

Edits 4/15/10
1pm

PLANNING BOARD
Agenda
Tuesday, April 20, 2010
Town Hall, 120 Main Street
Top floor conference room
7:00 PM

1 POSTPONEMENT:

None

2 PARTIAL BOND RELEASE:

Carter Field Subdivision, Tom Zahoruiko, developer, is requesting his 5th partial bond release for completed construction activities. Balance \$21,600.00 requesting to release \$8,400.00 leaving a remaining balance of \$13,200.00. **awaiting Gene Willis confirmation**

3 RELEASE OF INTEREST:

Hawk Ridge subdivision, Tom Zahoruiko, developer, requests to release the interest of \$896.55 for Hawk Ridge subdivision. Very old project where the principal was released but the interest wasn't.

4 RELEASE OF INTEREST:

Carter Field project, Tom Zahoruiko, developer, requests the interest of \$25.02 be released for Carter Field project. Very old project where the principal was released but the interest wasn't.

5 REDGATE SUBDIVISON:

Dean Chongris, developer should be present tonight. Drainage issue.

6 CONTINUED PUBLIC HEARING:

T-Mobile Northeast, LLC (formerly Omnipoint Communications, LLC) 15 Commerce Way, North Andover, MA is requesting renewal of the following Special Permits.

Renewal of Special Permit for First Calvary Baptist Church

Renewal of Special Permit for 723 Osgood Street, Steven's Estate

Renewal of Special Permit for Johnson Street

7 CONTINEUD PUBLIC HEARING: Clear Wireless LLC, is requesting a Special Permit for the following premises.

300 Chestnut Street, Special Permit for installation of a wireless service facility consisting of six antennas and one equipment cabinet.

203 Turnpike Street, Special Permit for installation of wireless service facility consisting of four antennas and one equipment cabinet.

PUBLIC HEARING: WARRANT ARTICLES

Article 15 (LL) Amend Capital Improvement Plan Appropriations from Prior Years. To see if the Town will vote to amend prior Capital Improvement Plan Appropriation for prior Fiscal Years as voted by:

A. Transfer unexpended bond proceeds from the FY2008 Capital Improvement Plan, May 14, 2007 Annual Town Meeting, Article 21, Line 23, "Waverly Road Relief Sewer Main", an amount not to exceed \$495,000 to fund a new project "Sutton Street Sewer Improvements".

B. Transfer unexpended bond proceeds or other funding sources from May 13, 2008 Annual Town Meeting, Article 22, "Preschool Facility" an amount not to exceed \$164,000 to the "Appropriation of funds for Modular School Buildings Project", May 12, 2009 Annual Town Meeting, Article 24.

Or to take any other action relative thereto.

PB tabled this.

Board of Selectmen

RECOMMENDATION: Favorable Unfavorable

Article 18 (JJ). Amend Section 16.2 of the Town of North Andover Zoning Bylaws. To see if the Town will vote to amend the Zoning Bylaws by inserting the following language: "Drive -thru restaurants shall be permitted within the CDD1 zone provided they are located more than 250 feet from the R6 zoned district."

PB Tabled this until PB meeting of April 20th.

Petition of Scott Hajjar and others

RECOMMENDATION: Favorable Unfavorable

Article 28 (Q). Capital Improvement Plan Appropriation Fiscal Year 2011.

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow under the provisions of Massachusetts General Laws, Chapter 44, the sums of money necessary to fund the Town Capital Improvement Program for Fiscal Year 2011 as detailed below, provided that, pursuant to Massachusetts General Laws and Chapter 59-5 C of the General Bylaws of the Town of North Andover, for any capital project in excess of \$500,000 or any other appropriation, the Town may, by vote of the Town Meeting, have the following condition added to it: "provided that this appropriation and debt authorization be contingent upon passage of a Proposition 2 1/2 debt exclusion referendum under General Laws Chapter 59, Section 21C(k)":

FY 11 Capital Improvement Plan

Line #	Project Description	Division	Requested Amount
General Fund			
1	Roadway Improvements	Public Works	\$380,000
2	Sidewalk Reconstruction	Public Works	\$50,000
3	Senior Center Roof Replacement	Public Works	\$26,000
4	Facilities Master Plan	Town Manager	\$150,000
5	Police Station Equipment	Police	\$405,000
6	School Information Technology Network Equipment	Information Technology	\$1,148,000
7	Revenue Billing Software	Technology	\$90,000
8	Middle School Roof Replacement	School	\$310,000
9	Body Armor Replacement	Police	\$40,000
10	Fire Department Radio Equipment	Fire	\$432,000
11	Dump Truck, 2 Ton with Plow	Public Works	\$55,000
12	Fire Sprinkler System at Kittredge School	School	\$450,000
Water Enterprise Fund			
13	Meter Replacement	Water Enterprise Fund	\$450,000

Or to take any other action relative thereto.

PB tabled this.

Board of Selectmen

RECOMMENDATION: Favorable Unfavorable

Article 29 (S). Report of the Community Preservation Committee and Appropriation From the Community Preservation Fund.

To receive the report of the Community Preservation Committee and to see if the Town will vote to raise, borrow and/or appropriate from the Community Preservation Fund, in accordance with the provisions of Massachusetts General Laws Chapter 44B, a sum of money to be spent under the direction of the Community Preservation Committee; Or to take any other action relative thereto.

List of Appropriations – Community Preservation Fund

Description	Amount	Category

Town Common: Scenic restoration; underground utilities	\$450,000	Historical Preservation
Ridgewood Cemetery: Restoration of gates, Veteran's lot, grave markers and landscapes (Phase II)	\$70,150	Historical Preservation
Stevens Library: Restoration of main walkway	\$50,000	Historical Preservation
Main Street Fire House: Refurbishment of building infrastructure (Phase II)	\$22,500	Historical Preservation
Hay Scales Building (Town Common); Building Restoration (Phase II)	\$7,695	Historical Preservation
Reserve for future expenditures	\$182,400	Affordable Housing
Principal and Interest expenses: Windrush Farm	\$650,000	Open Space Protection
Rolling Ridge: Purchase of conservation restriction, public trail access and parking area	\$600,000	Open Space Protection
Windrush Farm: Parking area	\$15,000	Open Space Protection
Administrative Costs	\$30,000	Administrative and Operating Expenses
Total Appropriations	\$2,077,745	

Or to take any other action relative thereto.

PB Table until April 20.

Community Preservation Committee

RECOMMENDATION: Favorable Unfavorable

Article 31 (U-1.) Amend Zoning Bylaw-Section 6.3.21 – Sign, Area of. To see if the Town will vote to add a new definition in the Zoning Bylaw as follows:

6.3.21 Sign Size (Area) To delete the following definition of Sign Size (Area):

~~**Sign Size (Area)**–The surface area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representation, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included.~~

And replace it with:

(a). For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed but not including any supporting framework and bracing which are incidental to the display itself.

(b). For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording, and accompanying designs or symbols together with any backing of a different color than the finish material of the building face.

(c). Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other convex shape which encompasses all of the letters and symbols.

Or to take any other action relative thereto.

PB Table until April 20.

Board of Selectmen

RECOMMENDATION: Favorable Unfavorable

Article 32 (U-2.) Amend Zoning Bylaw Section 5.1.1-Earth Removal. To see if the Town will vote to amend Section 5.1.1 of the Zoning Bylaw by deleting the stricken words and adding the underlined words as follows:

5.1 General

1. Excavation, removal, stripping, or mining of any earth material ~~except as hereinafter permitted~~ on any parcel of land, public or private, in North Andover, is prohibited, except as allowed by Section 5.4 Permits for Earth Removal; Section 5.5 Earth Removal Incidental to Development, Construction or Improvements; and Section 5.6 Miscellaneous Removal of Earth.

Or to take any other action relative thereto.

PB Table until April 20.

Board of Selectmen

RECOMMENDATION: Favorable Unfavorable

Article 33 (U -3.) Amend Zoning Bylaw-Section 7.3 - Setbacks. To see if the Town will vote to amend Section 7.3 of the Zoning Bylaw by adding the underlined words in the first paragraph and adding Sections 7.31, 7.32 and 7.33 as follows:

7.3 Yards (Setbacks)

Minimum front, side and rear setbacks shall be as set forth in Table 2, except for eaves and uncovered steps, and projections, as noted in sections 7.31, 7.32 and 7.33. Buildings on corner lots shall have the required front setback from both streets, except in Residence 4 (R4) District, where the setback from the side street shall be twenty (20) feet minimum.

§7.31 – Projections into Front Yards

Uncovered porches, Balconies, open fire escapes, chimneys and flues all may project into a required front yard not more than one-third of its width and not more than four feet in any case. Belt courses, fins, columns, leaders, sills, pilasters, lintels and ornamental features may project not more than one foot, and cornices and gutters not more than two feet, over a required front yard.

§7.32 – Projections into Side Yards

Uncovered porches, Balconies, open fire escapes, chimneys and flues all may project into a required side yard not more than one-third of its width and not more than four feet in any case. Belt courses, fins, columns, leaders, sills, pilasters, lintels and ornamental features may project not more than one foot, and cornices and gutters not more than two feet, over a required side yard.

§7.33 – Projections into Rear Yards

Uncovered porches, Balconies, open fire escapes, chimneys and flues all may project into a required rear yard not more than one-third of its width and not more than four feet in any case. Belt courses, fins, columns, leaders, sills, pilasters, lintels and ornamental features may project not more than one foot, and cornices and gutters not more than two feet, over a required rear yard.

Or to take any other action relative thereto.

PB Table until April 20.

Board of Selectmen

RECOMMENDATION: Favorable Unfavorable

Article 40. Amend General Bylaws -- Chapter 28 Housing Trust Fund, Section 5C Powers of Trustees. To see if the Town will vote to remove Town Meeting approval as a requirement for selling or leasing of real estate property by the Housing Trust Fund.

Chapter 28, Section 5C, is to be amended by removing the text shown as stricken.

CHAPTER 28 - HOUSING TRUST FUND

§ 28-5. Powers of Trustees

The Board of Trustees shall have the following powers which shall be carried out in

Edits 4/15/10
1pm

accordance with and in furtherance of the provisions of Massachusetts General Laws Chapter 44, Section 55C:

C. With the approval of the Board of Selectmen ~~and Town Meeting~~, to sell, lease, exchange, transfer or convey any real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to trust real property as the Trustees deem advisable notwithstanding the length of any such lease or contract;

Or to take any other action relative thereto.

Board of Selectmen

RECOMMENDATION: Favorable Unfavorable

APPROVE MINUTES OF THE MEETING:

April 6, 2010 Minutes.

Plse. note: the Planning Board reserves the right to take items out of order and to discuss and/or vote on items that are not listed on the agenda.