

95 River Road, Andover, Massachusetts

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

**ON THE APPLICATION OF**

The Andover Companies

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

**Decision: SP15-07**

**YES (with conditions)**

A public meeting of the Planning Board was held on October 27, 2015 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, James Doherty, Vincent Chiozzi, and Joan Duff.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on August 27, 2015 and September 3, 2015 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 22, 2015, for an application filed on August 21, 2015 by the Andover Companies, for a Special Permit for Major Non-Residential Development. The property is more specifically identified as Lot 2A on Assessors Map 142. The public hearing was continued to October 27, 2015 and closed that same evening. The aforementioned members present throughout.

TOWN OF ANDOVER, MASS

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The Board deliberated and voted on October 27, 2015. The Board made the following findings:

Social, economic, or community needs which are served by the proposal. The proposed project is an addition to an existing building and is an amenity for the employees working at the company.

Traffic flow and safety, including parking and loading. The proposed addition does not add additional traffic or require additional parking.

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

Neighborhood character and social structures. The proposed addition is a significant distance from neighboring 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 October 27, 2015 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.

## 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 95 River Road, more specifically shown on Assessor's Map 142 Lot 2A. The developer is identified and shall be defined as The Andover Companies 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, landscaping, shall be in conformance with the following plans and drawings prepared by Civil Engineer/Surveyor and Landscape Architect, Beals and Thomas, Inc., which are considered the final plans and may be found in the Planning Division:
  - a. Cover Sheet, Sheet 1 of 10 related to the site plan

- b. Sheet C-1: Notes, References and Legend Sheet, dated August 20, 2015;
  - c. Sheet C-2: Site Prep Plan, last revised 8/20/15;
  - d. Sheet C-3: Layout and Materials Plan, last revised 8/20/15;
  - e. Sheet C-4 Grading and Drainage Plan, last revised 10/9/15;
  - f. Sheet C-5: Utilities Plan, last revised 10/9/15;
  - g. Sheet C-6: Landscape and Lighting Plan, last revised 8/20/15;
  - h. Sheet C-7: Site Details #1, last revised 8/20/15;
  - i. Sheet C-8: Site Details #2, last revised 10/9/15;
  - j. Sheet C-9: Site Details #3, last revised 8/20/15;
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 North Essex County 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 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, 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 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 definitive plan;

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 Public Works, 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. At any time prior to the start of construction, the applicant shall contact the Town Engineer in the Department of Municipal Services to coordinate the applicant's soil test pit excavation activities so as to permit town officials to observe that there is an adequate separation between the bottom of the proposed systems and groundwater, and monitor the soil conditions of the area into which the roof runoff infiltration system will discharge. Depending on the conditions in the field, the exact location of the infiltration system may need to be shifted, in which case, the applicant shall update the site plans to indicate the final location of said infiltration system. If the design of the system needs to be revised, it shall be reviewed and approved by the Town Engineer and presented before the Board for approval. If the design of the system needs to be revised/relocated, the applicant shall accept all procurement and delay responsibility.
11. The Andover 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;
12. 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

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. 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;
15. Burning or burial of trees, stumps, or construction debris of any kind is strictly prohibited anywhere on site;
16. 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

17. Prior to occupancy of the 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;
18. Plantings shall take place to a similar amount and placement as shown on Sheet C-6 Landscape and Lighting Plan, the types of trees and shrubs can be adjusted as needed.
19. 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 and approved by 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.

Date: 10/29/15

  
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Zachary Bergeron, Chair

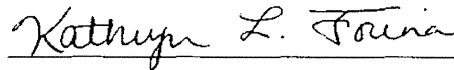
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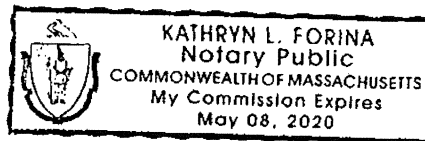
Date: 10/29/15

On this 29<sup>th</sup> day of October, 2015, 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

My commission Expires:

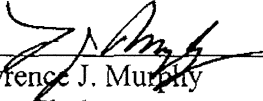


Applicant: The Andover Companies  
Special Permit for Major Non-Residential Project  
Decision: SP15-07

CERTIFICATION

I, Lawrence J. Murphy, Town Clerk of the Town of Andover, Massachusetts, do hereby certify that the preceding or attached decision of the Andover Planning Board was filed in the office of the Town Clerk on October 29, 2015 and that no appeal has been filed.

November 19, 2015

  
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Lawrence J. Murphy  
Town Clerk  
Andover, Massachusetts

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