

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

ON THE APPLICATION OF

15 STEVENS ST  
ATRIA MARLAND PLACE

For a Modification of Site Plan Special Permit (SP96-15)

Decision: SPR14-01

YES (with conditions)

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TOWN OF ANDOVER, MASS

A public meeting of the Planning Board was held on March 11, 2014, at the Memorial Hall Library. Present and voting in the affirmative on the matter were members Joan Duff, Vincent Chiozzi, James Doherty, Eric Macaux, Zachary Bergeron and Ann Knowles.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on January 23, 2014 and January 30, 2014, 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 February 11, 2014 on the application of Atria Senior Living, Inc. The hearing was closed on February 25, 2014, with the aforementioned members of the Board present throughout.

The premises affected are located at 15 Stevens Street specifically known as Assessors Map 37 Lot 23 within the Mixed Use Zoning District.

The modification is to renovate the existing building known as Mill Building 3 which increases the number of units from 129 to 142. The buildings are connected through an enclosed

pedestrian corridor above the driveway. Mill Building 3 will be rehabbed to allow for 13 independent living units throughout three stories of the building. Additional site work will be conducted at the rear of the building to accommodate a new ramp to the entrance, stair well and plantings. The basement will be used for flood water storage only.

The Board reviewed the applicant's requests to allow greater density from 3,000 square feet of lot area per dwelling unit to 2,730 square feet of lot area per dwelling unit. Mill Building 3 has been vacant since 1994 and is listed as a Historic Building. The particular characteristic of this property have been found to be unique to allow for the granting of the additional units to keep the historic building in use. Additionally the Board reviewed the parking requirements and found that the 84 spaces; 18 visitor, 47 staff and 19 resident spots, to be sufficient for this particular use. The applicant has demonstrated that they are able to accommodate overflow parking for special events with the use of the Post Office employee parking lot and the use of the Shawsheen Plaza parking lot.

On a vote of 5 to 0, the Board finds that the renovate Mill Building 3 and associated site work as requested 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 Atria Senior Living, Inc to amend decision SP96-15 subject to the following conditions:

#### General Conditions

1. For purposes of this approval, the "developer" is currently identified as Marland Place Associates Limited Partnership (Atria Senior Living, Inc.) owner of 15 Stevens Street, more specifically shown as Lot 23 on Assessor's Map 37. The term "developer" shall also include any future sale, lease, and transfer of the project to a successor in interest. Any successor(s) in interest shall be bound by, and subject to, all applicable conditions stated below. The developer as defined is responsible for construction of the project, including all contractors, subcontractors, vendors, or other parties working on the site. The developer is responsible for making sure that all contractors, subcontractors, vendors, or other parties working on the site are aware of the conditions;
2. All construction activities shall be in conformance with these conditions and the following plans prepared by EGA Architects, Brassard Design & Engineering, Inc, Paul Finger Associates, Inc., Shelly Engineering, Inc., BLW Engineering, Inc., and Sefflan Bradley Architects:
  - a. Cover Sheet, Dated December 31, 2013;
  - b. Sheet - L-0.0, General Notes, Dated December 31, 2013;
  - c. Sheet - L-0.1, Existing Conditions Plan, Dated December 31, 2013;
  - d. Sheet - L-1.0, Site Plans, Dated December 31, 2013;
  - e. Sheet - L-2.0, Site Plans, Dated December 31, 2013;
  - f. Sheet - L-2.1, Site Plans, Dated December 31, 2013;
  - g. Sheet - L-2.2, Site Plans, Dated December 31, 2013;
  - h. Sheet - A-1.B, Basement Plan, Dated December 24, 2013;

- i. Sheet – A-1.1, First Floor Plan, Dated December 24, 2013;
  - j. Sheet – A-1.2, Second Floor Plan, Dated December 24, 2013;
  - k. Sheet – A-1.3, Third Floor Plan, Dated December 24, 2013;
  - l. Sheet – A-3.1, Exterior Elevations, Dated December 24, 2013;
  - m. Parking Allocation and Snow Storage Plan, Dated February 4, 2014;
  - n. Drop Off Area, Dated February 4, 2014.
3. This approval limits the number of units for multi-family residential housing consisting to 142-units elderly living facility which contains one dwelling unit per 2,730 SF of lot area with supportive services for the elderly. The club room, bistro, fitness room, beauty salon, wellness center, pub, theater and dining room and other supportive services shall be for the use of residents and visitors.
  4. Any amendments or revisions to the foregoing plans, in whatever form or extent, including architectural design or material changes, shall be submitted to the Planning Division for consideration as to whether they constitute major or minor amendments;
  5. Construction activities and removal of debris shall be in accordance with a schedule approved by the Inspector of Buildings, and such schedule shall provide for the hours during which construction and/or hauling operations may be conducted, and shall provide for designation of a hauling route for trucks. All loaded trucks shall be appropriately covered, and all public streets shall be kept free and clear from any debris, stones, gravel, or other earth materials associated with the project;
  6. Construction activities (including start-up and operation of equipment, transport of materials to and from the site, earth work, clearing, grubbing, tree removal, and erection of structures) shall be conducted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. 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. Work inside a structure once enclosed (walls, roof, windows, and doors) is not subject to this condition. Construction activities shall be conducted in a workmanlike manner;
  7. Construction equipment, building materials, debris, and contractor's vehicles associated with the project shall not be stored or parked on Stevens Street. All such equipment and materials shall be stored or parked on the site in such manner and location as to not create a hazard to abutting properties, and shall be secured against unauthorized entry. All activities on the site shall be conducted in a workmanlike manner. 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 on the site so as to protect adjacent properties and ensure the safety of pedestrian and vehicular traffic during construction;
  8. Any landscaping provided on the plans must be planted and survive one (1) year following initial planting. The developer shall replace any trees that die within one year

from the date of planting in kind and in similar size;

9. The developer shall be responsible to complete the activities as outlined in the Operation and Maintenance Plan dated November 2013, should the Conservation Commission amend the Operation and Maintenance Plan based upon their review of stormwater and flood storage an updated plan shall be submitted to the Planning Division;
10. The private vehicular bridge connecting Lots 23 and 24 of Assessor's Map 37 shall be restricted to emergency vehicles, delivery vehicles and pedestrians only, and shall have bridge signs stating the restricted use. A breakaway gate acceptable to the Andover Fire Department shall be continue to be maintained and shall remain locked at all times to prohibit vehicular use except for emergency and delivery vehicles.
11. Maintenance of the emergency roadway shall be the responsibility of the developer. The emergency roadway shall be kept clear and passable at all times;
12. Snow removal and storage shall be the responsibility of the developer;
13. Maintenance and cleanup of the private dam located east of the project site shall be the responsibility of the developer;
14. All lighting shall be directed to fall entirely within the site and shall not spill over onto abutting properties or streets;
15. The Planning Board determined that the plan showing 84 parking spaces is sufficient to meet the needs of the project. The owner shall continue to work with the Post Office and Shawsheen Plaza for overflow parking and continue to provide van service for its residents. In the event additional parking is to be constructed plans for stabilizing the hillside above the parking lot shall be submitted to the Planning Division;
16. A minimum of fifteen percent (15%) of the units shall be affordable in perpetuity in accordance with Section 7.2.4 of the Andover Zoning Bylaw;
17. The Order of Conditions, D.E.P. No. 90-578, and any subsequent amendments, shall be deemed part of this decision;
18. Prior to issuance of a building permit an emergency response plan shall be approved by the Fire Department that identifies the addressing of the buildings for emergency calls and 24 hour access;
19. The emergency generator testing shall be conducted week days between the hours of 9:00 a.m. and 1:00 p.m.;
20. During construction the developer shall work with the Department of Municipal Services on the placement of the stairwell footages away from the water line;

21. The developer will work with the Department of Municipal Services on the height and placement of the fire hydrant;
22. Prior to occupancy the applicant shall provide to the Planning Division a digital file containing an as-built plan 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 utilities, buildings, 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 Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet;

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 March 11, 2014, at a regularly scheduled public meeting, the Andover Planning Board voted (5-0) to issue the foregoing Special Permit.

Date: 3/17/14

*Joan Duff*  
Joan Duff, Chair

Essex, ss

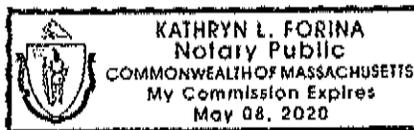
COMMONWEALTH OF MASSACHUSETTS

Date: 3/17/14

On this 17<sup>th</sup> day of March, 2014, by Joan Duff, 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*  
Kathryn L. Forina, Notary Public  
My commission Expires: May 8, 2020



CERTIFICATION

I, Lawrence J. Murphy, 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 3-17-2014 and no appeal against said decision has been filed.

Date: 4/8/2014

  
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Lawrence Murphy, Town Clerk