

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

**ON THE APPLICATION OF**

459 River Road

By: Pulte Homes of New England, LLC

19

**For a Special Permit for Senior Residential Community Overlay District**  
under Section 8.8 of the Andover Zoning Bylaw

Decision: SP15-01

YES (with conditions)

A public meeting of the Planning Board was held on June 9, 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, Vincent Chiozza, James Doherty, Ann Knowles and Joan Duff.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on May 21<sup>st</sup> and May 28, 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 June 9, 2015, for an application filed on April 29, 2015 by Pulte Homes of New England, LLC on property owned by the Society of the Friars Minor of The Order of Saint Francis for a Special Permit for Senior Residential Community Overlay District. The property is more specifically identified as Lot 5 on Assessors Map 229. The public hearing was closed on October 27, 2015, with the aforementioned members present throughout.

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**Planning Board Findings:**

According to Section 9.4.2. of the Zoning By-law, Special Permits may be granted when the Planning Board has found that the proposed use will not be unreasonably detrimental to the established or future character of the neighborhood and Town and that such is in harmony with the general purpose and intent of the By-law.

**Unreasonably Detrimental Test Overview**

Considerations include: Impact – Significant Impact – Detrimental – Unreasonably Detrimental - Mitigation

An “impact”, as identified in one of the technical review criteria (traffic, stormwater, design, etc.), is not automatically equivalent to a “significant impact” on neighborhood character, and rather, it serves as an indication that it, the “impact”, should be carefully examined. The examination focuses on whether a defining feature of the neighborhood will be affected, to then be considered a “significant impact”. For example, an impact on traffic may occur if a project adds vehicles to an intersection, increasing the delay to vehicles already typical at a particular time. This would not necessarily constitute a “significant impact” on the neighborhood character if the neighborhood’s traffic conditions are not considered one of its defining features (i.e. such traffic conditions are comparable to those of other similar roadways in an area of the city or town or that intersection is already at unacceptable levels). However, it may constitute a “significant impact” if 1.) the roadway in the neighborhood is considered a particularly quiet roadway with little or no existing issue with the intersection’s level of service, or 2.) when the increased traffic will result in a change in the type of traffic (i.e., an increase in truck deliveries when typically trucks do not pass upon the street).

If it is determined that it is a “significant impact”, the next consideration must be, is it “detrimental” to the neighborhood’s character? The “significant impact” becomes “detrimental” when it is considered a condition that interferes with the health or well-being of persons or property in the neighborhood in such a way that it disrupts the neighborhood’s existence in a harmful manner. During the review process, as soon as project approaches the “significant impact” trigger, mitigation should be an opportunity to reduce the impact itself such that the project never reaches the “detrimental” benchmark.

Lastly, in order to deem a “detrimental” impact to be “unreasonably detrimental”, the test among many special permits is that it must cause a considerable disturbance or be injurious to persons or property such that the proposed use or proposed establishment as designed, located, maintained and/or operated will be harmful or adverse to the public health, safety and welfare of the district in which it is located and cannot be mitigated.

Mitigation is an important tool for any special permit granting authority. It is important to note, if and when possible during the review process, alternatives, measures and solutions to be proposed to avoid impacts. In sum, a special permit granting authority should consider: Is there an impact? Is that impact significant? If it is significant, is it detrimental? If it is detrimental, is it unreasonably detrimental? Can project changes, design changes, onsite improvements, and/or offsite improvements, result in reducing the overall impact to insignificant or tolerable levels?

Communities change, land is developed and redeveloped, it is the responsibility of the regulatory board to reference the community's master or comprehensive plan, follow local bylaws, follow state statutes, oversee orderly growth, propose modifications and improvements, and to create opportunities for a project, subdivision or development to be the best project possible for that community. In making those findings the Board is to give due consideration to the following:

Social, economic, or community needs which are served by the proposal.

The development of 459 River Road provides for new social, economic and community needs and is consistent with the goals of the 2012 Master Plan, specifically:

- ✓ H.1.1. Promote the **construction and renovation** of a wide range of ownership and rental housing types and densities including single family homes less than 2,500 square feet, condominiums, apartments, multi-unit buildings with less than eight units, and townhouses.
- ✓ H.1.4. Encourage affordable housing for the **elderly**.
- ✓ H.1.5. Encourage the creation of affordable housing for **persons with disabilities**; this includes those who are either mentally and/or physically challenged and those who are developmentally disabled.
- ✓ H.2.1. As the market rate **housing supply** increases, promote an increase in the supply of affordable housing so that Andover remains above the state's Subsidized Housing Inventory (SHI) 10% minimum as required by the Commonwealth of Massachusetts under MGL Chapter 40B.
- ✓ H.3.3. New housing developments should advance Andover as a walkable and bikeable community, when possible.
- ✓ TC.2.1. Promote **local transportation** improvements such as bridge repairs, congestion elimination and new sidewalks.
- ✓ ED.1.1. Encourage the creation of a full range of jobs for local residents, from services and trades to high tech and research and development.
- ✓ OS.1.1. Acquire through the Town, AVIS or other non-profit, permanent protection of the Deer Jump Trail that runs through large tracts of land along River Road (Franciscan and National Grid land) and along the **Merrimack River**.
- ✓ OS.6.3. Create pocket parks (i.e. small parks) in dense neighborhoods throughout town.
- ✓ OS.7.1. Require trail and open space connections between and within neighborhoods when a new subdivision or development is planned. This has been a longstanding policy of the Planning Board and the Conservation Commission.

- ✓ LU.2.1. Promote development that is sensitive to land features, environmentally sustainable, and appropriately scaled. Encourage a variety of residential choices and styles for Andover's diverse population, designed to withstand the economic and demographic tests of time.

In consideration of the testimony presented throughout the hearing, the Board has determined that the applicant has sufficiently demonstrated that social, economic and community needs derived from this use will not have an unreasonable detrimental impact on the established neighborhood and Town and that such use is in harmony with the general purpose and intent of the By-law.

Traffic flow and safety, including parking and loading.

As part of the applicant's submission packet, a Traffic Impact Assessment (TIA) report had been prepared by MDM Transportation Consultants, Inc., dated February 20, 2015. In view of their report, MDM had performed a review of baseline traffic volumes, safety characteristics, site traffic generation and adequate roadway capacity. To assist the Town with review of the TIA, staff obtained the peer consultant services of the BETA Group.

Following a detailed review of the applicant's TIA, the BETA Group provided a detailed review letter dated June 28, 2015. In their report the BETA Group had identified a series of recommendations for further discussion.

Additionally, the Public Safety Officer, in a communication to the Board dated May 19, 2015, has recommended that the Planning Board consider requiring the applicant to install and maintain two speed display signs with recording/survey capabilities.

In response to comments raised by both the Public Safety Officer and the BETA Group, the applicant provided a revised plan set on September 4<sup>th</sup> which addressed those comments. In an electronic communication to the Board dated September 16, 2015, the Public Safety Officer states *"After several small group meetings with Pulte Group regarding Andover Woods on River Rd, I am in agreement with the traffic peer review's recommendations regarding the speed display signs and locations. Also, regarding on-site lighting, the most recent adjustments to the overhead lights, as well as adding several bollards at key pedestrian only waypoints (mid-campus), should provide adequate lighting. I am fine with the mid-campus pedestrian lights being left on all night or on a timer (off 1 hour after clubhouse closes for the night at minimum)."*

On September 17<sup>th</sup>, the Board was in receipt of second review letter from the BETA Group, dated September 22, 2015. In view of the applicant's response letter, combined with the Planning Board's discussion and review at their September 22, 2015 meeting, the Public Safety Officer and BETA Group now report that the applicant has addressed all traffic comments.

In consideration of the traffic enhancements to the area, the applicant has committed to the following:

- STOP signs (R1-1) and STOP lines at driveway approaches to River Road.
- Planting and structures (walls, fences, etc.) maintained at a height of two feet or less.
- Connect the proposed onsite sidewalk with the existing sidewalk along the River Road along the Melmark New England School.
- The applicant has agreed to contribute \$12,000 for the installation by the Town of Andover for two speed check signs with recording/survey capabilities on each approach to this crossing.
- The westerly crosswalk will include installation of Rectangular Rapid Flashing Beacons (RRFB's) to alert motorists that pedestrians will be crossing, with the developer agreeing to contribute \$25,000 to the Town to cover the cost of a RRFB at this location. Said amount shall be provided to the Town prior to issuance of the first occupancy permit.

In consideration of the testimony presented, combined with the applicant's proposed mitigation measures, the Board has determined that the applicant has sufficiently demonstrated that traffic flow and safety, including parking and loading from this use will not have an unreasonable detrimental impact on the established neighborhood and Town and that such use is in harmony with the general purpose and intent of the By-law.

Adequacy of utilities and other public services.

In closely working with the various Town staff, the applicant has demonstrated that there is adequate water, gas and electric capacity to service the development.

Based upon reports and testimony from various Town Departments, the Board has determined that the applicant has sufficiently demonstrated that utilities and other public services for this use will not have an unreasonable detrimental impact on the established neighborhood and Town and that such use is in harmony with the general purpose and intent of the By-law.

Neighborhood character and social structures.

The Andover Woods residential project has incorporated a range of housing options for seniors, from garden style units to detached town homes running along the frontage of River Road mimicking the residential character of the neighborhood. In staff's opinion the development proposal is consistent with the intent of the Senior Residential Community Overlay District, by providing a blended neighborhood with various housing options for seniors.

In view of the fabric of the existing neighborhood, directly to the south is the Avalon Bay residential community, four stories, to the west, Melmark New England and to the east Monastery of St. Claire, with scattered single family residential homes in proximity to the site.

In the Board's opinion, the proposed development will not have a significantly adverse impact, and will not be unreasonably detrimental, to the neighborhood's character or social structures. During the public hearing process, the Planning Board reviewed a progression of design changes

through building elevations and renderings. At the close of the public hearing process, it appears that the architecture, scale, and landscaping of the development have the ability to complement the aesthetic characteristics of the surrounding area. The plans call for inclusion of native species landscaping, Community Welcome Center, public parking for access to the open space network and a central park for residents and visitor use.

In consideration of the testimony presented throughout the hearing and with appropriate conditions, the Board believes that the applicant has sufficiently demonstrated that the neighborhood character and social structures derived from this use will not have an unreasonable detrimental impact on the established neighborhood and Town and that such use is in harmony with the general purpose and intent of the By-law.

Impacts on the natural environment, including, but not limited to air, water pollution, noise, stormwater runoff, and aesthetics.

In order to control the stormwater run-off from the site, the project has been designed with a series of basins, trench drains and storm water basins. The project will also incorporate best management practices that will promote stormwater recharge and Total Suspended Solids (TSS) removal.

Following receipt of the Andover Woods application, the Board obtained the peer consulting services of the BETA Group to assist the Town in performing a stormwater review. In their report dated June 19, 2015 the BETA Group identified a series of technical review comments for further review.

On September 4, 2015, the Planning Division was in receipt of a detailed response letter along with modified plans which addressed comments raised by both the peer consultant and DPW.

Following examination of detailed comment letters from Pulte, combined with review of several plan iterations, the peer drainage consultant, Mr. Kenneth Petraglia, PE of the BETA Group reports in a communication dated September 16, 2015 that the project has been reviewed in conformance with the Andover Stormwater Management and Erosion Control Regulations and found that all of their comments have been resolved.

Based upon reports and testimony from various Town Departments, the Board has determined that the applicant has sufficiently demonstrated that the natural environment, including, but not limited to air, water pollution, noise, stormwater runoff, and aesthetics for this use will not have an unreasonably detrimental impact on the established neighborhood and Town and that such use is in harmony with the general purpose and intent of the By-law.

On a vote of 5 to 0, the Board finds that the proposed use 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 an application for a Special Permit for Senior Residential Community Overlay District, by Pulte Homes New England, LLC on property is owned by the Society of the Friars Minor of The Order of Saint Francis, more specifically identified as Lot 5

on Assessors Map 229.

## **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 459 River Road, more specifically shown on Assessor's Map 229 Lot 5. The applicant/developer is identified and shall be defined as Pulte Homes of New England, 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 architecture and landscaping, shall be in strict conformance with the following plans and drawings prepared by Bohler Engineering, dated October 12, 2015 (revised), which are considered the final plans and may be found in the Planning Division:
  - a. Cover Sheet, 1 of 36;
  - b. General Notes Sheet, 2 of 36;
  - c. Demolition Plan "A", 3 of 36;
  - d. Demolition Plan "B", 4 of 36;
  - e. Overall Site Plan, 5 of 36;
  - f. Site Plan "A", 6 of 36;
  - g. Site Plan "B", 7 of 36;
  - h. Grading and Drainage Plan "A", 8 of 36;
  - i. Grading and Drainage Plan "B", 9 of 36;
  - j. Utility Plan "A", 10 of 36;
  - k. Utility Plan "B", 11 of 36;
  - l. Soil Erosion & Sediment Control Plan "A", 12 of 36;
  - m. Soil Erosion & Sediment Control Plan "B", 13 of 36;
  - n. Soil Erosion Control Notes & Details Sheet, 14 of 36;
  - o. Lighting Plan, 15 of 36;
  - p. Landscape Plan "A", 16 of 36;
  - q. Landscape Plan "B", 17 of 36;
  - r. Typical Building Planting Plan, 18 of 36;
  - s. Typical Building Planting Plan, 19 of 36;
  - t. Seating Area & Site Entry Planting Plan, 20 of 36;
  - u. Construction Sequence 1, 21 of 36;
  - v. Construction Sequence 2, 22 of 36;
  - w. Construction Sequence 3, 23 of 36;
  - x. Construction Sequence 4, 24 of 36;

- y. Construction Sequence 5, 25 of 36;
  - z. Profile Index Sheet, 26 of 36;
  - aa. Drainage Profiles, 27 of 36;
  - bb. Drainage Profiles, 28 of 36;
  - cc. Drainage Profiles, 29 of 36;
  - dd. Sewer & Drainage Profiles, 30 of 36;
  - ee. Sewer Profiles, 31 of 36;
  - ff. Sewer Force Main Profiles, 32 of 36;
  - gg. Construction Detail Sheet , 33 of 36;
  - hh. Construction Detail Sheet , 34 of 36;
  - ii. Construction Detail Sheet , 35 of 36;
  - jj. Construction Detail Sheet , 36 of 36;
  - kk. Sheets 1 through 7, as prepared Alta/ACSM Land Title Survey and others, dated 2/10/15;
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 filed with the Andover Town Clerks office, plus such time as required to pursue or await the determination of an appeal if substantial use thereof has not sooner commenced except for good cause or if construction has not begun by such date except for good cause. 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 economic conditions and funding availability;

**Prior to Construction**

6. 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 Municipal Services Department, the Police Department and the Fire Department, for purposes of reviewing these conditions and construction schedule;
7. Prior to any construction activity of any kind within the site the developer shall submit for review and approval to the Planning Department a proposed construction sequence schedule, said schedule to be used as a guide to activities within the development including construction of roadways, utilities, drainage systems, stabilization, regular street sweeping, safe pedestrian circulation before and after construction hours, and

stockpiling. This schedule once established should not be deviated from, but may for good and demonstrated reason, be modified by agreement between the developer and the Planning Department;

8. 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;
9. 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**

10. All construction activities within the Andover Woods development 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. Saturday activities may be permitted upon written request to, and approval from, the Inspector of Buildings, however, such Saturday activities may be approved subject to restricted hours, and such approval may be revoked if any terms or conditions of the approval are violated and/or if complaints are received from abutters. Construction activities include the transport of equipment, materials and supplies to and from the subdivision;
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. Except for periods during replacement, if required, 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. During reconstruction of the sidewalk along River Road, accommodations for pedestrians and school bus stops shall be made by the applicant;

14. A police detail is required for all construction work that may overflow into or adjacent to River Road (such as construction of the sidewalk, entrance driveway, utilities, curbing, or grading) that may prohibit site lines, cause vehicles to slow down or interfere with pedestrians or bicyclists along River Road;
15. Burning or burial of trees, stumps, or construction debris of any kind is strictly prohibited anywhere on site. Such materials shall be removed and properly disposed of off the site;
16. During construction, River Road will be kept clean of all debris, runoff and site materials by street sweeping and other cleaning activities, the scheduling for such to be determined as part of the pre-construction meeting;
17. Throughout construction the project shall comply with NFPA 241: Standard for Safeguarding Construction, Alteration and Demolition Operations & Massachusetts Comprehensive Fire Safety Code 527 CMR 1.00 Chapter 16;

**Prior to Occupancy**

18. In an effort to reduce the overall number of automobile trips in the area and to integrate the Project into the available transportation resources, the Applicant shall implement the following Transportation Demand Management (TDM) measures. Any service charges associated with the following shall be the responsibility of the applicant:
  - a. Join and participate in the local Transportation Management Association (TMA), the Merrimack Valley Transportation Management Association (MVTMA); and
  - b. Work with the Town of Andover (Elderly Services) and the Merrimack Valley Regional Transit Authority (MVRTA) to review the possibility of expansion of existing bus routes to provide public transit to the River Road corridor; and
  - c. Post information relative to potential carpool operations available through MassRides or the MVTMA in a centralized location on site;
19. Prior to issuance of a building permit for each individual building, the pavement and utilities, as required and determined by the Inspector of Buildings, shall be installed to the building. Specific locations shall be reviewed and approved by the Inspector of Buildings;
20. Prior to issuance of a building permit, the applicant shall have submitted for review and approval to Public Safety the names of all of the private streets within the Andover Woods development. Said review is to avoid repetitive streets names that may cause conflicts for emergency responders;
21. Prior to occupancy of a building on the site all parking areas, access driveways, pavement markings, sidewalks and off-site street improvements (if any) which relate to the building being occupied, shall have been completed and made fully operational;

22. 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 Public Works within seven (7) days after all installations are complete, and before the issuance of a Certificate of Occupancy;
23. Prior to the recording of this permit, 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 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;
24. 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;

**Specific to this Special Permit**

25. Lighting fixtures shall be shielded and directed inward toward the site. Due to the nature of the residential neighborhood a certain amount of lighting may be required at all times for security purposes. Prior to any construction related activities commencing on-site the developer shall consult with the Andover Police Department to determine the level of lighting needed during the nighttime hours. Those fixtures not required for nighttime security and safety shall be placed on a timer and shall be extinguished;
26. In perpetuity, thirty (30) of the 200 units within Andover Woods shall be "affordable units", as further described in Section 8.8.5.8. of the Andover Zoning By-Law. The applicant shall be responsible for maintaining records sufficient to comply with Massachusetts Housing Partnership guidelines for the location of affordable units in the Project and occupancy of such units by income-eligible households;
27. To the extent permitted by the Department of Housing and Community Development and applicable law, Andover Woods will include thirty (30) affordable units, provided at the low, moderate, and upper moderate tiers of affordability according to the Boston/HUD Metro Area;
28. The applicant shall provide an affirmative marketing plan and tenant selection plan to the Planning Department prior to making any of the units available for sale. The applicant shall incorporate Local Preference in the affirmative marketing and homeowner selection plans for the Project to the extent permitted by the Department of Housing & Community

Development;

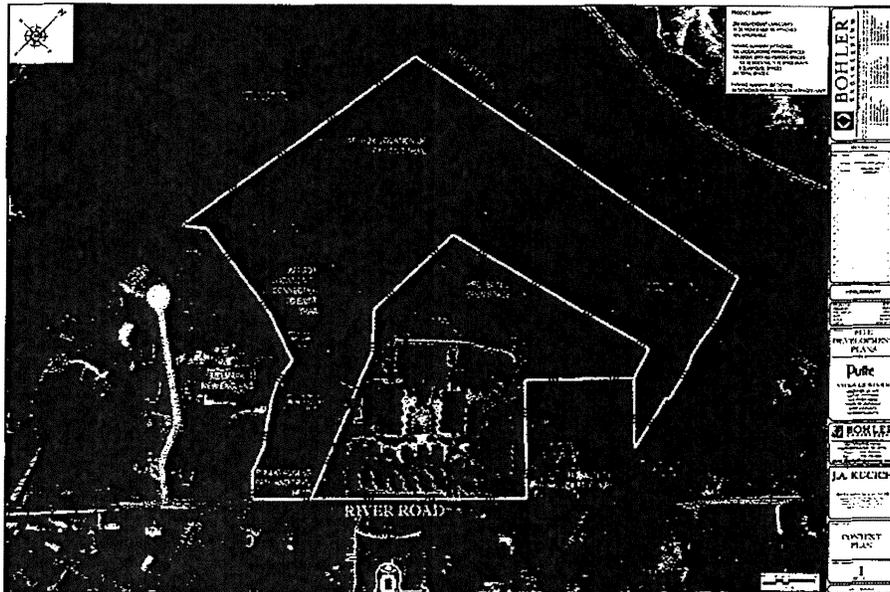
29. To the extent permitted by the Department of Housing and Community Development and applicable law, the Local Preference in the affirmative marketing and homeowner selection plan shall be solely marketed to Andover residents, as defined under Local preference as set forth in condition 30, for a period of six (6) months. Following six (6) months, said plan can be expanded to applicants beyond Andover's Local Preference criteria;
30. To the extent permitted by the Department of Housing and Community Development and applicable law, with respect to seventy percent (70%) of the Affordable Units in the Development, local preference for occupancy shall be given to persons satisfying all applicable eligibility requirements and who qualify as any of the following:
  - a. Current Andover residents, with verification provided such as rent receipts, utility bills, street listing or voter registration listing;
  - b. Immediate family members of Andover residents;
  - c. Employees of the Town of Andover, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees, with a Town employment history of at least one year, regardless of where they currently reside, with verification from employer; and
  - d. Former Andover residents;
  - e. Local Veteran's preference as verified by their Department of Defense Form 214 Certificate;
31. To the extent permitted by the Department of Housing and Community Development and applicable law, Andover Community Trust (ACT), an affordable housing non-profit located in Andover shall be designated as the Andover Woods monitoring agent. The Monitoring Agent must work closely with the Town of Andover on all sales and resales of affordable units at Andover Woods;
32. Recognizing the importance of preserving affordable units for future generations, the Andover Housing Partnership has recommended that a fund be established to assist with rehabbing the thirty (30) units upon resale. As agreed upon by the applicant, one percent (1%) of the sale of each affordable unit shall be deposited into the Andover Affordable Housing Trust Fund Account, specifically identified for the future renovation or rehab of affordable units at Andover Woods;
33. To the extent permitted by the Department of Housing and Community Development and applicable law, one percent (1%) of the resale of each of the thirty (30) affordable units shall be deposited into the Andover Affordable Housing Trust Fund Account, with said condition running in perpetuity with each of the affordable units. Prior to issuance of an

occupancy permit for the first affordable unit, a deed restriction or other shall have been reviewed and approved by Town Counsel;

34. All units within Andover Woods shall require at least one resident to have attained the age of 62 and no resident shall be under the age of 18. Prior to issuance of the first building permit for a building, the applicant shall record a restriction, approved by Town Counsel, that all units shall require at least one resident to have attained the age of 62 and that no resident of a dwelling unit shall be under the age of 18, as further defined in Section 8.8.5.15. of the Andover Zoning By-Law;
35. The affordable unit mix along with the allocation of one and two bedrooms throughout the Andover Woods project shall be in strict conformance with an exhibit entitled "Proposed Affordable Unit Locations", as revised 10/8/15;
36. In order ensure proper operation and maintenance of the proposed stormwater system, the project shall be subject to an "Operation & Maintenance and Pollution Plan", as prepared by Bohler Engineering, dated September 3, 2015 (revised). Said plan may be amended from time to time and is subject to review and approval by the Municipal Service Department;
37. Prior to filing with the EPA, the applicant shall submit to the Planning Department a standalone erosion and sedimentation control plan or draft SWPPP, incorporating all comments related to land disturbance, as further identified by the peer drainage consultant, BETA GROUP, in their memorandum dated September 16, 2015. Prior to construction, the SWPPP shall be submitted to the Planning Department for further review and comment;
38. Prior to construction related activities commencing on-site, the applicant shall provide a typical Operation and Maintenance log form, which shall include the O&M manufacturer recommendations for operation and maintenance of the proprietary water quality devices to the Planning Department. Upon receipt of a typical Operation and Maintenance log form, this condition shall be deemed satisfied;
39. The applicant shall guarantee the landscaping as proposed in condition # 2 until such time as the Andover Woods Condominium association takes control of the property;
40. Prior to occupancy the applicant shall provide an Operation & Maintenance plan, which shall include best management practices for integrated pest management. Said O&M plan shall be provided to the Planning Division for review and approval and incorporated into the Andover Woods condominium document;
41. Class 8b trucks weighing over 33,001 lbs and/or recreational vehicles, unless for emergency purposes or by permission of the Inspector of Buildings, are not allowed on site after a certificate of occupancy permit is granted for the final building. This condition shall exclude vehicles commonly associated with: moving vehicles for residents, refuse and recycling, and maintenance of the various utilities on-site;

42. Any damage to any public way during the course of construction shall be at the expense of the applicant;
43. Pursuant to recommendations by both the Public Safety Officer and peer traffic consultant, BETA Group, the applicant has agreed to the following traffic mitigation measures which shall be implemented prior to occupancy of the first residential unit:
- STOP signs (R1-1) and STOP lines at driveway approaches to River Road.
  - Planting and structures within the site lines (walls, fences, etc.) shall be maintained at a height of two feet or less.
  - Connect the proposed onsite sidewalk with the existing sidewalk along the River Road along the Melmark New England School.
  - The applicant has agreed to contribute \$12,000 for the installation by the Town of Andover for two speed check signs with recording/survey capabilities on each approach to this crossing. Said amount shall be provided to the Town prior to issuance of the first occupancy permit;
  - The westerly crosswalk will include installation of Rectangular Rapid Flashing Beacons (RRFB's) to alert motorists that pedestrians will be crossing, with the developer agreeing to contribute \$25,000 to the Town to cover the cost of a RRFB at this location. Said amount shall be provided to the Town prior to issuance of the first occupancy permit.
44. Prior to issuance of a building permit for new construction by the Inspector of Buildings, all documentation pertaining to the inter-municipal agreement (IMA) between the Town of Andover and Tewksbury, which shall facilitate extending the existing sewer from Tewksbury to the Andover Woods project, shall have been reviewed and approved by Town Counsel and by both Board of Selectmen in Andover and Tewksbury. In absence of executing an inter-municipal agreement, the applicant shall have received all necessary approvals for a private onsite wastewater treatment facility and drip disposal fields. This condition shall be deemed satisfied upon the Planning Department receiving a copy of the finally executed IMA;
45. Prior to the request for occupancy of the first building, the applicant shall install the River Road water main extension and one year after installation of the water main from Avery Lane to Pheasant Run, the applicant shall cold mill the road where there is existing granite curb and install a full width 1 ½" pavement overlay on River Road the entire length of the water main extension;
46. Prior to issuance of the last building permit, the 7.2 acre protected open space area as shown on the approved plan set shall be conveyed to AVIS, with written documentation being provided to the Planning Department. In absence of AVIS accepting the 7.2 acres of open space, the land shall be conveyed to the Conservation Commission or other non-profit organization, approved by the Planning Board, with the principal purpose of which organization is the conservation of open space;

47. As agreed upon by Pulte and Melmark New England and prior to issuance of the last building permit, the applicant shall provide for review and approval a minimum 10' pedestrian access easement to AVIS and/or the Town of Andover. Said pedestrian access easement shall be drafted with the flexibility to allow for the easement location to be moved, pursuant to all parties, AVIS or the Town of Andover (whomever easement is conveyed to), and Pulte New England & Melmark agreeing to a new location. Said pedestrian access easement shall mimic the location as identified in the following exhibit, with the areas identified in red as approximate locations of the pedestrian access easements. The purposes of the pedestrian access easement is to provide public access from River Road to areas along the Merrimack River. Said location shall be confirmed by Pulte New England, Melmark New England and AVIS and/or the Town of Andover prior to executing the formal pedestrian access easement. This condition shall be deemed satisfied upon a copy of the formally executed pedestrian access easement being provided to the Planning Department:



48. As agreed to by Pulte and prior to issuance of the last building permit for the site, the applicant has agreed to salvage strategic pieces from the existing Franciscan seminary building that will be razed as part of the project. Pursuant to a communication dated September 2, 2015, the applicant will provide the following:
- Granite steps from the seminary building will be set aside and reused throughout the proposed project's walking network as granite benches
  - The twin decorative existing front lights will be set aside and reused for lighting at the rear of the clubhouse seating area.
  - The existing granite monument that is currently located in front of the seminary will be set aside and reused as a memorial. Plaques will be made to attach to the

memorial that will remember both the property's use as the Hood Farm and the St. Francis Seminary. Text for the plaques will be coordinated with and provided by the Preservation Commission. The memorial is proposed to be located adjacent to the public walking trail near the new trail head parking area for all to view.

- The seminary porch columns will be set aside and a few will be thoughtfully incorporated into the landscaped design, which is further depicted on the approved plan set. Pulte has identified three locations where they intend to stand a pair of columns on the side of the walking network. Recognizing the fragile nature of these columns the Board agrees that should the columns fall apart during removal from the building and/or the columns cannot be incorporated into the landscape design after actual placement, Pulte would have the flexibility to remove the columns from the plan, following consultation with the Planning Department.
  - Pulte would like to present the Town of Andover with a commemorative pictorial book of the Franciscan Seminary. The pictorial book would be assembled by a professional photographer where they would capture the special features of the seminary building.
49. As agreed upon by Pulte, five parking spaces upon the westerly entrance shall be made available for the general public between the hours of dawn to dusk. A formal parking easement or other, running to the benefit of the Town of Andover shall have been reviewed and approved by Town Counsel prior to issuance of the last building permit.;
50. In attempt to diversify alternative transportation options for residences, up to 5 percent of the 321 total parking spaces shall be equipped with infrastructure required for installation of Electronic Vehicle (EV) Charging Stations in the future. Prior to issuance of a building permit, such infrastructure shall be subject to the review and approval by the Andover Planning Department;
51. Prior to issuance of a Building Permit, the applicant shall provide written assurance to the Town of Tewksbury, Engineering Department, that "the floors drains in the under-building parking that discharge to the Town of Tewksbury municipal sanitary sewer system....will not flow inconsistent with allowable discharges to the municipal sanitary sewer system as stormwater and potable water." Said condition shall be deemed satisfied upon receipt or written confirmation from the Town of Tewksbury that said "assurance" has been addressed per their September 22, 2014 communication to the Planning Division;
52. Prior to issuance of the second Building permit for framing, the "applicant shall provide design information for the pump station to the both the Town of Tewksbury and Andover Engineering Departments. Said pump station shall be designed in accordance with the Town of Tewksbury Sewer Construction Standards", as further detailed in a communication to the Planning Division dated September 22, 2015. Said condition shall be deemed satisfied upon receipt or written confirmation from the Town of Tewksbury

that said pump station has been designed per Tewksbury Sewer Construction Standards, as further detailed in a communication to the Board dated September 22, 2015;

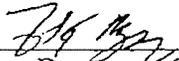
53. As determined by the Andover Woods future residents a sample of the following “Services” can be made available for free or for a fee to all residents at Andover Woods and shall be allowed for in the Andover Woods Condominium documents:

- The Community Welcome Center (CWC), also known as the Clubhouse, includes:
  - a common meeting room available for residents, which can be reserved for special functions
  - A wellness room for resident meetings with healthcare professional on a scheduled basis.
  - A Visiting Nurses Association schedule will be identified for rotating wellness visits shall posted in a centralized location.
  - Information on “In Home Care Management” services and programs available to residents, such as Edgewood’s care management program, will be provided to the residents as needed, which shall be posted in a centralized location.
  - Age appropriate exercise programs
  - A customized recreational schedule, featuring cards, dominos, board games, musical interests, book discussions, field trips, cooking demonstrations and the like will be coordinated for residents through the CWC.

54. Prior to the sale of any residential unit in the project the developer shall have submitted to the Planning Board all documents associated with the Condominium Homeowners’ Association, master deed, project management program (if any), and deed rider. The documents will be reviewed and approved by Town Counsel with respect to form and compliance with any applicable conditions contained herein. The final documents shall be recorded in the Registry of Deeds prior to the occupancy of any residential unit in the project.

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.

Date: 10/30/15

  
\_\_\_\_\_  
Zachary Bergeron, Chair

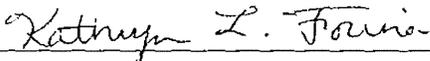
Essex, ss

COMMONWEALTH OF MASSACHUSETTS

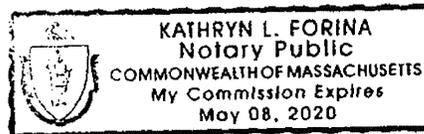
Date: 10/30/15

On this 30<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,

  
\_\_\_\_\_

My commission Expires:



Applicant: Pulte Homes of New England, LLC  
Special Permit for Senior Residential Community Overlay District  
Decision: SP15-01

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 30, 2015 and that no appeal has been filed.

November 20, 2015

  
\_\_\_\_\_  
Lawrence J. Murphy  
Town Clerk  
Andover, Massachusetts

U:AppCens:Cert6PB