were successful, it could cause pressure for current industrial uses to flip to office or retail. Mr. Bergeron asked if the retail/commercial use would be by right or by special permit. Mr. Sadwick stated that it would be by right with a Site Plan Special Permit.

Mr. Leavitt stated that further development in Tewksbury would require any applicant to use the traffic figures from this project. He stated that it did not make sense to him to include development that may never happen in the traffic report. Mr. Chiozzi reiterated that he would like the applicant to calculate potential development. He noted that he was not saying that the mitigation for it should be put on this applicant, but he felt that the impact should be examined.

146 Dascomb Road (cont'd):

Keith Saxon of 15 Wethersfield Drive stated that it should also be taken into account that 160 Dascomb Road is vacant right now. Mr. Friberg stated that 160 Dascomb Road is not vacant but it is not 100% occupied at this time. It is a building with an industrial use. Mr. Saxon asked when the public will be given an opportunity to give their input on the traffic. Mr. Bergeron stated that this public hearing is the opportunity for public input to be given. Mr. Saxon stated that MEPA is supposed to be the first thing done, and the process will take a while. He doesn't want the Board to agree to mitigation and then for MEPA to say the agreed upon mitigation cannot happen. Mr. Bergeron stated that some of the process is proceeding at the applicant's own risk.

Steve Sadwick, Tewksbury Assistant Town Manager, passed out his comments to the Board in a memo dated January 8, 2019. He noted that the controller for the Dascomb Road/East Street/Shawsheen Street intersection is being moved in order to synchronize the lights. He asked that the developer help address the current configuration of that intersection that forces large trucks to cross into the opposing traffic lane when turning right from Shawsheen Street onto Dascomb Road. He asked for additional pedestrian improvements in Tewksbury, specifically sidewalks to be added in certain locations. He would like more information on the impact of the development on the at-grade railroad crossing on Shawsheen Street. Mr. Sadwick added that the Town of Tewksbury would like Andover to support its application for a limited truck exclusion for a section of East Street from 6 p.m. to 6 a.m. With the advent of GPS driving applications, more truck drivers are getting off Interstate 495 and driving through Tewksbury neighborhoods instead of continuing to Interstate 93. As this development will bring more truck traffic, Mr. Sadwick would like Andover's support on the application. Ms. Byerley noted that Tewksbury should confer with the Board of Selectmen on that item.

Evan Sermos of 6 Carriage Hill Road asked when sidewalk plans will be available and what will be done to replace trees that are removed for sidewalk work. Mr. Friberg stated that the sidewalks will be designed once the applicant and the Board are in agreement on the improvements. He noted that they will try to preserve mature trees as much as possible even if that means meandering the sidewalk in certain places. Ms. Byerley noted that the applicant may also have to replant trees. Mr. Bergeron asked if trees will be removed to improve sight lines. Mr. Friberg stated that a large bush by the HP driveway will be trimmed for sight lines. The design of these improvements will begin once they have a final mitigation package.

Ann Sermos of 6 Carriage Hill Road stated that she was concerned about the flashing light beacons for the crosswalks. She felt they would be obtrusive to the residents. Mr. Friberg stated that it has been expressed in public meetings that people want Dascomb Road to be made less of a thru-way. Sidewalks and flashing beacons slow things down and make more of a neighborhood. Ms. Byerley asked why three crosswalks with flashing beacons were being proposed. Mr. Friberg stated the plan shows crosswalks in logical locations. He noted that this is a concept for traffic calming that will be vetted. Ms. Byerley asked if there are other alternatives for safe crossing. Mr. Friberg stated that one could cross at a signalized intersection. Ms. Byerley asked if the flashing beacons could be reassessed during the phasing. Mr. Friberg stated that they could be reassessed during phasing.

146 Dascomb Road (cont'd):

Paige Impink, who identified herself as a Tewksbury resident and reporter for the Tewksbury Town Crier asked for clarification on the proposed traffic signal and interchange redesign from Interstate 93 North to the town line with Tewksbury. Mr. Friberg confirmed that there would be a new traffic signal on the off ramp and at Smith Way. He added that the timing of the lights will be coordinated so that one will not have to stop at both Dascomb Road and Smith Way. Ms. Impink asked if MassDOT will also consider automobile idling in their review. Mr. Friberg stated that in the MEPA process greenhouse gas emissions are considered which include idling traffic as well as energy efficiency of the buildings.

The Board agreed that the next public hearing would focus on the phasing and the Master Plan approval.

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 January 22, 2019 at 8:00 PM and further moved that the public hearings also be continued to February 12, 2019 at 7:45 PM. **Vote:** Unanimous (6-0).

Cider Hill Way:

Ms. Byerley reviewed the Common Driveway Easement and Homeowners' Association documents for Cider Hill Way. She noted that she had provided the Board a new sheet regarding the initial funding of the HOA account. She noted that she is waiting for the amount that the developer will have to deposit into the account to be approved by engineering. She stated the documents are in draft form and recommended the Board approve the documents subject to final approval by engineering and Town Counsel.

On a motion by Mr. Magenheim seconded by Ms. Knowles the Board approved the Common Driveway Easement and Homeowners; Association for Cider Hill way subject to final approval by Town Counsel and the Department of Public Works. **Vote:** Unanimous (5-0).

Adjournment: The meeting was adjourned at 10:07 P.M.

Documents:

180-182 Jenkins Road – Bradford Pond Drive:

- Memo from Jacki Byerley, Planner, the Andover Planning Board dated December 18, 2018

Minutes:

- Andover Planning Board Draft Minutes of November 13, 2018.

146 Dascomb Road:

- Proposed Site Plan, The Dascomb Road Project, 146 Dascomb Road
- Memo From Steven Sadwick, Assistant Town Manager, Town of Tewksbury to the Andover Planning Board dated January 8, 2019

Cider Hill Way:

- Memo from Jacki Byerley, Planner, the Andover Planning Board dated January 3, 2019