



**NORTHERN ESSEX  
REGISTRY OF DEEDS**  
*A division of the Secretary of the Commonwealth*

M. Paul Iannuccillo  
Register

# DOCUMENT COVER SHEET

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DOCUMENT TYPE: Special Permit

NUMBER OF PAGES (including cover sheet) 7

TOWN: Andover

PROPERTY ADDRESS: 1 Minuteman Rd + 161 River Rd

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**INDEXING SHALL BE ABSTRACTED FROM THE DOCUMENT SUBMITTED**

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

**ON THE APPLICATION OF  
One Minuteman LLC**

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

*Decision: SP18-07*

**YES (with conditions)**

A public meeting of the Planning Board was held on April 23, 2019 in the Third Floor Conference Room of the Town Office Building, Bartlet Street, Andover, MA. Present and voting on this matter were Zachary Bergeron, Ann Knowles, Neil Magenheim, Vincent Chiozzi, Joan Duff and Associate Member Rocky Levitt.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on January 3, 2019 and January 10, 2019 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 January 22, 2019 for an application filed on December 24, 2018 by One Minuteman LLC, for a Special Permit for Major Non-Residential Development. The property is more specifically identified on Assessors Map 166 Lots 10 and 11. The public hearing was continued to April 23, 2019 and closed that same evening. The aforementioned members present throughout.

The Planning Board deliberated and voted on April 23, 2019. The Board made the following findings:

Social, economic, or community needs which are served by the proposal. The proposed project will have positive effects on the social and economic needs of the community.

Traffic flow and safety, including parking and loading. The proposed addition does not add additional traffic and there is sufficient parking onsite.

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Adequacy of utilities and other public services. The utilities and services are adequate.

Neighborhood character and social structures. The proposed buildings are a significant distance from neighboring residential lots.

Impacts on the natural environment, including but not limited to, air and water pollution, noise, stormwater runoff, and aesthetics. There are no impacts to the environment.

### DECISION

In consideration of all of the foregoing, including the plans and reports, and taking into account testimony presented during the hearing, the Planning Board finds that the project will not be unreasonably detrimental to the neighborhood and the Town, and that the proposal will not derogate from the general purpose and intent of the by-law; and therefore, on April 23, 2019 at a regularly scheduled public meeting, the Planning Board deliberated on the application and subsequently voted (5-0) to issue the special permit with conditions.

In consideration of all the foregoing, including the plans, reports, and testimony at the hearing, staff is of the opinion that with appropriate conditions, the proposal will not be unreasonably detrimental to the neighborhood and the Town, and that the addition of the buildings at 161 River Road meets the intent and provisions of the Zoning By-law.

### DRAFT General Conditions:

1. For purposes of this special permit the project shall encompass and be defined as the structures, parking areas, utilities, drainage systems, landscaping and all other details as shown on the approved plans. The site is identified as a parcel of land situated at One Minuteman Road and 161 River Road, more specifically shown on Assessor's Map 166 Lots 10 and 11. The developer is identified and shall be defined as One Minuteman LLC 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;
2. Except as otherwise provided for in these conditions all work associated with the project, including landscaping, shall be in conformance with the following plans and drawings prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA, which are considered the final plans and may be found in the Planning Division:
  - a. Sheet 4 Site Plan, as prepared by Bohler Engineering, April 22, 2019
  - b. Sheet 5 Grading Plan, as prepared by Bohler Engineering, April 22, 2019
  - c. Sheet 6 Drainage Plan, as prepared by Bohler Engineering, April 22, 2019
  - d. Sheet 7, Utility Plan, as prepared by Bohler Engineering, April 22, 2019
  - e. Sheet 8, Erosion and Sediment Control Plan, as prepared by Bohler Engineering, April 22, 2019
  - f. Sheet L-1, Landscape Plan, as prepared by Bohler Engineering, April 22, 2019
  - g. Sheet 12, Lighting Plan, as prepared by Bohler Engineering, April 22, 2019
  - h. Sheet A-2, Architectural Rendering Proposed Elevation 159 and 161 River Road Andover, as prepared by Jozokos Architecture Inc., dated April 10, 2019.

3. 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;
4. 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;
5. This special permit shall expire two (2) years from the date that this decision has been recorded in the Northern Essex Registry of Deeds unless substantially exercised 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;
6. 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 and final review;

Prior to Construction

7. Prior to any construction on site, the applicant 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 Thumb Drive 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, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, utilities including but not limited to water and sewer, 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 1929, in U.S. Survey Feet;
8. 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 the developer (including principle contractors and/or supervisors), the Department of Community Development and Planning, the Department of Municipal Services, the Police Department and the Fire Department, for purposes of reviewing these conditions and construction schedule;
9. Prior to any construction or demolition activity of any kind on the site or associated with the project, the developer shall submit a proposed construction schedule to the Planning Board to be used as a guide of activities associated with the project;

10. The Department of Public Works shall be notified prior to any construction activities on and off site, including excavation and grading, and shall be given full opportunity to review plans and monitor such activities;
11. 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;

#### Throughout and During Construction

12. 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 including street sweeping (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;
13. 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 between the hours of 7:00 a.m., and 6:00 p.m., Monday through Friday unless an alternative schedule is approved by the Inspector of Buildings. Interior finish work on the building once fully enclosed (doors and windows) is not subject to this condition;
14. Burning or burial of trees, stumps, or construction debris of any kind is strictly prohibited anywhere on site;
15. 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;

#### Prior to Occupancy

16. Prior to occupancy of any building on the site all parking areas, access driveways, pavement markings, sidewalks and off-site street improvements (if any) shall have been completed and made fully operational;
17. Prior to occupancy, a set of as-built plans for utilities (water, sewer and drainage) both on and off the site shall be submitted to the Department of Municipal Services after all installations are complete, and before the issuance of a Certificate of Occupancy; the as-built shall include a digital file of the plans and features listed in Condition # 7.
18. Prior to occupancy, DPW and the Planning Division shall be satisfied that the applicant has fulfilled the responses to all comments and DPW is satisfied with all requested calculations.

19. The applicant shall adhere to the design of the building and the materials specified as depicted in the memorandum submitted to the Planning Board on April 9, 2019 with minor changes allowed as long as the changes are consistent with the original intent.

20. The applicant shall receive all relevant approvals from the Conservation Commission.

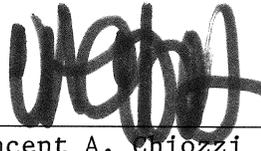
Post Occupancy

21. Six months after the Certificate of Occupancy is granted, the Andover Safety Officer will return to the site to observe the afternoon traffic to determine if a “Right Turn Only” sign between specified hours is necessary. The applicant will work with the Safety Officer periodically to create safe traffic patterns entering and leaving the site.

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 April 23, 2019, at a regularly scheduled public meeting, the Andover Planning Board voted (5-0) to issue the foregoing Modification of a Special Permit for a Major Non-Residential Project.

Date: 5/14/19



Vincent A. Chiozzi

Essex, ss

COMMONWEALTH OF MASSACHUSETTS

Date: May 14, 2019

On this 14<sup>th</sup> day of May, 2019, by Vincent A. Chiozzi, 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,

  
Kathryn L. Forina, Notary Public

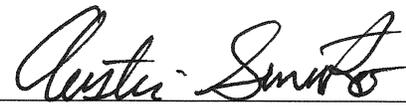
My commission Expires:



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 my office on 5-15-19 and no appeal against said decision has been filed.

Date: June 6, 2019

  
Austin Simko, Town Clerk