

Bk 12376 Pg 344 #1587  
01-19-2011 @ 02:51P

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

ON THE APPLICATION OF

**CIRCLE G, LLC**  
**(Subway)**

For a Special Permit For a Change in Parking Space Requirements under Section 5.1.12 of the Zoning Bylaw.

**Decision: SP10-05**

**YES (with conditions)**

A public meeting of the Planning Board was held on December 14, 2010 in the Third Floor Conference Room of the Town Office Building, Bartlet Street, Andover, Mass. Present and voting on the matter were Joan Duff, Vincent Chiozzi, John McDonnell, Linn Anderson and Mark Yanowitz.

RECEIVED  
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2010 DEC 17 P 12:08  
TOWN OF ANDOVER, MASS.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on November 25 and December 2, 2010, 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 on December 14, 2010 on the application by Circle G, LLC (Subway) for a Special Permit For a Change in Parking Space Requirements to

allow for the establishment of seating of up to sixteen seats. Following presentations and discussion the hearing was closed on December 14, 2010 with the aforementioned members of the Board present throughout.

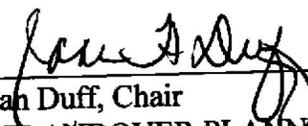
Subway is to be located in at 9 Elm Street. During the hearing, the Planning Board reviewed the public parking that is available with five 15 minute parking spaces located in the front of the building along with twenty-two 2 hour spaces along Elm Street.

After the discussion, the Planning Board was in agreement with staff's recommendation and in consideration of the plans and testimony at the hearing, the Planning Board finds that with appropriate conditions the proposal will not be detrimental to the neighborhood and the town, and that the proposed installation of seating up to sixteen (16), would not derogate from the general purpose and intent of the Zoning By-Law. The special permit is therefore granted subject to the following conditions:

1. The Board's approval is limited to seating/tables for up to sixteen (16) seats any additional seating/tables shall be submitted for review and approval by the Board.
2. Circle G, LLC, "Subway" shall apply to the Town of Andover Parking Sticker Program for at least two employee stickers for either municipal parking lot.
3. Deliveries shall occur by 9:00 am and shall not interfere with the traffic flow and safety along Elm Street.

On December 14, 2010, at a regularly scheduled public meeting, the Planning Board voted (5-0) to issue the foregoing Special Permit with conditions.

Date: 12/17/10

  
Joan Duff, Chair

THE ANDOVER PLANNING BOARD

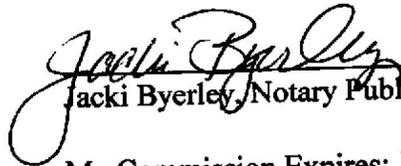
Essex, ss

## COMMONWEALTH OF MASSACHUSETTS

Date:

On this 17<sup>th</sup> day of December, 2010, 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,

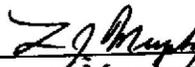
  
 Jacki Byerley, Notary Public

My Commission Expires: July 4, 2014

## 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 the Office of the Town Clerk on December 17, 2010 and no appeal has been filed with the Town Clerk.

Date: JAN. 10, 2011

  
 Lawrence Murphy, Town Clerk