

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

**ON THE APPLICATION OF
TD Bank**

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

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TOWN OF ANDOVER, MASS

Decision: SP17-05

YES (with conditions)

A public meeting of the Planning Board was held on November 28, 2017 in the Third Floor Conference Room of the Town Office Building, Bartlet Street, Andover, MA. Present and voting on this matter were Austin Simko, Zach Bergeron, Vincent Chiozzi, Joan Duff and Ann Knowles.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on October 5, 2017 and October 12, 2017 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 October 24, 2017, for an application filed on October 2, 2017 by TD Bank, for a Special Permit for Change in Parking Space Requirements. The property is more specifically identified as Lot 91 on Assessors Map 55. The public hearing was continued to November 28, 2017 and closed that same evening. The aforementioned members present throughout.

The Board deliberated and voted on November 28, 2017. The Board made the following findings:

Special Permit criteria (for the Permit for Change of Parking Space Requirements):

The capacity, location and current level of use of existing parking facilities, both public and private;

The current capacity for the building is sufficient for the existing banking use. The parking lot is connected to another parking lot that may be used for overflow parking if needed in the future.

The efficient and maximum use of the General Business District in terms of parking needs and services provided;

The location of this building is in the center of downtown and is near two municipal parking lots.

The relief of traffic and parking congestion;

It is an existing building and the design will not provide for any additional relief of traffic.

The safety of pedestrians;

There are no changes to the pedestrian areas.

The provision of reasonable access either by walking distance or shuttle vehicle arrangements;

The walking distance to all areas of downtown and the municipal parking are within 15 minutes of the building.

The maintenance of the character of the area.

There are no changes to the exterior of the building.

DECISION

In consideration of all of the foregoing 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 November 28, 2017 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. The parking spaces associated with 61 Main Street, Andover, MA Assessor's Map 55, Lot 91 shall be found on the Existing Conditions Plan, dated 9/26/14 as prepared by Christopher Francher, PE;
2. The special permit decision shall be recorded with the Essex North Registry of Deeds;
3. The special permit shall remain in effect, so long as the building is not demolished, razed, or enlarged, otherwise the Planning Board shall reconsider the parking calculations and special permit at a regularly scheduled public meeting;
4. The special permit shall remain in effect so long as and change does not result in the need of more than forty four (44) parking spaces, otherwise the Planning Board shall reconsider the parking calculations and special permit at a regularly scheduled public meeting; and
5. The shared roadway through the parking lot between 61 Main Street and 27-45 Main Street must remain open and unobstructed to circulation at all times and to provide access to the Applicant's overflow parking pursuant to the Declaration of Easements and Covenants by and between the owners of said properties.

Date: 12/4/2017



Austin Simko
THE ANDOVER PLANNING BOARD

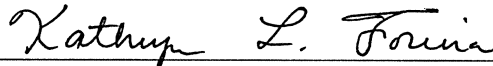
Essex, ss:

COMMONWEALTH OF MASSACHUSETTS

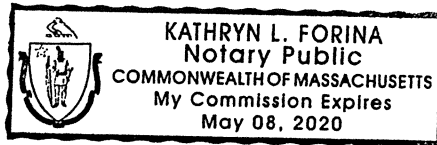
On this 4th day of December 2017

Before me, the undersigned notary public, personally appeared Austin Simko, and proved to me through satisfactory evidence, which were known to me to be the person whose name is signed on the preceding or attached document, 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 May 8, 2020



CERTIFICATION

I, Lorraine J. Murray 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 7, 2017 and no appeal has been filed with the Town Clerk.

Date: 12-26-2017



Town Clerk