

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

*Book 4968 Page 176*

UPON THE APPLICATION OF

**BOSTON PROPERTIES, INC.**

For a Site Plan Special Permit under Section VI.Q.3. of the Zoning Bylaw.

Decision: SP97-30

**YES (with conditions)**

Public meetings of the Planning Board were held on November 25, 1997, and on December 16, 1997, in the Third Floor Conference Room and First Floor Conference Room respectively of the Town Office Building, Bartlet Street, Andover, Mass. Present and deliberating on this matter were Michael Miller, Susan Aloviseti, Paul Salafia, Vincent Chiozzi, and Linn Anderson.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on September 4, and September 11, 1997, 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 September 23, 1997 on the application of Boston Properties, Inc., for a Site Plan Special Permit for the construction of a three story, 120,858 square foot office/R&D building, and a two story, 106,711 square foot office/R&D building, along with associated parking areas containing 914 spaces, all on a 20 acre lot situated at #30 and #40 Shattuck Road (off River Road). Following presentations and discussion the hearing was closed on September 23, 1997 with the aforementioned members of the Board present throughout.

During the hearing the details of the project were described by the applicant's engineers. According to the developer the architecture of the project would be similar to that of the other buildings along Shattuck Road. The developer will make every attempt to preserve perimeter vegetation, except where the stormwater drainage will be located. The Board suggested that the existing vegetation along the property lines which abut residential uses should be evaluated to see if additional screening should be provided. Light poles in the parking lots will be 25 feet in height with cut-off fixtures. The Board suggested that care be taken to prevent glare and spillover into adjacent residential properties. Nearly all parking spaces (visitors excepted) are designed as "modified" compact car spaces, meaning slightly smaller than the standard 9X18 size.

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The drainage control ponds on the site are primarily designed to filter out pollutants from the parking areas. There will be approximately 5 feet of water in the ponds at all times. Roof top drainage from the buildings will be channeled to infiltration chambers along Shattuck Road. All drainage systems will eventually flow to a large channel on the east side of Shattuck.

According to the developer the project would generate an additional 1.5 vehicles per minute over the River Road bridge during the peak hours. That calculation was based on a research and development type occupancy of the buildings. According to the developer this 230,000 square foot Office/Research & Development project would not have an adverse impact on the roadway systems once the additional capacity has been provided under the River Road improvement project expected to be commenced later this year. The Planning Department pointed out that the developer has generally referred to this project as office space, and there is a difference in trip generation between office use and research type uses, the former being a higher number. In response the developer provided the Board with additional traffic calculations based on office use which show that the roadway system would not suffer from the slight increase in volume, and further clarified that the Boston Properties development had been included in the capacity calculations approved by the State as part of the Minuteman Park proposal on the north side of River Road. The developer anticipates a 12 to 15 month construction time-frame per building. Utility needs have been studied and the developer will provide certain capacity improvements to the sanitary sewer lines as recommended by the Public Works Department.

A special permit may be granted when the Planning Board has found that the proposal will not be unreasonably detrimental to the established or future character of the neighborhood and the Town, and that the proposal is in harmony with the general purpose and intent of the zoning by-law. In making such findings the Board is required to give due consideration to the specific standards as may be found in the by-law as well as to the following criteria:

a. The adequacy and accessibility of public highways and municipal facilities: In the opinion of the Board, based on the reports submitted, and the recommendations of the Department of Public Works, there are adequate municipal utilities for the project. The applicant has presented a traffic analysis prepared by the firm of Vanasse & Associates which provides details regarding the anticipated impacts on the roadway systems which serve the project area, and includes mitigation strategies which can be implemented by the developer and/or occupants of the buildings. Improvements to the roadway system are described in the traffic report, and are more clearly depicted on drawings entitled "Proposed River Road Improvement Plan", Figure 2A, and Figure 2B. Essentially the improvements provide for a six-lane configuration in the section of River Road between Shattuck Road and the I-93 overpass; a six-lane bridge deck over I-93; additional ramp lanes; new traffic signal configurations and phase timing; and turning lanes. The developer understands that this project may not be occupied until the River Road section has been constructed and the signal systems adjusted, and until the temporary four-lane configuration on the bridge deck has been completed. The applicant also proposes various traffic demand management (TDM) strategies to further reduce volumes. In the opinion of the Board the improvements outlined in the traffic analysis will be adequate to serve this project.

b. The sufficiency and suitability of off-street parking and loading facilities and screening and landscaping to be provided in connection with the proposal: The Board finds that the number of parking spaces are sufficient to accommodate the project (759 spaces are required under the by-law, and 914 spaces are being provided). Appropriate loading facilities and landscaping are being provided.

c. The effect on the amenity of the neighborhood which can be anticipated from the conditions created by the proposed use and operation of the premises: The project is located in an industrial district with compatible land uses existing in much of the surrounding area. The residential neighborhood along Brundrett Avenue will be buffered from the project by an area of existing mature vegetation, plus additional screening to be installed by the developer. In addition the parking area lighting will be designed so as to minimize glare and spillover. In the opinion of the Board this project should not create an adverse effect on the neighborhood.

In the opinion of the Board there is a direct relationship between the "on-site" issues which are regulated under the Zoning By-Law, and the "off-site" issues of support infrastructure, roadways, and neighborhoods surrounding the project. The special permit process is not intended to prevent or impede the use or development of property, but rather to examine the relationship between the on-site issues and the off-site issues, and then to properly address and mitigate any adverse impacts resulting from the proposed development. The zoning by-law allows the Board to impose such conditions or safeguards deemed reasonably necessary through the special permit process.

In consideration of all of the foregoing, including the plans, reports, and testimony at the hearing, the Planning Board finds that with appropriate conditions the proposal will not be unreasonably detrimental to the neighborhood and the town, and that the proposal would not derogate from the general purpose and intent of the by-law. The special permit is therefore granted subject to the following conditions which are intended to ensure reasonable and orderly development of the site; to provide for the public safety on the adjacent streets; and to mitigate to the greatest extent possible any adverse impacts on adjacent properties or neighborhoods:

#### Conditions of Permit

1. For purposes of this permit the project shall be defined as the buildings, parking areas, landscaping, lighting, and all utilities associated therewith both on and off the site. The site shall be defined as the property owned or under control of the applicant identified on the plan as Lot 7A. The developer shall be defined as the applicant and may include any agent or employee of the applicant involved in construction of the project. Construction activities shall be defined as those activities associated with clearing and removal of vegetation, grubbing, grading, excavation, filling, hauling of materials, installation of utilities, erection of structures, paving, and landscaping;

2. The project shall be constructed in accordance with the following plans as prepared by John G. Crowe Associates, and Spagnolo/Gisness & Associates:

- a. SPA-1.1, Existing Conditions Plan, dated 8/29/97
- b. SPA-1.2, Existing Conditions Plan, dated 8/29/97
- c. SPA-2.1, Site Grading & Erosion Control Plan, dated 9/19/97 (revised)
- d. SPA-2.2, Site Statistics Plan, dated 8/29/97
- e. SPA-3, Site Utility Plan, dated 9/19/97 (revised)
- f. SPA-4, Landscaping Plan, dated 8/29/97
- f. SPA-5, Site Details, dated 8/29/97
- g. SPA-6, Site Details, dated 8/29/97
- h. SPA-7, Site Details, dated 8/29/97
- i. E-1, Electrical Site Plan, dated 8/28/97
- j. SA-1, South Building - Proposed first Floor Plan, dated 29 August 1997
- k. SA-2, South Building - Proposed Second Floor Plan, dated 29 August 1997
- l. SA-3, South Building - Preliminary Elevations, dated 29 August 1997
- m. NA-1, North Building - Preliminary First Floor, dated 29 August 1997
- n. NA-2, North Building - Preliminary Second Floor, dated 29 August 1997
- o. NA-3, North Building - Preliminary Third Floor, dated 29 August 1997
- p. NA-4, North Building - Preliminary Elevations, dated 29 August 1997

3. Prior to any construction activities on the site the developer shall provide the Andover Department of Public Works with final plans in such detail and to such specifications as may be required by the Town Engineer for the sanitary sewer improvements in Old River Road as described in a memorandum from Richard Cutts of John G. Crowe Associates dated 11 November 1997 and as shown on a drawing attached thereto dated 11/11/97 and revised 11/13/97.

No construction activities may be commenced until the Town Engineer or Director of Public Works has provided the Planning Board with notification of acceptance and approval of said sanitary sewer plans;

4. All earthmoving activities associated with the project shall be regulated by the Inspector of Buildings pursuant to the requirements of the zoning by-law and as may otherwise be covered under this permit, and such activities shall commence only after issuance of a building permit. The developer shall provide the Inspector of Buildings with all schedules as may be required or requested for earth moving activities, particularly those which involve hauling earth materials to or from the site. Hauling operations are strictly prohibited on River Road west of Shattuck Road, and on River Road east of Federal Street, and no hauling operation shall be conducted during periods which coincide with school transportation schedules on River Road.
5. The developer shall be responsible for keeping Shattuck Road and River Road clear of dirt, mud, and other debris associated with construction activities on the site. Construction vehicles, contractors vehicles, equipment, or materials shall not be parked, stored, or placed on Shattuck Road at any time;
6. Exposed earth surfaces (from excavating and/or regrading) and long term stockpiles shall be stabilized as soon as possible by loaming and seeding, hydroseeding, mulch coverings, or netting as may be appropriate. The developer shall immediately stabilize those areas which are found to be causing erosion or dust upon notification from the Inspector of Buildings or the Planning Department;
7. All lighting associated with the buildings and parking areas shall be shielded and/or directed so as to prevent glare or spillover onto any adjacent residential properties;
8. In order to reduce adverse visual impacts from the buildings and parking areas a vegetative screen shall be planted along the southwestern line of the parking area adjacent to the residential property owned now or formerly by Robidoux. The vegetative screen shall be shown on a plan and submitted to the Board for review and approval;
9. The owner(s) of any building covered by this special permit shall be obligated to become a participating member of the River Road Transportation Association (RRTMA). Evidence of membership shall be provided to the Planning Board, and said membership shall be continuous and maintained in good standing unless otherwise approved by the Board. Information regarding the RRTMA can be obtained from the Planning Department;
10. No Certificate of Occupancy may be issued by the Inspector of Buildings for any of the buildings covered by this special permit until the River Road traffic improvements under Commonwealth of Massachusetts Project #4ANDRRZ, Mass Highway File #602300 have been completed and are operationally functional. Those improvements are defined as the widening and final paving of River Road and a portion of Shattuck Road; improvements to the I-93 ramps; all

associated striping and signage; all new traffic signal installations and/or adjustments to existing signals; and the temporary restriping of the River Road bridge deck to accommodate four (4) ten-foot wide travel lanes (2 lanes in each direction);

11. The developer shall notify the Planning Board upon full occupancy of the two buildings covered under this special permit, and within the next thirty (30) days following such notice shall submit to the Board an evaluation of traffic conditions associated with the project which shall include at least two 24-hour weekday traffic counts taken by Automatic Traffic Recorder (ATR) at the access points on Shattuck Road; a comparison of those counts with the volumes projected in the letter from R.D. Vanasse & Associates dated December 8, 1997; and an analysis of the effects of project traffic on the River Road system. The traffic counts may not be taken on a holiday, nor on a day immediately preceding or following a holiday. The evaluation shall be prepared by a firm qualified to undertake such work and shall be paid for by the developer;

12. This permit shall be administered and enforced in accordance with the provisions of the Board's Rules and Regulations Governing Special Permits.

At the aforementioned public meetings on November 25, and December 16, 1997 the Planning Board voted (5-0) to issue the foregoing Special Permit with conditions.

Date: 12.18.97

Michael Miller  
Michael Miller, Chairman  
THE ANDOVER PLANNING BOARD

Essex, ss

COMMONWEALTH OF MASSACHUSETTS

Date: 12.18.97

Then personally appeared before me MICHAEL MILLER and acknowledged the foregoing to be the free act and deed of the Andover Planning Board.

Before me,

Stephen Lee Conner  
Notary Public

My Commission Expires: 8/4/2000

CERTIFICATION

I, Randall L. Hanson, 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 19, 1997 and no appeal has been filed with the Town Clerk.

Date: 1/13/98

Randall L. Hanson  
Randall L. Hanson, Town Clerk

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

BOSTON PROPERTIES, INC.

For an extension of a site plan special permit under Section 9.4.7 of the Zoning Bylaw

DECISION 97-30 (EXTENSION)

A duly noticed public hearing was convened on December 11, 2001, in the Third Floor Conference Room, Town Office Building, Bartlet Street, on the request of Boston Properties, Inc., for a two-year extension of time in which to exercise a special permit issued for the construction of a new office building located at 30 Shattuck Road; being more specifically identified as Lot 15B on Assessor's Map 167.

The hearing was closed on December 11, 2001, and hearing no objections, the Board voted to extend Special Permit SP 97-30 to December 11, 2003, subject to all conditions imposed on the original issuance of that permit as recorded in the North Essex Registry of Deeds in Book 6018 at Page 342.

Date: 12/24/01

THE ANDOVER PLANNING BOARD

Paul J. Salafia, Chairman

Essex, ss

COMMONWEALTH OF MASSACHUSETTS

Date: 12-21-01

FEB 15 '02 PM2:40

Then personally appeared Paul J. Salafia and acknowledged the foregoing instrument to be the free act and deed of the Andover Planning Board.

Before me,

Mary Ann T. Whittingham  
Mary Ann T. Whittingham, Notary Public

My Commission Expires: July 26, 2007

Please return to C.D. & P., Planning  
36 Bartlet St., Andover, MA 01810

2001

Essex Registry of Deeds  
North District

## CERTIFICATION

I, Randall L. Hanson, Town Clerk of the Town of Andover, Massachusetts, hereby certify that twenty (20) days have elapsed since the foregoing decision of the Andover Planning Board was filed in my office, and no appeal has been taken against the decision.

Date: Jan 14, 2002

Randall L. Hanson  
Randall L. Hanson, Town Clerk