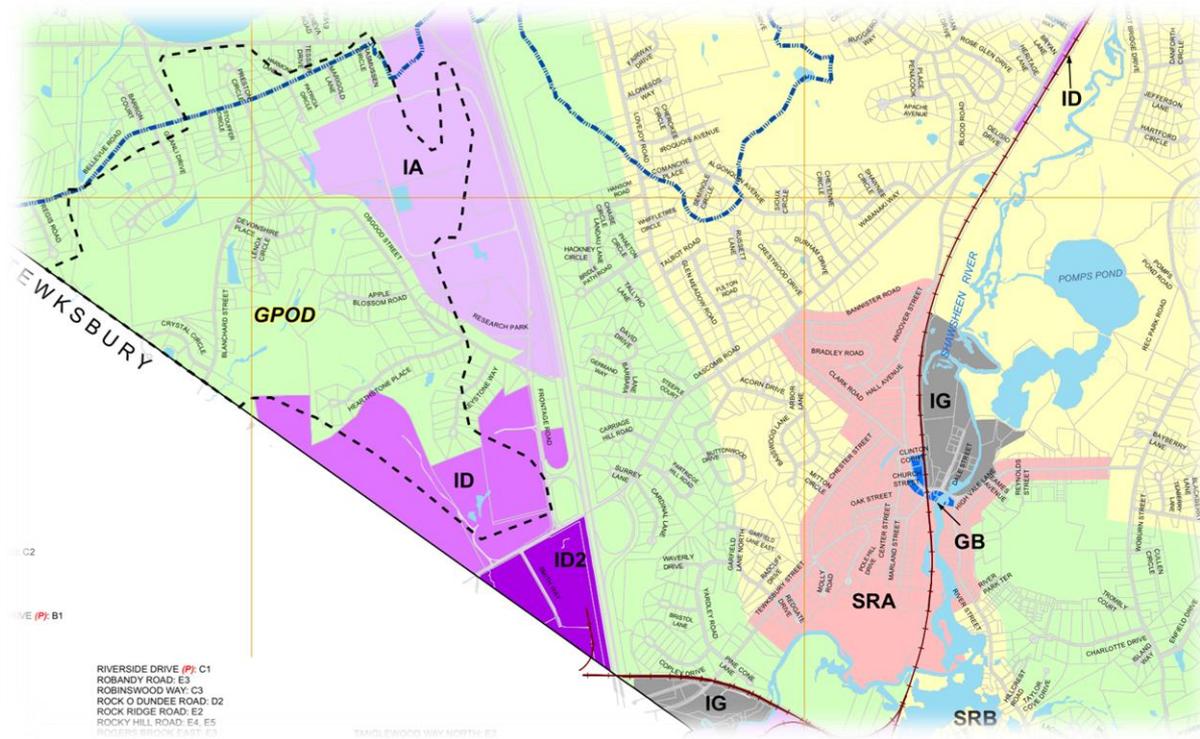


Dascomb Road Special Permit Criteria



August 13, 2019

Special Permit Criteria

- *Section 9.4.2 – General criteria applicable to Special Permits*
- *Section 9.4.8 – Major Non-Residential Special Permit*
- *Section 9.4.10 – Use Special Permits in ID2 Zone*

Section 9.4.2

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:*

Section 9.4.2.1

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

Consistent with purpose and intent of the ID2 Zone

Fiscal Impact Analysis peer reviewed and determined to be fiscally positive for the Town

Amenities will benefit nearby residents and commuters

- Grocery, hotel, retail, fitness, and restaurant uses*
- Pedestrian & bicycle accommodations*
- Major transportation infrastructure improvements to mitigate new traffic generated by the development and alleviate existing traffic issues*
- Greenspace amenities*

Section 9.4.2.2

Traffic flow and safety, including parking and loading.

Traffic Impact, Access, and Parking Study (TIAPS) reviewed by peer reviewer, found that additional traffic is appropriately mitigated.

Major transportation infrastructure improvements to improve safety at HSIP eligible intersection and poor operations at I-93 ramps.

Parking and loading sufficiently provided to support the development

Section 9.4.2.3

Adequacy of utilities and other public services.

Town Staff determined adequate utilities exist to support the development with the mitigation measures outlined:

- Upgrade Smith Way water line to 12" DI pipe along the project frontage*
- Create a water loop, providing a redundant connection between Smith & Dascomb*
- Coordinate location of water gates w/ Town Staff at each phase*
- Installation of pump station onsite and force main connection to existing municipal system*
- Sewer capacity improvement project*
- Participation in forthcoming I/I program*

Section 9.4.2.4

Neighborhood character and social structures.

Converting site from underutilized industrial use to an inviting and vibrant community asset

Consistent with purpose of the ID2 Zone

Employment opportunity (in Town) for wide array of skill sets

Traffic calming & sidewalk commitments

Retail, restaurants, grocery store, fitness, and hotel uses add to and complement character of the neighborhood

Section 9.4.2.5

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

Conservation Commission Order of Conditions includes generous wetlands mitigation package to enhance and improve environmental resource areas

Peer review of stormwater management system confirmed compliance with Town and State Standards and will improve treatment and provide groundwater recharge onsite

Project does not include manufacturing uses and proposes new buildings that will comply with Building Code and best practices for building construction; will not generate air or noise pollution.

Separated from neighborhoods / residential uses by I-93

Design Review Board shall review aesthetics of each proposed building during the future Site Plan Reviews for each phase of the project

Section 9.4.8

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

A commercial, industrial, or institutional development having the following characteristics:

- a. A proposal to increase the gross floor area of an existing building by more than 2,000 SF.
- b. A proposal to construct a building or buildings in excess of 10,000 SF.
- c. A proposal to alter, renovate, reconstruct or redevelop more than 40% of the gross floor area of an existing building, when there is a change of use.

Section 9.4.8.a

Provisions of subsections 9.5.3 and 9.5.4.1 and 9.5.4.2 shall apply.

Section 9.5.3

Requirements of Site Plans (date, north arrow, depiction of development, etc.).

Section 9.5.4.1

of copies submitted to the Planning Board.

Section 9.5.4.2

Interdepartmental Review.

Section 9.4.8.b

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.

All materials requested by the Planning Board have been provided.

Further documentation will be provided at future Site Plan Reviews for each project phase.

Section 9.4.8.c

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. 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.

Each proposed building will undergo review by the Design Review Board as part of future Site Plan Reviews.

Section 9.4.8.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.

- a. The proposed placement of buildings;*
- b. Major topographical changes;*
- c. Surface and ground water drainage and erosion control;*
- d. Protection against flooding and inundation;*
- e. Prevention of water pollution and environmental damage;*
- f. Provision for adequate utility services;*
- g. Provisions of off-street parking and loading;*
- h. Location of intersections of driveways and streets;*
- i. The effect of additional traffic created by the development on intersections and streets likely to be affected by the proposed development.*
- j. Provision for pedestrian/bicycle accessways connecting to adjacent open space, neighborhoods, schools, recreation areas or transportation facilities and for alternative transit programs.*
- k. Provisions for landscaping and adequate screening and buffering.*

Section 9.4.8.e

The Special Permit criteria of subsection 9.4 shall be met.

Reviewed Section 9.4 criteria earlier in presentation.

Section 9.4.10

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:

Section 9.4.10.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.

Peer review of Fiscal Impact Analysis confirmed the project is fiscally positive for the Town (approx \$2,000,000 net fiscal benefit annually to the Town)

The project is a generator of employment opportunity in Town for a wide array of skill sets (approx 1,800 jobs projected at full build-out)

Low participation in downtown business surveys conducted by peer reviewer did not reflect a concern that there will be unreasonably detrimental impacts to the downtown.

Peer review estimated that the 1,800 projected employees will spend \$13.6M annually on dining, retail, and personal/professional services, some of which will contribute to new business downtown.

Section 9.4.10.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.

Coordinated improved layout through public feedback, proposing only 62% of allowable density

Generous landscaping including two parks central to the project to improve the character of the development

Maintained setbacks from Dascomb Road (64' min, where 50' is required)

Staggered building heights to enhance the aesthetic of the development

Future Design Review Board consultation for each new building during Site Plan Review process

Section 9.4.10.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.

Phase-specific landscape plans shall be provided during Site Plan Review of each future phase.

Parking areas were designed to service adjacent buildings by centralizing the parking structure within the development.

Additional landscaping is provided as “banked parking”

Enhanced internal landscaping including two large parks central to the development.

Section 9.4.10.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.

Traffic Impact, Access, and Parking Study (TIAPS) reviewed by peer reviewer, found that additional traffic is appropriately mitigated and that existing traffic issues will be alleviated.

The Applicant is a member of the Merrimack Valley Transportation Management Association (TMA).