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DECISION OF THE ANDOVER PLANNING BOARD
AS A SPECIAL PERMIT GRANTING AUTHORITY

ON THE APPLICATION OF
15 Elm Street
By: Century Bank and Trust

For a Modification of Special Permit for Major Non-Residential Project
under Section 9.4.8 of the Andover Zoning Bylaw

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TOWN OF ANDOVER, MASS.

Decision: SP11-06 (Modification of SP11-01)

YES (with conditions)
A public meeting of the Planning Board was held on October 25, 2011 in the Third Floor Conference Room of the Town Office Building, Bartlet Street, Andover, MA. Present and voting on this matter were Joan Duff, Linn Anderson, John McDonnell, and Eric Macaux.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on October 6, 2011 and October 13, 2011 and pursuant to notice sent by mail, postage prepaid, to all interested parties under the provisions of Massachusetts General Laws Chapter 40A, a public hearing was convened by the Planning Board (the "Board") on October 25, 2011, for an application filed on September 29, 2011 by Century Bank and Trust Company on property owned by DAZ, LLC for a Modification of Special Permit for Major Non-Residential Project. The property is more specifically identified as Lot 20 on Assessors Map 39. The public hearing was closed on October 25, 2011. The aforementioned members present throughout.

The Board finds that the modification meets the criteria of Section 9.4.2 of the Zoning Bylaw and will not be unreasonably detrimental to the established or future character of the neighborhood and town and that such proposed use with appropriate conditions is in harmony with the general purpose and intent of the bylaw. The Board approves with conditions the application of Century Bank and Trust Company, on property owned by DAZ, LLC for a Modification of Special Permit for a Major Non-Residential Project subject to the following 24 conditions;

CONDITIONS OF THE PERMIT

This special permit is approved subject to the following conditions:

General Conditions

1. For purposes of this special permit the project shall encompass and be defined as the structures, parking areas, utilities, drainage systems, street improvements, signage, landscaping and all other details as shown on the approved plans. The site is identified as a parcel of land situated at 15 Elm Street, more specifically shown on Assessor's Map 39 Lot 20. The developer is identified and shall be defined as Century Bank and Trust Company or its assigns. The developer, as defined, shall be subject to all conditions listed hereunder, and shall be directly responsible for construction of the project, including all contractors, subcontractors, vendors, or other parties working on the site and on the project;

   Except as otherwise provided for in these conditions all work associated with the project, including architecture and landscaping, shall be in strict conformance with the following plans and drawings prepared by Allen & Major Associates, Inc. and Darlow Christ Architects, which are considered the final plans and may be found in the Planning Division:
   a. Site Development Plans for Proposed Re-Development, Title Sheet, prepared by Allen & Major Associates, Inc. last revised October 19, 2011,
   b. Abbreviations and Notes, Sheet ABB-1, prepared by Allen & Major Associates, Inc. last revised October 19, 2011;
   c. Existing Conditions, Sheet EX-1, prepared by Allen & Major Associates, Inc. last dated February 10, 2011, last revised October 19, 2011;
   d. Proposed Layout and Materials Plan, Sheet C-1, prepared by Allen & Major Associates, Inc. last revised October 19, 2011;
   e. Proposed Grading and Utility Plan, Sheet C-2, prepared by Allen & Major Associates, Inc. last revised October 19, 2011;
   f. Proposed Landscaping & Lighting Plan, Sheet C-3, prepared by Allen & Major Associates, Inc. last revised October 19, 2011;
   g. Proposed Demolition and Erosion Control Plan, Sheet C-4, prepared by Allen & Major Associates, Inc. last revised October 19, 2011;
   h. Details, Sheet D-1, prepared by Allen & Major Associates, Inc. last revised October 19, 2011;
   i. Details, Sheet D-2, prepared by Allen & Major Associates, Inc. last revised October 19, 2011;
   j. Exterior Elevations, Sheet A-5.1, prepared by Darlow Christ Architects. last revised

2. If a modified or supplemental plan(s), drawing(s) and document(s), if any, is required by the Planning Board under the conditions of this permit, it shall be submitted to, reviewed and approved by the Planning Division;

3. Administration and enforcement of this permit and the conditions attached thereto shall be pursuant to the requirements of the Planning Board's Rules Governing Special Permits;

Prior to Construction

4. Prior to any construction or demolition activity of any kind on the site or associated with the project, a pre-construction meeting shall be conducted which shall include representatives from 15 Elm Street (including principle contractors and/or supervisors), the Department of Community Development and Planning, the Department of Public Works, the Police Department and the Fire Department, for purposes of reviewing these conditions and construction schedule.

5. Prior to any exterior construction of any kind on the site or associated with the project, the developer shall submit a proposed phasing schedule to the Inspector of Buildings to be used as a guide of activities associated with the project;

6. The Andover Department of Public Works shall be notified prior to any construction activities, including connecting to utilities, excavation, and/or grading, and shall be given full opportunity to review plans and monitor such activities;

7. The hauling route for the import and/or export of earth materials and demolition debris shall be approved by the Inspector of Buildings and the Police Safety Officer. All public ways are to be kept clean and free of any dirt or debris associated with hauling activities;

8. Prior to the recording of this permit at the Registry the developer shall provide at least three (3) sets of the plans and drawings, considered the final plans, described under Condition 2 above to the Planning Department for distribution.

9. Prior to the recording of the special permit, the developer shall provide to the Planning Department a digital file containing the plan if produced using computer aided drafting and design (CADD) software. The file format shall be in AutoCAD DWG (or ASCII DXF) version 2004 or earlier and Adobe PDF, delivered on CD-ROM or DVD-R media AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements (including descriptions), rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts Coordinate System , North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet. A review of the digital file shall be made by the Department of Public Works

prior to the recording of the Special Permit.

10. This special permit shall expire two (2) years from the date that this decision has been recorded in the North Essex Registry of Deeds unless substantially exercised (with the exception of the demolition of the existing structure) by the applicant prior to that date. The Board may consider extending the special permit upon written request of the applicant provided that such request has been received and a public hearing noticed prior to the expiration of the original permit. In considering a request for extension the Board may take into account conditions on the site and in the neighborhood at the time the request is made, including traffic, access, and pedestrian safety, and may impose such additional conditions deemed appropriate to mitigate any adverse impacts of the development.

Throughout and During Construction

11. During construction, the developer shall refer to the architectural plans as specified in Condition 2 for the approved detail, materials and fenestration for the building;

12. The developer shall replace any sidewalk or other public facilities that are damaged during construction at the completion of the project. The additional portion of sidewalk along Elm St must be replaced to blend into the proposed sidewalk installation and granite curbing;

13. All activities on the site shall be conducted in a workmanlike manner. All construction equipment, supplies and building materials shall be appropriately secured against unauthorized access. Construction debris and litter shall be collected and stored in appropriate containers on the site and shall be removed as promptly and regularly as possible. Appropriate measures (or those directed by the Inspector of Buildings) shall be taken so as to protect adjacent properties from dust and other windblown debris during site preparation and construction;

14. All hauling operations involving the import and export of materials and removal of all debris associated with the building on the site shall be conducted in accordance with a schedule approved by the Inspector of Buildings. Such operations shall be limited to certain days and hours deemed appropriate by the Inspector of Buildings, and no such operations shall be allowed or undertaken at any time deemed to be in conflict with safe pedestrian movement near the site or to cause undue congestion or safety hazards in the adjacent street system;

15. Construction activities on the site including equipment startups, site preparation, excavation, demolition, grading, filling, paving, erection of structures, installation of utilities, and landscaping shall be conducted in accordance with a schedule approved by the Inspector of Buildings. Such operations shall be limited to certain days and hours deemed appropriate by the Inspector of Buildings, and no such operations shall be allowed or undertaken at any time deemed to be in conflict with safe pedestrian movement near the site or to cause undue congestion or safety hazards in the adjacent street system. Interior finish work on the building once fully enclosed (doors and windows) is not subject to this

condition;

16. Except for periods during re-grading and reconstruction, all public sidewalks adjacent to the site shall be kept open, and in a safe and passable condition. No fences, barriers, or gates may be placed or installed within the town way unless approved by the Inspector of Buildings and Police Department;

17. Burning of construction debris of any kind is strictly prohibited anywhere on site;

18. Lighting fixtures on the building shall be shielded and directed inward toward the site, and shall conform in number and location to the Proposed Landscaping & Lighting Plan, Sheet C-3, prepared by Allen & Major Associates, Inc. last revised October 19, 2011 as referenced in general condition 2. f. of the Conditions of this Permit.

19. Construction of the project, once begun, shall continue through to completion as expeditiously and continuously as possible; however, in the event that construction activities cease on the part of the developer for a period of six (6) months from the date of last observed activity, the Board may convene a public hearing for the purpose of revocation or modification of the permit;

20. Throughout and during exterior construction, the entire building shall be secured by staging and wrapping to prevent falling debris, unless otherwise approved by the Inspector of Buildings;

Prior to Occupancy

21. A set of as-built plans for any improvements to utilities (e.g. water, sewer and drainage) both on and off the site shall be submitted to and approved by the Department of Public Works before the issuance of a Certificate of Occupancy;

22. Prior to occupancy, the applicant shall submit to the Planning Department digital files of as-built plans of the features listed above, including utilities and buildings, following the format described in #9 above.

Specific to this Special Permit

23. Overnight lighting is limited to the walk-up ATM (L4), the two front sign lights (L1), the sconce at the drive-up ATM (three L3s), one light at the front entrance (L3) and rear entrance (L3) and the rear parking lot light throughout the night as shown Proposed Landscaping & Lighting Plan, Sheet C-3, prepared by Allen & Major Associates, Inc. last revised October 19, 2011, all other lighting shown on said plan shall be extinguished by 10:00 PM, the following applies only to exterior lighting;

24. Pedestrian Access-The applicant shall install a gate of at least four (4) feet in width in the fence it is erecting at the rear side property line between 15 Elm Street and 24 Post Office

Square to provide access to the 24 Post Office Square property. The gate shall remain open during normal business hours of the bank. The Planning Department shall notify the owner of 24 Post Office Square that a gate will be placed in the fence line adjacent to their property. The applicant may lock the gate after the bank's normal business hours.

The applicant shall install a gate of at least four (4) feet in width in the fence it is erecting at the rear side property line between 15 Elm Street and 27 Elm Street to provide access to the 27 Elm Street property. The gate shall remain open during normal business hours of the bank. The Planning Department shall notify the owner of 27 Elm Street that a gate will be placed in the fence line adjacent to their property. The applicant may lock the gate after the bank's normal business hours.

The applicant may post a sign by the gates that it is for Bank employees and customers only and post notice advising the public of liability limitations.

Following the statutory twenty-day appeal period, and in the absence of any appeal, the plan and an instrument containing the foregoing restrictions will be filed in the Registry of Deeds. The applicant is responsible for the costs associated with the Registry filings.

On October 25, 2011, at a regularly scheduled public meeting, the Andover Planning Board voted (4-0) to issue the foregoing Modification of Special Permit for a Major Non-Residential Project.

Date: 11-1-11

Joan Duff, Chair

Essex, ss

COMMONWEALTH OF MASSACHUSETTS

Date: 11-1-11

On this 1st day of November, 2011, by Joan Duff, the authorized agent of the Andover Planning Board, proved to me through satisfactory evidence, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the documents are truthful and accurate to the best of her knowledge and belief and who acknowledged to me that she signed it voluntarily for its stated purpose and acknowledged the foregoing to be the free act and deed of the Andover Planning Board.

Before me,

Jacki Byerley, Notary Public

My commission Expires: July 4, 2014

CERTIFICATION

I, Lawrence J. Murphy, Town Clerk of the Town of Andover, Massachusetts, do hereby certify that twenty (20) days have elapsed since this decision of the Andover Planning Board was filed in my office on 11-1-2011 and no appeal against said decision has been filed.

Date: 11-28-2011

Lawrence Murphy, Town Clerk