
Planning Board Special Permit Application

DASCOMB ROAD PROJECT

**146 Dascomb Road
Andover, Massachusetts**

Prepared for: Dascomb Road Development, LLC
354 Merrimack St, Ste 1,
Lawrence, Massachusetts

Prepared by: TEC, Inc.
169 Ocean Blvd,
Unit 101, P.O. Box 249
Hampton, New Hampshire 03842



October 31, 2018

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Section 1

Narrative



146 Dascomb Road
Andover, MA 01810
978.794.1792

311 Main Street
2nd Floor
Worcester, MA 01608
508.868.5104

169 Ocean Blvd., Unit 101
PO Box 249
Hampton, NH 03842
603.601.8154

TheEngineeringCorp.com

Mr. Zachary Bergeron, Vice Chairman
Andover Planning Board
36 Bartlet Street
Andover, MA 01810

October 31, 2018

Re: Planning Board Narrative
The Dascomb Road Project
146 Dascomb Road - Andover, MA

Dear Mr. Bergeron:

On behalf of Salvatore N. Lupoli, the Applicant, we are pleased to provide this Narrative to provide a project description and outline conformance with all applicable Site Plan Review and Special Permit Criteria for the Dascomb Road Project, located at 146 Dascomb Road in Andover.

The Applicant is proposing to redevelop the 16.2 acre site at 146 Dascomb Road by demolishing the existing 200,000 SF+/- building(s) onsite and construct a 524,000 SF development containing a mix of hotel, retail, restaurants, fitness center, grocery store, and professional office. The proposed development program consists of the following:

66,000 SF 100-Room Business-Centric Hotel
80,000 SF Retail
20,000 SF Restaurants
30,000 SF Fitness Center
35,000 SF Grocery Store
293,000 SF Professional Office
524,000 SF Total

The parcel is located within the ID2 zoning district which was adopted by the Town in 2013 with unanimous support from the Planning Board and Board of Selectmen. The stated goal of the ID2 zoning district is to create targeted development opportunities. The ID2 zone was created to make Andover more attractive for businesses by allowing additional amenity uses/services to support office and industrial uses. The mix of uses will allow Andover to compete with peer communities for new (and existing) business tax base to reduce the tax burden of residents. Specifically, the zoning change allowed for retail, restaurants, fitness center, hotel, and a grocery store to be permissible by Special Permit from the Planning Board, all of which are included in this proposal.

The Applicant is requesting the following reviews/approvals from the Planning Board:

- Special Permit – Industrial District 2 (ID2)
 - Retail Sales Establishment
 - Restaurants
 - Indoor Commercial Recreation Establishment (Fitness Center)
 - Grocery Store
 - Hotel
- Special Permit – Major Non-Residential
- Site Plan Review

We believe that you will find that the enclosed proposal is in keeping with the purpose and intent of the ID2 zoning district, zoning regulations, and special permit criteria.

Section 9.4.2 – Special Permit

Special permits may be granted when the SPGA 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 this by-law. In addition to any specific factors that may be set forth in this by-law, the determination shall include consideration of each of the following:

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

The project positively serves the social, economic, and community needs. As identified in the justification for creating the ID2 zoning district in 2013, the Town observed an obvious need to allow developments containing services and amenities to support commercial and industrial uses. The social and community need for all of the types of services and amenities contained in this proposal was clearly stated during Town Meeting discussion and in the Planning Division's presentation of the article. The Town's economic needs are also being served by the proposed development. The ID2 zoning district was created to make Andover more attractive to existing and new businesses to retain and grow the Town's commercial tax base to reduce the tax burden of residents. A Fiscal Impact Analysis was prepared for this project to demonstrate that it will be fiscally positive for the Town.

2. Traffic flow and safety, including parking and loading;

There is a robust transportation infrastructure package proposed as part of the project. There are traffic safety and operational challenges that have existed for years on the surrounding street network. The successful permitting of this project is accompanied by a MassWorks grant which will assist in the extensive public infrastructure improvements that are needed under current conditions and to accommodate the traffic generated from development on this site. This proposal contains a full Traffic Impact and Access Study (TIAS) as well as a Road Safety Audit which outlines the existing challenges and identifies the proposed mitigation. In addition to the Town's review of traffic improvements, MassDOT and the Federal Highway Administration (FHWA) will also review the traffic mitigation measures as they are the owners of Frontage Road, portions of Dascomb Road, and the I-93 ramps. The conclusion of the TIAS is that the proposed traffic and safety improvements will safely and efficiently accommodate traffic from this project. The project contains adequate parking and loading onsite to support the proposed uses.

3. Adequacy of utilities and other public services;

The project proposes to extend Town Sewer from Osgood Street to the site to provide a connection to the municipal system. The design and construction of the proposed sewer connection is funded by the MassWorks grant, which funds public infrastructure improvements to leverage private economic development. All other utilities and public services are in place to adequately support the development.

4. Neighborhood character and social structures;

The project is proposed on a severely underutilized parcel in an industrial area. It is separated from residential uses by I-93, other commercial/industrial properties, and a Park and Ride which serve as a buffer. The project will serve to improve neighborhood character and social structures. The project is located in an industrial area with large buildings and expansive paved areas. The project proposes to exceed landscaping requirements and the proposed buildings (scale and massing) are in keeping with the ID2 dimensional requirements. The ID2 zoning district was created to target potential economic development projects containing amenities and services to serve the surrounding commercial, industrial, and residential areas. This project also represents a significant financial investment in the area which will improve surrounding property values by converting a degraded industrial site into a vibrant marketplace.

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

The project has mitigated impacts on the natural environment including air and water pollution, noise, stormwater runoff, and aesthetics. Impacts to the natural environment have been mitigated by an extensive environmental mitigation plan. The plan was approved by the Conservation Commission and outlined in the Order of Conditions (approval) dated January 21, 2016. It includes stream restoration, bordering vegetated wetlands replication, and revegetation of wetland buffers with wetlands plant species. The project also greatly improves the level of treatment provided for stormwater runoff by providing stormwater best management practices including deep sump hooded catch basins, water quality units, and underground infiltration basins to treat and detain stormwater runoff and promote infiltration of clean water into the groundwater to replenish the groundwater supply. Noise pollution is mitigated by razing an outdated large industrial building and replacing it with cleaner, quieter, and more energy efficient commercial buildings. The project is also buffered from residential areas by I-93 and off-ramps. The project will dramatically improve the aesthetics of the property as it proposes to raze the existing nearly vacant industrial building and construct state-of-the art commercial space.

Section 9.4.8 – Major Non-Residential Projects

For any Major Non-Residential Project as defined in Section 10.0:

The provisions of subsections 9.5.3 and 9.5.4.1 and 2 shall apply;

- a. The Planning Board may require the applicant to submit more information about the proposed development within the purposes and guidelines of Section 9.5. or based on the comments of the reviewing boards and agencies. Additional information shall be submitted to the Planning Board within 10 days of written request by the Board.

The project has provided a detailed traffic study, fiscal impact analysis, site plans, stormwater calculations, architectural renderings, landscaping plans, and lighting plans. The Applicant will provide any other additional information requested by the Planning Board.

- b. For projects in LS, OP, and IG districts, the Planning Board may at its discretion require the applicant to submit to the Design Review Board, pursuant to Section 9.6.3. of the Zoning By-Law, for the Design Review Board Report.

Not Applicable.

- c. For DRB review in General Business and Mixed-Use districts, see Sections 9.6.2. and 9.6.3. For DRB review in ID2 Districts, see Section 9.4.10.

See response below in Section 9.4.10.b.

- d. In reviewing the application, the Planning Board shall, as a minimum, consider staff comments and the items in subsections 9.5.4.3. a through k.

All items in subsections 9.5.4.3 have been considered in the development of the Site Plans. All Staff feedback received to date has also been incorporated into the plans.

- e. The special permit criteria of subsection 9.4 shall be met.

See above Section 9.4 criteria and compliance statements.

Section 9.4.10 – Special Permit for Industrial District 2 Use

In addition to the criteria contained in Section 9.4.2. and 9.4.8. of this bylaw, the Planning Board may issue a special permit in the ID2 District for a Personal Service Establishment, Retail Sales Establishment, Convenience Store, Grocery Store, Dry-Cleaning Operation, Restaurant (sit-down) Restaurant (fast-food), & Indoor Commercial Recreation Establishment (See Appendix A, Table 1) only after consideration of the additional special permit criteria outlined below:

- a. The proposed development shall have a positive economic benefit to Andover (including, but not limited to, fiscal impact, town services, and employment), is in harmony with the general purpose and intent of the Master Plan and is not unreasonably detrimental to the overall General Business Districts, specifically Downtown Andover.

The project will be a fiscally positive project for the Town of Andover, see enclosed Fiscal Impact Analysis. The Fiscal Impact Analysis estimates permitting fees, annual tax revenues, and expenditures on Town services to support the project. It is in harmony with the general purpose and intent of the Master Plan. In reviewing the 2013 Town Meeting testimony and presentations, the purpose of the ID2 zoning district was to promote development that includes the exact services and amenities contained in this proposal along with office and industrial uses. The project will also be a job creator, creating construction jobs, full-time jobs, and part-time jobs. The project is not unreasonably detrimental to the overall General Business District and Downtown Andover. The project is exactly what was described during the consideration of the ID2 zoning district which received unanimous support from the Planning Board and Board of Selectmen. At the 2013 Town Meeting the ID2 zone was co-presented by the Economic Development Council and received a ringing endorsement from the Andover Business Community Association (ABCA), which included a statement, “if there is any concern that the downtown merchants may in fact be hurt we, again, feel they would

be enhanced by keeping the workers here in Andover, and also have them come down to us (downtown)." In summary, the project proposes exactly what was envisioned and presented at the 2013 Town Meeting for the ID2 zoning district with the support of the Planning Board, Board of Selectmen, and downtown business merchants. The development mix of uses was also carefully considered. Only 15% of the development is proposed retail and just under 4% of the project is proposed restaurants to further minimize the impact on the downtown.

- b. The proposed development shall demonstrate that the scale, massing and detailing of buildings are compatible with the character of the community. The Planning Board may at their discretion require the applicant to submit to the Design Review Board, pursuant to Section 9.6.3. of the Zoning By-Law for the Design Review Board Report.

The project is proposing scale and massing within the confines of the dimensional requirements of ID2. The project proposes a mix of 2, 3, and 4 story buildings onsite where 4 stories is allowed. The project has also been reduced in scale from previous iterations. The maximum allowable density on the parcel calculates to approximately 848,000 SF of development, instead 524,000 SF is proposed to provide more greenspace, buffering, and character to the development. The Applicant will submit to the Design Review Board, if requested by the Planning Board.

- c. The proposed development shall provide landscape plans for the site, the parking areas and internal landscaped islands. The parking areas should service adjacent structures when possible. The Planning Board may at their discretion require additional landscaping.

Landscaping Plans are provided with the Site Plans. To enhance the development, 10% interior landscaping is proposed, double the requirement.

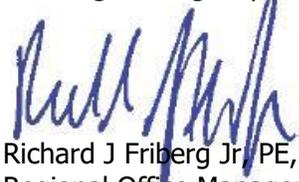
- d. The development shall provide for adequate traffic mitigation and improvements if the proposed use negatively impacts current traffic flow conditions. At a minimum the applicant shall be required to join the local transportation management association.

The Applicant is currently a member of the Merrimack Valley TMA. A full Traffic Impact and Access Study (TIAS) has been provided to demonstrate adequate traffic mitigation for existing safety and operational issues and the increased traffic associated with the project.

Thank you for your consideration of this filing. We believe that you will find that the Dascomb Road Project is in keeping with the Town's Master Plan and Special Permit criteria for the ID2 zone. We look forward to presenting the project to you at the next available Planning Board hearing.

Sincerely,
TEC, Inc.

"TheEngineeringCorp.com"



Richard J Friberg Jr, PE, LEED AP
Regional Office Manager

Section 2

Special Permit Applications

ANDOVER PLANNING BOARD

APPLICATION FOR SPECIAL PERMIT FOR MAJOR NON-RESIDENTIAL PROJECT

(Section 9.4.8. of the Andover Zoning Bylaw)

APPLICATION MUST BE COMPLETE

(Please print or type)

This application, completed and signed, shall be submitted with 18 copies of the application and narrative, 12 copies of the plans, 1 CD with PDFs of the plans and 7 copies of any drainage report.

Application is hereby made for a Special Permit Section 9.4.8 and 10 of the Zoning By-Law.

1. Applicants(s): Dascomb Road Development, LLC
Contact Name: Salvatore N. Loupoli
Mailing Address: 354 Merrimack St, Ste 1, Lawrence, MA 01842
Telephone Number: 978-681-7777

2. Record Owner(s) Name: Dascomb Road Development LLC
Mailing Address: 354 Merrimack St, Ste 1, Lawrence, MA 01842

3. Interest in Property: Owner: Other
(Describe): Site Redevelopment

4. Engineer: TEC, Inc.
Contact Name: Richard J. Friberg
Mailing Address: 169 Ocean Blvd, Unit 101
P.O.Box 249, Hampton, NH 03842
Telephone Number: 603-601-8154
Name of Professional Surveyor: Bryan Parmenter PLS #: 48193

5. Application is hereby made for a Special Permit under Section 9.4.8 and 10 of the Andover Zoning Bylaw for the following (circle all that apply):
 - a. a proposal to increase the gross floor area of an existing building by more than two thousand square feet.
 - b. a proposal to construct a building or buildings in excess of ten thousand gross square feet.
 - c. a proposal to alter, renovate, reconstruct or redevelop more than forty percent (40%) of the gross floor area of an existing building, when there is a change of use

d. Modification of Special Permit No. N/A

6. Property Address: 146 Dascomb Rd, Andover, MA 01810

Assessors Map 203 Lot(s) 2A-1

Zoning District(s) including overlay districts: Industrial District 2

Deed recorded in North Essex Registry of Deeds in Book 14,477 Page 290

7. Lot square footage: 707,000 SF Gross floor area of existing building: 314,710 SF
stories: 2 square footage per floor: 161,535 SF, 8,360 SF (garage) height: 30 ft

8. Existing Use(s) Warehouse and Office Proposed Use(s): Mixed Use

9. Increase amounts – gross floor area: 209,290 SF stories: 4

Square footage per floor: 164,000 SF height: 50 ft

10. Total gross floor area (existing + proposed): 524,000 SF

Total building coverage percentage: 23.2% landscaping percentage: 38.4%

Total coverage of impervious surfaces – square footage: 435,209 percentage: 61.6%

11. Square footage of total land disturbance: 578,167 SF

12. Parking required for proposed use(s): 1,747

13. The application shall include a site plan, prepared by a registered professional architect, registered civil engineer or a professional landscape architect, drawn at a scale of one inch equals forty (40) feet, containing the following information in both narrative and graphic detail:

- a. Date;
- b. North arrow;
- c. Name and address of owner;
- d. Name and address of designer;
- e. Locus plan;
- f. Lot lines and setbacks;
- g. Adjacent streets and ways;
- h. Owner and use of abutting lots;
- i. Zoning district boundaries;
- j. Wetlands and wetlands buffers, as shown on maps entitled "Wetlands Areas of Andover, Massachusetts" available from the Andover Conservation Commission;
- k. All existing and proposed topography at two-foot intervals; All test boring sites, keyed to accompanying documentation of results;
- l. All existing and proposed buildings, structures, parking and loading areas (with dimensional notations), driveways, walkways, signs, fences, and refuse collection areas;

- m. All existing structures and/or pavement to be removed or demolished;
- n. All utilities, including waterline locations, sewer line locations and profiles, and storm drainage systems;
- o. All areas designated as easements, conservation restriction area, or Open Space.
- p. Elevation of building exterior.
- q. A separate plan drawn at the same scale, showing landscaping and lighting details.
- r. A written statement detailing the size of the lot, the proposed use, parking calculations, building footprint coverage, and calculations of volume of earth to be moved and removed.

I understand and agree to comply with the requirements of the Andover Planning Board's Rules Governing Special Permits.

Signature of Record Owner

Signature of Applicant

Print Name

Print Name

Date

Date

ANDOVER PLANNING BOARD

**APPLICATION FOR SPECIAL PERMIT FOR
ID2 ZONING DISTRICT USES**

(Section 9.4.10 of the Andover Zoning Bylaw)

APPLICATION MUST BE COMPLETE

(Please print or type)

This application, completed and signed, shall be submitted with 18 copies of the application and narrative, 12 copies of the plans, and 1 CD with PDFs of the plans.

Application is hereby made for a Special Permit Section 9.4.10 of the Zoning By-Law.

1. Applicant(s): Dascomb Road Development, LLC
Contact Name: Salvatore N. Lupoli
Mailing Address: 354 Merrimack St, Ste 1, Lawrence, MA 01842
Telephone Number: 978-681-7777

2. Record Owner(s) Name: Dascomb Road Development, LLC
Mailing Address: 354 Merrimack St, Ste 1, Lawrence, MA 01842

3. Interest in Property: Owner _____ Other _____
(Describe): Site Redevelopment

4. Engineer: TEC, Inc.
Contact Name: Richard J. Friberg
Mailing Address: 169 Ocean Blvd, Unit 101,
P.O. Box 249, Hampton, NH 03842
Telephone Number: 603-601-8154
Name of Professional Surveyor: Bryan Parmenter PLS #48193

5. Application is hereby made for a Special Permit under Section 9.4.10 of the Andover Zoning Bylaw for the following use: Retail Sales Establishment, Restaurant, Grocery Store, Indoor Commercial Recreation Establishment

6. Property Address: 146 Dascomb Road, Andover, MA 01810
Assessors Map 203 Lot(s) 2A-1
Zoning District(s) including overlay districts: Industrial District 2
Deed recorded in North Essex Registry of Deeds in Book 14,477 Page 290

7. Lot square footage: 707,000 SF Gross floor area of building: 314,710 SF

- stories: 2 square footage of use: 161,535 SF; 8,360 SF (garage) height: 30 ft
8. Existing Use(s) Warehouse and Office Proposed Use(s): Retail Sales
Establishment, Office, Restaurant, Grocery Store, Indoor Commercial Recreation
Establishment
9. Increase amounts - gross floor area: 209,290 SF stories: 4
Square footage per floor: 164,000 SF height: 50 ft
10. Total gross floor area (existing + proposed): 524,000 SF
- Total building coverage percentage: 23.2% landscaping percentage: 38.4%
- Total coverage of impervious surfaces - square footage: 435,209 SF percentage: 61.6%
11. Square footage of total land disturbance: 578,167 SF
12. Parking required for proposed use(s): 1,747 spaces
Parking proposed: 1,760 spaces
13. A written statement detailing how the use meets the criteria of Section 9.4.10 a. through d. of the Andover Zoning Bylaw
14. The application shall include a site plan, prepared by a registered professional architect, registered civil engineer or a professional landscape architect, drawn at a scale of one inch equals forty (40) feet, containing the following information in both narrative and graphic detail:
- a. Date;
 - b. North arrow;
 - c. Name and address of owner;
 - d. Name and address of designer;
 - e. Locus plan;
 - f. Lot lines and setbacks;
 - g. Adjacent streets and ways;
 - h. Owner and use of abutting lots;
 - i. Zoning district boundaries;
 - j. Wetlands and wetlands buffers, as shown on maps entitled "Wetlands Areas of Andover, Massachusetts" available from the Andover Conservation Commission;
 - k. All existing and proposed topography at two-foot intervals;
 - l. All test boring sites, keyed to accompanying documentation of results;
 - m. All existing and proposed buildings, structures, parking and loading areas (with dimensional notations), driveways, walkways, signs, fences, and refuse collection areas;

- n. All existing structures and/or pavement to be removed or demolished;
- o. All utilities, including waterline locations, sewer line locations and profiles, and storm drainage systems;
- p. All areas designated as easements, conservation restriction area, or Open Space.
- q. Elevation of building exterior.
- r. A separate plan drawn at the same scale, showing landscaping and lighting details.
- s. A written statement detailing the size of the lot, the proposed use, parking calculations, building footprint coverage, and calculations of volume of earth to be moved and removed.

I understand and agree to comply with the requirements of the Andover Planning Board's Rules Governing Special Permits.

Signature of Record Owner

Signature of Applicant

Print Name

Print Name

Date

Date

(REVISED 9/13)

ANDOVER PLANNING BOARD

**APPLICATION FOR SITE PLAN REVIEW
(Section 9.5. of the Andover Zoning Bylaw)**

**APPLICATION MUST BE COMPLETE
(Please print or type)**

This application, completed and signed, shall be submitted with 18 copies of the application and narrative, 12 copies of the plans, 1 CD with PDFs of the plans and 7 copies of any drainage report.

1. Applicants(s): Dascomb Road Development, LLC
Contact Name: Salvatore N. Loupoli
Mailing Address: 354 Merrimack St, Ste 1, Lawrence, MA 01842
Telephone Number: 978-681-7777

2. Record Owner(s) Name: Dascomb Road Development LLC
Mailing Address: 354 Merrimack St, Ste 1, Lawrence, MA 01842

3. Interest in Property: Owner: Other
(Describe): Site Redevelopment

4. Engineer: TEC, Inc.
Contact Name: Richard J. Friberg
Mailing Address: 169 Ocean Blvd, Unit 101
P.O.Box 249, Hampton, NH 03842
Telephone Number: 603-601-8154
Name of Professional Surveyor: Bryan Parmenter PLS #: 48193

5. Except as provided as in Section 10.0 for major non-residential projects and for new multifamily construction under Section 7.3, no building permit shall be issued for new construction or enlargement of a building in which commercial, industrial, institutional and/or multifamily use or uses are located unless and until a site plan review certificate of approval has been issued in conformance with this section. Said approval shall be required for the following projects(circle all that apply):

- a. Where the gross floor area of an existing building is increased up to two thousand square feet.
- b. Where the gross floor area of a proposed building or of all buildings proposed totals ten thousand square feet or less.

6. Property Address: 146 Dascomb Rd, Andover, MA 01810
 Assessors Map 203 Lot(s) 2A-1
 Zoning District(s) including overlay districts: Industrial District 2
 Deed recorded in North Essex Registry of Deeds in Book 14,477 Page 290
7. Lot square footage: 707,000 SF Gross floor area of existing building: 314,710 SF
 stories: 2 square footage per floor: 161,535 SF, 8,360 SF (garage) height: 30 ft
8. Existing Use(s) Warehouse and Office Proposed Use(s): Mixed Use
9. Increase amounts – gross floor area: 209,290 SF stories: 4
 Square footage per floor: 164,000 SF height: 50 ft
10. Total gross floor area (existing + proposed): 524,000 SF
 Total building coverage percentage: 23.2% landscaping percentage: 38.4%
 Total coverage of impervious surfaces – square footage: 435,209 percentage: 61.6%
11. Square footage of total land disturbance: 578,167 SF
12. Parking required for proposed use(s): 1,747
13. The application shall include a site plan, prepared by a registered professional architect, registered civil engineer or a professional landscape architect, drawn at a scale of one inch equals forty (40) feet, containing the following information in both narrative and graphic detail:

- a. Date;
- b. North arrow;
- c. Name and address of owner;
- d. Name and address of designer;
- e. Locus plan;
- f. Lot lines and setbacks;
- g. Adjacent streets and ways;
- h. Owner and use of abutting lots;
- i. Zoning district boundaries;
- j. Wetlands and wetlands buffers, as shown on maps entitled "Wetlands Areas of Andover, Massachusetts" available from the Andover Conservation Commission;
- k. All existing and proposed topography at two-foot intervals;
- l. All test boring sites, keyed to accompanying documentation of results;

- m. All existing and proposed buildings, structures, parking and loading areas (with dimensional notations), driveways, walkways, signs, fences, and refuse collection areas;
- n. All existing structures and/or pavement to be removed or demolished;
- o. All utilities, including waterline locations, sewer line locations and profiles, and storm drainage systems;
- p. All areas designated as easements, conservation restriction area, or Open Space;
- q. Elevation of building exterior;
- r. A separate plan drawn at the same scale, showing landscaping and lighting details;
- s. A written statement detailing the size of the lot, the proposed use, parking calculations, building footprint coverage, and calculations of volume of earth to be moved and removed.

Signature of Record Owner

Signature of Applicant

Print Name

Print Name

Date

Date

Section 3

Aerial Photograph



Scale: 1" = 400'

146 Dascomb Road - Andover, MA



T:\T0681\CAD\Civil\Graphics\T0681_PB_Aerial Photo Graphic.dwg 10/25/2017 11:36:03 AM

Figure 1 - Aerial Photograph



TEC, Inc.

Section 4

Certified Abutters List



**TOWN OF TEWKSBURY
ASSESSOR'S OFFICE**

11 TOWN HALL AVENUE
TEWKSBURY, MA 01876
Phone (978) 640-4330
Fax (978) 851-4849

<i>For office use only</i>	
Payment Received:	
Date:	<u>11/30/17</u>
Amount:	<u>2000</u>
<input checked="" type="checkbox"/> Cash	
<input type="checkbox"/> Check #	_____

RECEIVED
NOV 30 2017
TEWKSBURY
BOARD OF ASSESSORS

REQUEST FOR CERTIFIED LIST OF ABUTTERS

TO: **Tewksbury Board of Assessors**

FROM: Hannah Giovannucci (TEC, Inc.)

DAYTIME PHONE NUMBER: 603-601-8154

Please Check Name of Requesting Board:

ZBA Board of Health Conservation Planning Other: Andover Planning

I am requesting a certified list of abutters for the property located at:

PROPERTY OWNER NAME: Dascomb Road Development, LLC

PROPERTY ADDRESS: 146 Dascomb Road, Andover, MA (listed as Shawsheen St - Tewksbury GIS)

MAP: 113 LOT: 24 UNIT: _____
Andover MAP: 203 LOT: 2-A1

ABUTTERS: Direct Within 100 feet Within 300 feet Provided List

INCLUDE: Abutters to Abutters Other: _____

Applicants should allow a minimum of five (5) business days to process the request.

Please fill out this form in its entirety and submit it to the Assessor's Office. *Each parcel involved in a project requires its own abutters list.* There is a \$15.00 fee for each list. The office can also provide an excel spreadsheet for creating mailing labels for an additional \$5.00. Be sure to provide an email address if you would like this option. Assessor's Maps can be purchased for an additional 5¢ each. **Fees must be paid when request is made.** Check is payable to **TOWN OF TEWKSBURY**.

EMAIL ADDRESS IF REQUESTING EXCEL FILE: Hannah.Hgiovannucci@theengineeringcorp.com

Map 113 Lot 24
 Shawshen Street
 Tewksbury, MA 01876

Town of Tewksbury Abutters List

PROPERTY OWNERS VERIFIED PER SUBMITTED LIST
 DATE 11/30/17 NO. PGS 1 of 1
Jeffrey Daigore
 BOARD OF ASSESSORS

Map/Lot	Abutter	Abutter	Address	Town	ST	Zip	Book/Page	Location
113-26	CALIFORNIA PRODUCTS CORP		150 DASCOMB RD	ANDOVER	MA	01810	11567/ 212	SHAWSHEEN ST/OFF
112-90	YVON CORMIER ETAL TR	CA INVESTMENT TRUST	3 CRENSHAW LN	ANDOVER	MA	01810	27614/5386	TADMUCK CR
112-91	YVON CORMIER ETAL TR	CA INVESTMENT TRUST	3 CRENSHAW LN	ANDOVER	MA	01810	27614/5386	TADMUCK CR
112-92	YVON CORMIER ETAL TR	CA INVESTMENT TRUST	3 CRENSHAW LN	ANDOVER	MA	01810	27614/5386	TADMUCK CR
113-24	DASCOMB ROAD DEVELOPMENT LLC	C/O THE LUPOLI COMPANIES	354 MERRIMACK ST	LAWRENCE	MA	01842	29664/ 95	SHAWSHEEN ST
112-94	YVON CORMIER ETAL TR	CA INVESTMENT TRUST	3 CRENSHAW LN	ANDOVER	MA	01810	27614/5386	VALE ST
11-1	MBTA	C/O DIRECTOR OF REAL ESTATE	TEN PARK PLAZA ROOM 5750	BOSTON	MA	02116	2226/ 326	1 RAILROAD ST

Section 5

Checklist of Fees

**ANDOVER PLANNING BOARD
SUBDIVISION
ADVERTISING & ADMINISTRATIVE FEES**

	Advertising Fee	Administrative & Processing Fees
Form A Lot Line Changes/Proximity Plan	-----	\$100.00
Plans creating new lot(s)	-----	\$100.00 plus \$100.00/lot
Form B (Preliminary)	-----	\$500.00 plus \$100.00/lot
Form C (Definitive)	\$150.00	\$500.00 plus \$500/lot (1 to 4 lots) \$500.00 plus \$1,000.00/lot (5 to 10 lots) \$500.00 plus \$1,500.00/lot (11 or more lots)
Modifications, Rescission, Changes and Amendments	\$150.00 (if applicable)	\$500.00 plus \$500/lot

**SPECIAL PERMIT AND SITE PLAN REVIEW
ADVERTISING & ADMINISTRATIVE FEES**

	Advertising Fee	Administrative & Processing Fees
Reduction or change in parking	\$150.00	\$500.00
Cluster Development	\$150.00	\$500.00 plus \$50.00/lot
Earth Movement	\$150.00	\$500.00
Disturbance of Slopes in Excess of 35%	\$150.00	\$500.00
Planned Development	\$150.00	\$500.00 plus \$100.00 per multifamily, mixed-use dwelling unit, and \$.25 per gross floor area commercial space
Multiple-family Attached Cluster	\$150.00	\$500.00 plus \$1000.00 per dwelling unit
Ground Water Protection Overlay District & Watershed Protection Overlay District	\$150.00	\$500.00
Major Non-Residential Project	\$150.00	\$500.00 plus \$.25 per gross floor area

ID2 Use Special Permit	\$150.00	\$500.00 plus \$.25 per gross floor area*
Access onto Main Street	\$150.00	\$500.00
Change in Parking Lot Design in GB District	\$150.00	\$500.00
Site Plan Review	-----	\$500.00 plus \$.25 per gross floor area
Site Plan Review Dover Use	-----	\$500.00 plus \$.10 per gross floor area
Modification or extension of Special Permit or Site Plan	\$150.00 (if applicable)	\$500.00 plus \$.25 per additional gross floor area
<u>Elderly Housing</u>	Advertising Fee	Administrative & Processing Fees
Long Term Care Facility	\$150.00	\$500.00 plus \$100.00 per unit plus \$.25 per gross floor area of accessory uses.
Assisted Living Residence	\$150.00	\$500.00 plus \$100.00 per unit plus \$.25 per gross floor area of accessory uses.
Congregate Care Facility	\$150.00	\$500.00 plus \$100.00 per unit plus \$.25 per gross floor area of accessory uses.
Independent Living Residence	\$150.00	\$500.00
Senior Residential Community Overlay	\$150.00	\$500.00 plus \$100.00 per unit plus \$.25 per gross floor area of accessory uses.
<u>Other Fees</u>	Advertising Fee	Administrative & Processing Fees
Lot Releases/Clearance Certificate	-----	\$50.00 per lot
Decision Extensions	\$150.00 (if applicable)	\$100.00
Repetitive Petitions	\$150.00 (if applicable)	\$500.00

Revised September 2016

*fee automatically waived when an ID2 Use Special Permit is filed concurrently with a Major Non-Residential Project Special Permit.

Section 6

Copy of Deed

Quitclaim Deed

JMDH REAL ESTATE OF ANDOVER, LLC, a Delaware limited liability company ("Grantor"), having an address at 15-24 132nd Street, College Point, New York 11356, for consideration paid and in full consideration of Seven Million Two Hundred Thousand and 00/100 Dollars (\$7,200,000.00), grants to **DASCOMB ROAD DEVELOPMENT, LLC**, a Massachusetts limited liability company ("Grantee"), having an address c/o The Lupoli Companies, 354 Merrimack Street, Lawrence, Massachusetts 01842, with Quitclaim Covenants:

A parcel of land described on Exhibit A attached hereto and made a part hereof (the "Property")

For Grantor's title, see deeds from Brockway-Smith Company each recorded on December 6, 2013 with the Essex North District Registry of Deeds in Book 13722, Page 229, and with the Middlesex North District Registry of Deeds in Book 27868, Page 150; and a Subdivision Plan recorded with the Essex North District Registry of Deeds on December 10, 2015 as Plan No. 17363, and also recorded with the Middlesex North District Registry of Deeds on December 10, 2015 as Plan No. 4703, in Plan Book 240, Page 94.

SUBJECT, HOWEVER to (i) the "Use Restriction" set forth on Exhibit B hereto, and (ii) all matters of record which by their terms affect title to the Property.

Conveyed subject to, and with the benefit of, the Smith Drive Easement as set forth in Amendment and Restatement of Easement Agreement dated September 24, 1999 and recorded in the Essex North Registry of Deeds in Book 5564, Page 295.

The Property does not constitute all or substantially all of the assets of Grantor in Massachusetts. Grantor is not classified for the current taxable year as a corporation for federal income tax purposes.

148 Dascomb Road, Andover, MA

Executed under seal this 15TH day of December, 2015.

JMDH Real Estate of Andover, LLC

By: *Brian Emmert*
Name: Brian Emmert
Title: CFO, Secretary and Treasurer

STATE OF NEW YORK, ss.

COUNTY OF QUEENS

On this 11th day of December, 2015 before me, the undersigned notary public, personally appeared Brian E Emmert proved to me through satisfactory evidence of identification, which was a driver's license or personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as the named officer for JMDH Real Estate of Andover, LLC, a Delaware limited liability company.

Brandy Gonzalez
Notary Public Brandy Gonzalez
My commission expires:
Notary public - State of New York
my commission expires
3/19/16

EXHIBIT A
Legal Description

EXHIBIT A

A certain parcel of land situated partly in the Town of Andover, Essex County, and partly in the Town Tewksbury, Middlesex County, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the northwesterly corner of the premises, said point being on the southerly side line of Dascomb Road a distance of 9.99 feet for a stone bound with a drill hole;

Thence turning and running N 57°44'46" E along Dascomb Road, a distance of 9.99 feet to the aforementioned stone bound;

Thence turning and running N 57°26'53" E along said street, a distance of 197.70 feet to a stone bound with a drill hole;

Thence turning and running N 57°04'51" E, by said street, a distance of 172.82 feet to a point;

Thence turning and running S 32°54'30" E, by said street, a distance of 20.00 feet to a point;

Thence turning and running N 57°04'51" E, by said street, a distance of 480.43 feet to a Massachusetts state highway bound at the intersection of Dascomb Road and Interstate 93;

Thence turning and running S 12°33'32" E, along said Interstate, a distance of 2178.03 feet to a point at the town line between Andover and Tewksbury, said line also being the division between Essex and Middlesex Counties;

Thence running S 12°33'32" E, by said Interstate, a distance of 84.48 feet to a point;

Thence turning and running S 87°30'08" W, by land now or formerly of the Boston & Maine Railroad, a distance of 123.95 feet to a point;

Thence turning and running N 13°03'53" W, by land now or formerly of California Products Corporation, a distance of 188.20 feet to a point on the Town and County line;

Thence running N 13°03'53" W, by said land, a distance of 274.41 feet to a point;

Thence turning and running N 02°29'52" W, by said land, a distance of 70.12 feet to a point;

Thence turning and running N 13°03'53" W, by said land, a distance of 146.60 feet to a point;

Thence turning and running N 87°30'08" E, by Lot 2B-1, a distance of 87.54 feet to a point;

Thence turning and running N 12°33'32" W, by said lot, a distance of 577.48 feet to a point;

Thence turning and running S 76°56'50" W, by said lot, a distance of 525.94 feet, partly through the center of a concrete block wall, to a point;

Thence turning and running N 32°15'14" W, by said lot, a distance of 770.56 feet to the point of beginning.

Meaning and intending to convey the above described parcel containing an area of 707,252 square feet or 16.236 ± acres and as shown as Lot 2A-1 on a plan entitled "Approval Not Required Plan, 146 Dascomb Road, Andover & Tewksbury, Mass.", dated November 23, 2015, prepared by Feldman Land Surveyors recorded in Essex North Registry of Deeds as Plan No. 17363 and recorded in Middlesex North District Registry of Deeds in Plan Book 240, Page 94.

EXHIBIT B
Use Restriction

The Property herein is being conveyed to Grantee subject to the following "Use Restriction:"

- (a) The Property shall not be used (including, without limitation, pursuant to any lease, license or other occupancy agreement) from and after the date hereof for operation of (1) a cash and carry wholesale food service or grocery business (including specialty sellers, such as produce operations), or any other sales, at wholesale, of food service or grocery products, such as, for example, operations similar to Sysco, U.S. Foods, Gordon Food Service or Reinhart Foodservice (provided, however, that such restriction shall not prevent the storage and distribution by a restaurant or caterer of its supplies for its own business), or (2) a "membership club" store, such as Costco, Sam's Club, BJ's Wholesale or Price Club. Grantor acknowledges that Use Restriction is not intended to apply to operation upon the Property of (i) restaurants (dine-in, delivery or take-out), ice cream shops, yogurt shops and related shops; (ii) catering halls; (iii) full line or specialty retail grocery stores or supermarkets, such as, but without limitation, Stop & Shop, Shaw's, Kroger, Publix, Piggly-Wiggly, Wegman's, Whole Foods, Aldi, Trader Joe's, Fresh Market, Walmart Supercenter or Target; or (iv) retail convenience stores such as 7-Eleven, Wawa, Sheetz, AmPm or Circle K.
- (b) For purposes of this deed: (i) the term "cash and carry" means a business wherein merchandise is picked up by customers at the Property; (ii) "wholesale" means the sale of merchandise to a person, group or entity for resale to another person, group or entity; (iii) "food service or grocery businesses" means persons, groups or entities (A) engaged in the business of selling food or groceries (examples of which shall include, without limitation, restaurants (whether dine-in or take out), caterers, "route" trucks or food carts that sell food and beverages, street vendors, bakeries, butchers, grocery stores (including, without limitation, corner markets, delis, snack shops and convenience stores), or other sellers of food service or grocery products), or (B) which otherwise sell or provide food as an ancillary part of other business conducted by such person, group or entity (examples of which shall include, without limitation, schools, charitable or religious organizations); and (iv) "food service and grocery products" include any products customarily used and sold in a food service or grocery business, including, without limitation, meat, poultry, fish, dairy products, produce, canned goods, dry goods, beer, wine, alcohol, bakery goods, other food or food-related products for off-premises consumption, tables, chairs, linens, tableware, take-out containers, paper and plastic goods, and cooking and other restaurant equipment.
- (c) The Grantee, for itself and its successors and assigns, by acceptance of this deed, hereby acknowledges that the said restrictions and conditions are intended for the joint benefit of Grantor named herein and its successors and assigns, and Grantor's parent company, Warehouse Realty, LLC, and its affiliate, Jetro Holdings, LLC, and their respective affiliates, parent companies, successors and assigns (collectively, the "Beneficiaries") and may be enforced by any of the Beneficiaries now or hereafter by all remedies available at law or in equity including, without limitation, specific performance and injunctive relief;

provided, however, in no event shall Grantor or any Beneficiary be entitled to any remedy seeking forfeiture or reversion of title to the Property.

- (d) The Grantee, for itself and its successors and assigns by acceptance of this deed, hereby agrees that: (i) the restrictions and conditions set forth herein are reasonable and necessary to protect the legitimate interests of the Beneficiaries; (ii) a violation of the restrictions and conditions set forth herein will cause continuing and irreparable injury to the Beneficiaries for which monetary damages would not be an adequate remedy; (iii) upon a violation of the restrictions and conditions set forth herein, the Beneficiaries shall have the right to enforce the terms contained herein by seeking the remedies of specific performance, injunctive or other relief in any court; provided, however, that except as expressly set forth herein, this deed shall not in any way limit remedies at law or in equity otherwise available to the Beneficiaries; (iv) in the event of any enforcement action brought by the Beneficiaries hereunder, the Beneficiaries shall be entitled to recover all costs of enforcement of such restrictions and conditions, including, without limitation, fees and costs of legal counsel and all court costs.
- (e) The Grantee, for itself, its successors and assigns, by acceptance of this deed, hereby agrees with the Grantor, its successors and assigns, that said restrictions and conditions set forth in this Exhibit B shall be covenants running with the land of the Property, and that in any deed of conveyance of the Property or any part thereof to any person or persons or legal entity, said restrictions and conditions shall be incorporated by reference to this deed and the record hereof as the same are contained herein.

Section 7

Copy of Checks

SELECT ONE CONSTRUCTION LLC
290 MERRIMACK STE 201
LAWRENCE, MA 01843-1779
978-681-7777

Enterprise Bank
Enterprise Bank & Trust Company
LOWELL, MASSACHUSETTS
53-274/113

®/TM EZShield® Check Fraud
V/C Protection for Business

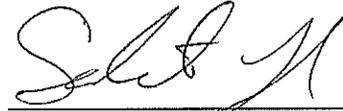
10/26/2018

PAY TO THE ORDER OF Town of Andover

\$ **150.00

One Hundred Fifty and 00/100***** DOLLARS

Town of Andover
32 North Main Street
Andover, MA 01810-3513



AUTHORIZED SIGNATURE

MEMO

⑈003141⑈ ⑆011302742⑆ 726 267⑈

SELECT ONE CONSTRUCTION LLC

Town of Andover				10/26/2018		
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/26/2018	Bill	Newspaper	150.00	150.00		150.00
				Check Amount		150.00

10001 Enterprise Op

150.00

Security features: Details on back.

SELECT ONE CONSTRUCTION LLC
290 MERRIMACK STE 201
LAWRENCE, MA 01843-1779
978-681-7777

Enterprise Bank
Enterprise Bank & Trust Company
LOWELL, MASSACHUSETTS
53-274/113

Check Fraud
Protection for Business

10/26/2018

PAY TO THE ORDER OF Town of Andover

\$ **13,000.00

Thirteen Thousand and 00/100***** DOLLARS

Town of Andover
32 North Main Street
Andover, MA 01810-3513



AUTHORIZED SIGNATURE

MEMO

⑈003140⑈ ⑆011302742⑆ 726 287⑈

SELECT ONE CONSTRUCTION LLC

Town of Andover					10/26/2018		
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment	
10/26/2018	Bill	Traffic Peer Rev	13,000.00	13,000.00		13,000.00	
					Check Amount	13,000.00	

10001 Enterprise Op

13,000.00

Security features. Details on back.

Section 8

Zoning Boundaries Graphic



Scale: 1" = 300'

146 Dascomb Road - Andover, MA

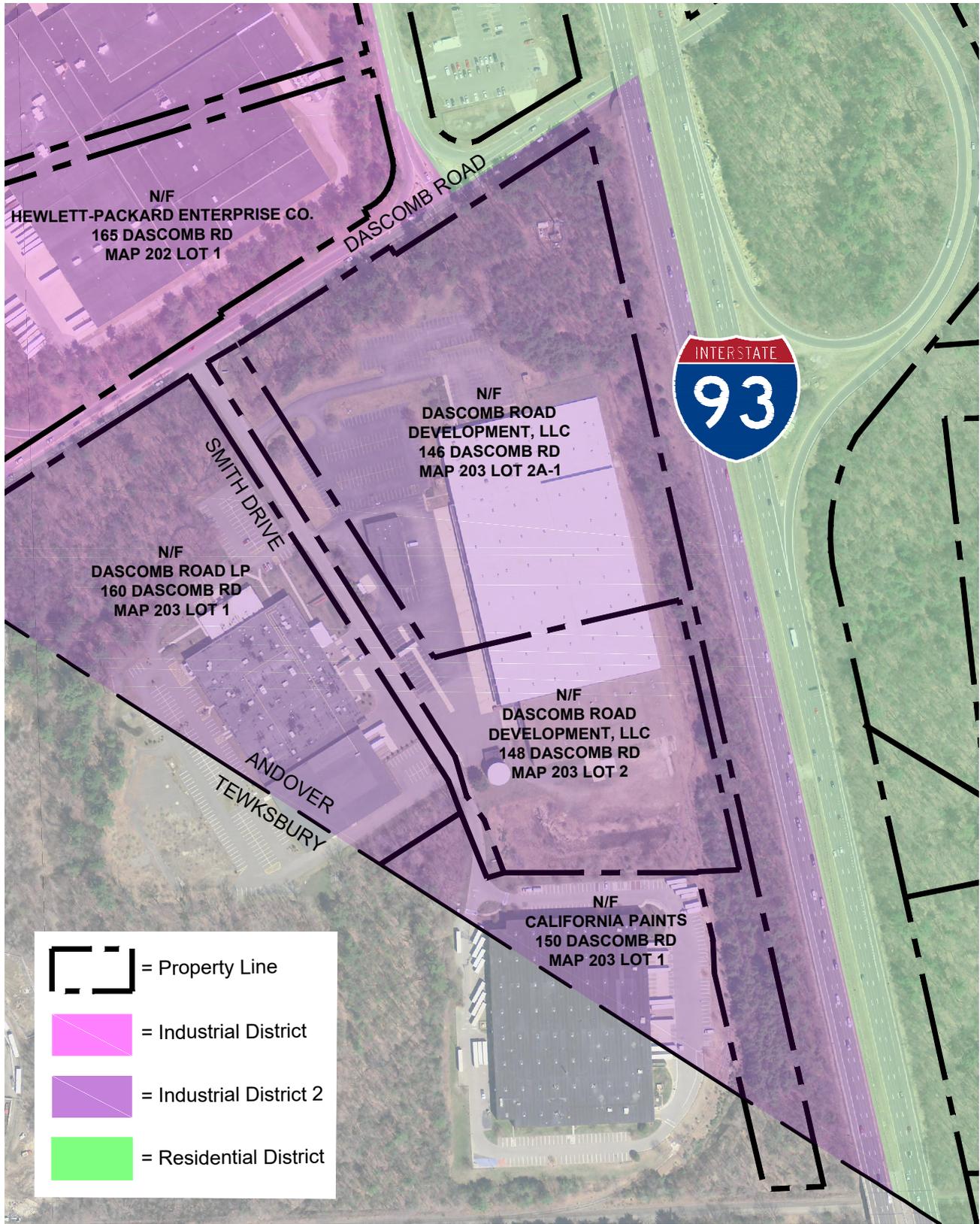


Figure 2 - Zoning and Abutting Lots



TEC, Inc.

T:\T0681\CAD\Civil\Graphics\T0681_PB_Abutting Lots Graphic NEw.dwg 12/4/2017 3:45:42 PM