

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

ON THE APPLICATION OF
3, 3R & 4 Executive Place

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

Decision: SP19-05

YES (with conditions)

A virtual public meeting of the Planning Board was held on May 12, 2020; present and voting on this matter were Zachary Bergeron, Vincent Chiozzi, Ann Knowles, Rocky Leavitt and Morgan von Prella Pecelli.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on September 5, 2019 and September 12, 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 September 23, 2019, for an application filed on August 28, 2019, by R.J. Kelly Co., Inc. on property owned by Ballardvale LLC, a Special Permit for Major Non-Residential Project. The property is more specifically identified as Lots 8, 9 & 9A on Assessors Map 163. The public hearing was closed on May 12, 2020. The aforementioned members present throughout.

The application submitted by R.J. Kelly Co. Inc. is to construct two warehousing buildings with associated parking, landscaping, stormwater management and utilities. Warehouse 1 is proposed at 177,225 sf and is located in both Andover and Tewksbury and Warehouse 2 is proposed at 29,750 sf located entirely in Andover. There exists a 250 foot wide National Grid easement

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across the property that prevents any building within the easement area which is why 2 buildings are proposed.

On a vote of 5 to 0, the Board finds that the proposed use with appropriate conditions 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 R.J. Kelly Co. Inc 3, 3R & 4 Executive Place for a Special Permit for a Major Non-Residential Project 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, landscaping and all other details as , shown on the approved plans. The site is identified as a parcel of land situated at 3, 3R, & 4 Executive Place, more specifically shown on Assessor's Map 163 Lot 8, 9, & 9A. The developer is identified and shall be defined as R.J. Kelly Co. Inc. 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 TEC, Inc:
 - a. C-1 Title & Index Sheet last revised February 27, 2020;
 - b. C-2 Legends & General Notes last revised February 27, 2020;
 - c. C-3 Layout and Materials Plan last revised February 27, 2020;
 - d. C-4 Grading & Drainage Plan last revised February 27, 2020;
 - e. C-5 Utility Plan last revised February 27, 2020;
 - f. C-6 Erosion & Sedimentation Control Plan last revised February 27, 2020;
 - g. C-7 Drainage Plan & Profile last revised February 27, 2020;
 - h. C-8 Drainage Plan & Profile last revised February 27, 2020;
 - i. C-9 Landscaping Plan last revised February 27, 2020;
 - j. C-10 Fire Truck Access Plan last revised February 27, 2020;
 - k. C-11 WB-67 Tractor Trailer Access Plan last revised February 27, 2020;
 - l. C-12 Construction Details last revised February 27, 2020;
 - m. C-13 Construction Details last revised February 27, 2020;
 - n. C-14 Construction Details last revised February 27, 2020;
 - o. Existing Conditions Plot Plan 2 Sheets December 12, 2018;
 - p. SL1-SL2 Lighting Plan prepared by SK & Associates 2 sheets August 15, 2019;
 - q. A1-A8 Architectural Elevations prepared by GSD Associates 8 sheets August 12, 2019;
 - r. 1-2 Concept Roadway Improvement Plans prepared by TEC Inc 2 sheets February 27, 2020;

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;
4. 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 by the applicant prior to that date. The Board may consider extending the special permit upon written request of the applicant;
5. Prior to recording of this permit, the applicant shall provide to the Planning Department four (4) sets of the plans;
6. Prior to the recording of this permit, the applicant shall provide to the Planning Department a digital file containing the plan including the items listed in condition #5 if produced using computer aided drafting and design (CADD) software. The file format shall be in AutoCAD DWG (or ASCII DXF) version 2010 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, 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 State Plane 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 this permit.

Prior to Construction

7. Prior to any construction 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 Public Works, the Police Department and the Fire Department, for purposes of reviewing these conditions and construction schedule;
8. 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;
9. Prior to the start of construction of the building a plan of the proposed domestic and fire services as determined by the applicant's plumbing and fire protection engineers shall be submitted to the Fire Department and Department of Public Works for approval prior to issuance of a building permit;
10. The hauling route for the import and/or export of earth materials and demolition debris shall be approved by the Inspector of Buildings. All public ways are to be kept clean and free of any dirt or debris associated with hauling activities;

Throughout and During Construction

11. 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;
12. All hauling operations involving the import and export of earth materials and removal of all debris associated with the building to be demolished on the site shall be conducted in accordance with a schedule approved by the Inspector of Buildings. Such operations shall be limited to Monday through Friday, during 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;
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. 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 of the buildings on the site all parking areas, access driveways, pavement markings, sidewalks and off-site street improvements shall have been completed and made fully operational;
17. A set of as-built plans for utilities (water, sewer and drainage) of the site shall be submitted to and approved by the Department of Public Works before the issuance of a Certificate of Occupancy. A digital file as described in condition 6 shall be submitted of the as-built for utilities and building(s);

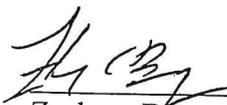
Specific to Permit

18. Prior to issuance of a building permit the roadway improvement design for Biotech Drive/Burt Road shown on the Concept Roadway Improvements Plan dated February 27, 2020 shall be submitted for approval by the Department of Public Works;
19. A bi-directional amplifier will be incorporated into the buildings as requested by Fire Rescue;
20. The applicant shall incorporate into all lease agreements that truck traffic is restricted from River Street;
21. The applicant shall plant the landscaping as shown prior to occupancy and shall replace any landscaping features that fail to survive at least one year from the date of planting in kind and in similar size;
22. The water main is allowed to be constructed as a dead end water main instead of being a looped main unless the Fire Rescue determines there is not enough water pressure for the use; the applicant can provide an alternative plan to looping as long as it meets the Fire Rescue requirements for water pressure for the use;
23. Should the Conservation Commission or any other Board approve a plan that differs from the plans approved by the Planning Board the applicant will have to submit the proposed changes to the Planning Division for a review, at which time a determination will be made whether the changes are significant to require review and approval from the Planning Board;

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 May 12, 2020, at a scheduled public meeting, the Andover Planning Board voted (-) to issue the foregoing Special Permit for a Major Non-Residential Project.

Date: 5/21/2020



Zachary Bergeron, Chair

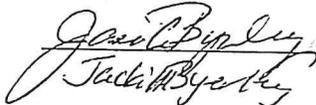
Essex, ss

COMMONWEALTH OF MASSACHUSETTS

Date: 5/21/2020

On this 21 day of May, 2020, 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,



Jacki A. Byerley, Notary Public

My commission Expires:

JACKI A. BYERLEY
NOTARY PUBLIC
My commission expires June 11, 2021