

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

ON THE APPLICATION OF
AJM Construction LLC

For a Special Permit for Earth Movement under Section 6.3 of the Zoning By-Law.

Decision: SP18-02

YES (with conditions)

A public meeting of the Planning Board was held on November 13, 2018, in the Third floor conference Room of the Town Office Building. Present and voting in the affirmative on the matter were members Zachary Bergeron, Joan Duff, Vincent Chiozzi, and Ann Knowles.

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TOWN OF ANDOVER, MASS

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on October 4 and October 11, 2018, and notice sent by mail, postage prepaid, to all interested parties pursuant to the provisions of Massachusetts General Laws, Chapter 40A, a public hearing was convened on October 23, 2018 on the application by AJM Construction LLC for a Special Permit for Earth Movement associated with a Definitive Subdivision. The hearing was continued and closed on November 13, 2018, with the aforementioned members of the Board present with a certification pursuant to G.L. c. 39 Section 23D received.

Premises affected is property owned by AJM Construction LLC and John A Young located at 121 and 125 Bailey Road and shown on Assessors Map 229 Lots 6B & 6C, comprising of 5.93 acres, hereinafter referred to as the "site", on which the subdivision plan entitled "Samuel Way" would take place.

The Board finds that the proposed use will not be unreasonably detrimental or substantially detrimental to the established or future character of the neighborhood or the town, and further that there are adequate public roadways and municipal utilities. In considering a special permit the Board has imposed conditions.

The Board finds that the subdivision as a whole makes the best feasible design of existing topography and complies with the requirements of Section 6.3, the findings of Section 9.4 of the Andover Zoning Bylaw, is in conformance with the Subdivision Control Law, the Rules and Regulations Governing the Subdivision of Land in the Town of Andover, and the recommendations of the Board of Health.

In consideration of all the reviews, presentations, discussions and testimony at the hearings, the Board grants approval of the Special Permit for Earth Movement as associated with the Definitive Subdivision entitled 121 & 125 Bailey Road to be known as Samuel Way subject to the following conditions:

General Conditions

1. For purposes of this approval the subdivision shall be defined as all features depicted on the plans described under condition number 2; the developer shall be defined as the AJM Construction LLC and its assigns or successors in title to the development, and all contractors and subcontractors under control of or in service to the developer;
2. Except as otherwise provided for in these conditions the construction of the subdivision and all activities associated therewith shall be in conformance and compliance with the information, details, notations, grading and features shown on the following plans, drawings and documents prepared by Civil Design Consultants, Inc;
 - a. Sheet C1, Cover Sheet, dated August 15, 2018 revised through November 2, 2018;
 - b. Sheet C2, Existing Conditions Plan, dated August 15, 2018 revised through September 25, 2018;
 - c. Sheet C3, Subdivision Plan, dated August 15, 2018 revised through September 25, 2018;
 - d. Sheet C4, Roadway Centerline & Utility Plan, dated August 15, 2018 revised through November 2, 2018;
 - e. Sheet C5, Grading & Drainage Plan, dated August 15, 2018 revised through November 2, 2018;
 - f. Sheet C6, Soil Erosion & Sedimentation Plan, dated August 15, 2018 revised through November 2, 2018;
 - g. Sheet C7, Road, Utility, and Grading Plan, dated November 2, 2018;

- h. Sheet D1, Construction Details, dated August 15, 2018 revised through October 18, 2018;
 - i. Sheet D2, Construction Details, dated August 15, 2018 revised through October 18, 2018.
3. An instrument containing these conditions, shall be recorded at the Northern Essex Registry of Deeds;
4. Import or export of earth materials from within the subdivision is prohibited except as may be provided for under this special permit issued under Planning Board Decision SP18-02, or as otherwise allowed under the applicable provisions of the Zoning Bylaw;
5. Construction traffic associated with this subdivision shall be regulated by the Inspector of Buildings. Prior to commencing hauling operations, a hauling route shall have been reviewed and approved by the Inspector of Buildings. Any deviation from the approved route and/or scheduling once established shall require proper notification and approval from the Inspector of Buildings. Construction traffic shall be defined as large trucks hauling earth moving equipment, dump trucks, trucks hauling building materials, cement trucks, and contractors' vehicles larger than panel trucks. It shall be the developer's responsibility to inform all contractors, subcontractors, vendors, and workmen of this restriction, which shall be enforced under the provisions of Section V.H. of the Board's Rules and Regulations;
6. Prior to any construction activity of any kind within the subdivision the developer shall submit for review and approval to the Planning Department a detailed schedule of the anticipated earth operations;
7. All construction activities within the subdivision shall be confined between the hours of 7:00 a.m., and 6:00 p.m., Monday through Friday, unless otherwise approved by the Planning Board. Once fully framed, interior construction related activities are allowed on Saturdays between 8:00 a.m. and 6:00 p.m. unless otherwise restricted or prohibited by the Inspector of Buildings in response to complaints. Construction activities include the transport of equipment, materials and supplies to and from the subdivision;
8. Hauling of earth materials and heavy equipment during the school bus morning pick up at the site location and drop off at the site location is not allowed. It shall be the developer's responsibility to communicate with the proper school departments to determine precise hours of pick up and drop off at the Bailey Road/Samuel Way location, and to inform all contractors, subcontractors, vendors, and workmen of this restriction, which shall be enforced under the provisions of Section V.H. of the Board's Rules and Regulations;

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 November 13, 2018, at a regularly scheduled public meeting, the Andover Planning Board voted (4-0) to issue the foregoing Special Permit for Earth Movement.

Date: 11/14/18

Zachary Bergeron
Zachary Bergeron, Chair

Essex, ss

COMMONWEALTH OF MASSACHUSETTS

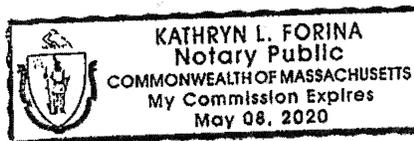
Date: 11/14/18

On this 14th day of November, 2018, by Zachary Bergeron, 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 his knowledge and belief and who acknowledged to me that he 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,

Kathryn L. Forina
Kathryn Forina, Notary Public

My commission Expires:



CERTIFICATION

I, Austin Simko, 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 the Office of the Town Clerk on _____ and no appeal has been filed with the Town Clerk.

Date: 12-21-2018

Austin Simko
Town Clerk

A TRUE COPY

ATTEST: Austin Simko
Town Clerk