

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

ON THE APPLICATION FOR

303 North Main Street

For a Special Permit for a Planned Development Multi-family Dwelling Section 7.2 of the
Zoning By-Law.

Decision: SP19-06

YES (with conditions)

A public meeting of the Planning Board was held on January 3, 2020, in the Third Floor Conference Room of the Town Office Building. Present and voting in the affirmative on the matter were members Zachary Bergeron, Neil Magenheimer, Rocky Leavitt, and Morgan von Prella Pecelli.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on October 3, 2019 and October 10, 2019, and notice sent by mail, postage prepaid, to all interested parties pursuant to the provisions of Massachusetts General Laws, Chapter 40A, a public hearing was convened on October 22, 2019 on the application of 305 North Main LLC for a Special Permit for a Planned Development Multi-family Dwelling. The hearing was closed on December 10, 2019, with the aforementioned members of the Board present.

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The existing building at 303 North Main Street is on 5 parcels of land 291, 293, 295, 297 & 303 North Main Street but is known as 305 North Main Street the Tactician Building, it was built in 1921 and at the time as was known as Balmoral Spa. An addition was constructed in the late 1960s and has mainly been used as a commercial property.

The special permit is allowing the conversion of the commercial building to residential. There will be 29 units of rental, 4 of which will be affordable units. The existing footprint of 15,550 sf, 3 story 48,900 sf of floor area will remain the same. The properties are located in the General Business Zoning District which allows a Planned Development Multi-family Dwelling with a Special Permit.

Special Permit Criteria

According to Section 7.2.8. of the Andover Zoning Bylaw, the proposed project must meet the following criteria:

1. The design standards and review criteria in this section have been met. The Design Standards include Access, Parking, Landscaping, Screening, Lighting, Disposal Area, and Utilities. The applicant has provided information on the access, the drive access will be one way in off of North Main Street due to the 16 foot width with a one way exit onto Balmoral Street; building access will be relocated to become ADA compliant. Parking is meeting the requirements of the ZBL along with the maneuverability needed for Fire Rescue apparatus. Screening to the abutting property will remain along with shielding of the parking lot lights to prevent spillover. The parking lot lights will be updated with shields and use LED lights for energy efficiency. The disposal area will be gated and enclosed on three sides with brick with gaps to allow water to flow in case of flooding. Utilities exist to the building but will be upgraded as required by the Department of Public Works.
2. The provisions for parking and vehicular circulation on the site and access onto adjacent roadways will promote safe traffic control and flow.
The proposed parking meets the required two spaces per unit and visitor parking. The vehicular circulation will be one way into the site off of North Main Street due to the 16 foot width; egress will be onto Balmoral Street.
3. The provision for landscaping and screening will provide an adequate buffer for adjoining properties and will minimize the impact of the proposed uses and parking areas, and the effect of the bulk and height of buildings and structures.
The site is being converted from commercial use to residential. Much of the parking lot landscaping will remain the same; there will upgrades to the landscaping at the North Main Street doorway to give a residential feel to the building along with up to 6 street trees to be planted with the approval of MassDOT. The existing fence panels will be replaced in-kind.
4. Any provision for pedestrian ways will provide safe and convenient access on-site with linkage to adjacent pedestrian areas.
Sidewalks exist on North Main Street and Balmoral Street. A public access easement will be granted to the Town to allow for public access to the river.

5. The project will provide for adequate drainage, water and sewer facilities with sufficient capacity to serve the planned development.

Two water quality units are being added to the site, the Conservation Commission conducted a review of the units to determine they are adequate.

6. The intersections and roadways likely to be affected by the proposal are of sufficient capacity and design to accommodate the planned development.

The proposal is for 29 units of housing, the police are in agreement that the anticipated volume will not have an adverse impact on the volume or safety of traffic in the area. The site circulation is being changed for a one way in and out to prevent traffic conflicts.

According to Section 9.4.2. Special Permits in General must meet five additional criteria. Some of which are duplicative of Section 7.2.8.

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

New housing units, such as the ones proposed are needed in this part of Andover. The units are located within the General Business District within close proximity to the highway.

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

The site accommodates the parking required. The two driveway widths are a sufficient to safely accommodate vehicles entering and the exiting.

3. Adequacy of utilities and other public services.

Utilities will be provided and will be further reviewed prior to occupancy by the Department of Public Works.

4. Neighborhood character and social structures.

The neighborhood is a General Business District with a mix of uses. There are single family homes, a condominium complex across the street, and commercial uses within the square. In staff's opinion, the proposed multifamily housing is appropriate for the area.

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

The drainage is to be improved with the completion of the project. The aesthetics of the site are not changing as the outside of the building will remain the same.

On a vote of 4 to 0, the Board finds that the multi-family building for 29 rental units, four of which will be affordable located in the General Business Zoning District and associated site work as requested will not be unreasonably detrimental to the established or future character of the neighborhood and town and that such proposed use with appropriate conditions is in harmony with the general purpose and intent of the bylaw. The Board approves with conditions the application for a Special Permit for a Planned Development Multi-family Dwelling subject to the following conditions:

1. For purposes of this approval, the “developer” is currently identified as 305 North Main LLC the applicant. The term “developer” shall also include any future sale, lease, and transfer of the project to a successor in interest. Any successor(s) in interest shall be bound by, and subject to, all applicable conditions stated below. The developer as defined is responsible for construction of the project, including all contractors, subcontractors, vendors, or other parties working on the site. The developer is responsible for making sure that all contractors, subcontractors, vendors, or other parties working on the site are aware of the conditions.
2. Except as otherwise provided in these conditions, all construction activities shall be in conformance with and follow these conditions and the following plans prepared by TEC:
 - a. Sheet –C-1, Title & Index Sheet, Dated 10/11/2019 (last revised 12/03/19);
 - b. Sheet – C-2, Legend & General Notes, Dated 10/11/2019 (revised 12/03/2019);
 - c. Sheet – C-3, General Plan, Dated 10/11/2019 (revised 12/03/2019);
 - d. Sheet – C-4, Construction Details, Dated 10/11/2019 (revised 12/03/2019);
3. Any amendments or revisions to the foregoing plans, in whatever form or extent, including architectural design or material changes, shall be submitted to the Planning Division for consideration as to whether they constitute major or minor amendments;
4. An instrument containing these conditions, shall be recorded at the North Essex Registry of Deeds;
5. An Approval Not Required (ANR) Plan shall be submitted and recorded at the North Essex Registry of Deeds to combine the lots;
6. After the creation of the ANR plan the applicant shall provide to the Planning Department a digital file containing the plan if produced using computer aided drafting and design (CADD) software. The file format shall be in AutoCAD DWG (or ASCII DXF) version 2004 or earlier and Adobe PDF, delivered on CD-ROM or DVD-R media. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.;
7. Prior to the start of construction a preconstruction meeting shall be held to help determine utility connections and hydrant locations;
8. Construction activities and removal of debris shall be in accordance with the schedule provided during the pre-construction meeting, and such schedule shall provide for the hours during which construction and/or hauling operations may be conducted, and shall provide for designation of a hauling route for trucks. All loaded trucks shall be appropriately covered, and all public streets shall be kept free and clear from any debris, stones, gravel, or other earth

materials associated with the project;

9. Construction activities (including start-up and operation of equipment, transport of materials to and from the site, earth work, clearing, grubbing, tree removal, and erection of structures) shall be conducted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Saturday activities may be permitted upon written request to, and approval from, the Inspector of Buildings, however, such Saturday activities may be approved subject to restricted hours, and such approval may be revoked if any terms or conditions of the approval are violated and/or if complaints are received from abutters. Work inside a structure once enclosed (walls, roof, windows, and doors) is not subject to this condition. This restriction of times excludes the construction of the utilities that will be allowed for a limited number of days and times during the evening and on Saturdays;
10. Construction equipment, building materials, debris, and contractor's vehicles associated with the project shall not be stored or parked on North Main Street. All such equipment and materials shall be stored or parked on the site in such manner and location as to not create a hazard to abutting properties, and shall be secured against unauthorized entry. All activities on the site shall be conducted in a workmanlike manner. Construction debris and litter shall be collected and stored in appropriate containers on the site and shall be removed as promptly and regularly as possible. Appropriate measures (or those directed by the Inspector of Buildings) shall be taken on the site so as to protect adjacent properties and ensure the safety of pedestrian and vehicular traffic during construction, equipment and materials should be stored away from the River to the best extent practical;
11. Construction of the project, once begun, shall continue through to completion as expeditiously and continuously as possible; however, in the event that construction activities cease on the part of the developer for a period of nine (9) months from the date of last observed activity, the Board may convene a public hearing for the purpose of revocation or modification of the permit;
12. Prior to occupancy the pedestrian access easement shall be reviewed by the Planning Board and Town Counsel, accepted by the Town and recorded at the North Essex Registry of Deeds;
13. Prior to occupancy of the building permit for the new multi-family structure all exterior water, sewer and drainage utilities are to be installed in a manner acceptable to the Department of Public Works and pass all tests;
14. Any landscaping provided on the plans shall be of native species where practical and must be planted and survive one (1) year following initial planting. The developer shall replace any trees that die within one year from the date of planting in kind and in similar size, the developer shall work with the Tree Warden on the specific tree species. Should MassDOT not approve the planting of six trees on North Main Street an alternate plan of tree planting shall take place on Balmoral Street. An updated plan with the number of trees and locations shall be submitted to the Planning Division for review;

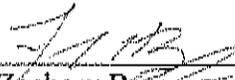
15. Snow plowing, removal and storage shall be the responsibility of the developer;
16. All exterior lighting on the site (parking areas and building) shall be shielded to prevent spillover or glare onto adjacent properties or roadways and will be the responsibility of the property owner;
17. A minimum of 4 of the units (15% of 29 units) of the units shall be affordable in perpetuity in accordance with Section 7.2.4 of the Andover Zoning Bylaw. Units 104, 202, 205 and 304 shall be designated as the affordable units unless otherwise approved by the Planning Board. A monitoring agent shall be employed by the developer to submit annual reports to the Town verifying compliance with Section 7.2.4;
18. Prior to occupancy of the buildings the access/egress driveways, parking area, pavement markings, on-site street improvements such as landscaping associated with the project shall have been completed;
19. One "No Parking" sign shall be placed along the fire lane at the exit drive onto Balmoral Street;
20. Prior to occupancy the applicant shall provide to the Planning Division a digital file containing an as-built plan in AutoCAD DWG (or ASCII DXF) version 2004 or earlier and Adobe PDF, delivered on CD-ROM or DVD-R media. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include utilities, buildings, property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet;

Following the statutory twenty-day appeal period, and in the absence of any appeal, the plan and an instrument containing the foregoing restrictions will be filed in the Registry of Deeds. The applicant is responsible for the costs associated with the Registry filings.

The Planning Board deliberated on the application during a public meeting on January 3, 2020, and subsequently voted 4 - 0 to issue the foregoing Special Permit with Conditions.

THE ANDOVER PLANNING BOARD

Date: 1-8-2020



Zachary Bergeron, Chairman

Essex, ss:

COMMONWEALTH OF MASSACHUSETTS

Date: 1-8-2020

On this 8th day of January, 2020 by Zachary Bergeron 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 his knowledge and belief 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,



Notary Public

My Commission Expires:

JACKI A. BYERLEY
NOTARY PUBLIC
My commission expires June 11, 2021

CERTIFICATION

I, Austin Simko, 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 and no appeal has been filed with the Town Clerk.

Date: 1-29-2020


Town Clerk