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TOWN OF ANDOVER  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
AND PLANNING

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TOWN CLERK'S OFFICE  
2021 OCT 18 PM 12:45

CERTIFICATE OF ANDOVER TOWN  
CLERK PURSUANT TO MASS GENERAL  
LAWS c. 41 SECTION 81U

TOWN OF ANDOVER, MASS

1. On October 12, 2021 a definitive plan of a subdivision entitled Sherbourne Street, dated July 21, 2021 was filed with the Andover Planning Board.
2. Pursuant to G.L. c. § 81U, the Planning Board was required to take final action on said plan by December 24, 2021, which latter date was agreed to upon the written request by the applicant.
3. On October 12, 2021, the Planning Board took the following action on said plan (delete all but correct choice):
  - a. Approved with conditions attached to this Certificate:
  - ~~b. Modified and approved subject to the conditions attached to this Certificate:~~
  - ~~c. Disapproved, for the following reasons attached to this Certificate:~~
  - d. Approved on \_\_\_\_\_ by operation of law due to the failure of the Planning Board to take final action within 90 days/135 days or within such time as was agreed to upon the written request of the applicant.

Executed this 18<sup>th</sup> day of October, 2021, by Joceli Flynn, the authorized agent of the Andover Planning Board.

Essex, ss. Commonwealth of Massachusetts

On this 18<sup>th</sup> day of October, 2021, by Jack Byrley, 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 her knowledge and belief and who acknowledged to me that she 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: Dynn M. Vseelli  
Notary Public  
My Commission Expires: 8/15/2025

## KNOW ALL MEN BY THESE PRESENTS

On October 12, 2021, at a regularly scheduled public meeting, the Andover Planning Board voted to grant approval to your definitive subdivision plan entitled Sherbourne Street dated July 21, 2021.

The definitive plan was submitted on August 11, 2021, and was the subject of a public hearing convened on September 14, 2021 and later closed on October 12, 2021. The plan is dependent on a Special Permit for Earth Movement which was also reviewed during concurrent public hearings and approved by the Board on October 12, 2021. The Special Permit will be filed with the Town Clerk separate from and subsequent to this communication.

In consideration of all the reviews, presentations, discussions, agreements, and understandings the Board grants final approval to the 18 William Street/Sherbourne Street definitive subdivision plan subject to the following conditions:

### Definitive Subdivision Conditions:

#### General Conditions

1. For purposes of this approval the subdivision shall be defined as all features depicted on the plans described under condition #2; the developer shall be defined as the applicant, Carlos and Diana Arzeno and its assigns or successors in title to the development, and all contractors and subcontractors under control of or in service to the developer;
2. Except as otherwise provided for in these conditions the construction of the subdivision and all activities associated therewith shall be in conformance and compliance with the information, details, notations, grading and features shown on the following plans, drawings and documents prepared by Merrimack Engineering Services;
  - a. Sheet 1, Lot Layout Plan, dated July 21, 2021;
  - b. Sheet 2, Grading Plan, dated July 21, 2021;
  - c. Sheet 3, Plan and Profile Plan, dated July 21, 2021;
3. Sheet 1 of said plan entitled "Lot Layout Plan", dated July 21, 2021, as prepared by Merrimack Engineering Services and an instrument containing these conditions, shall be recorded at the Northern Essex Registry of Deeds pursuant to the requirements of the Subdivision Rules and Regulations of the Andover Planning Board;
4. Prior to the recording of the definitive 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. A review of the digital file shall be made by the Department of Public Works prior to the recording of the definitive plan;

5. This subdivision approval is limited to the two lots as shown on the plan referenced above;
6. The owner and applicant shall, pursuant to statute, have twenty (20) days following the approval action of the Andover Planning Board to file an appeal of said action, and in the absence of an appeal shall be deemed to have accepted said action and these conditions;
7. Within five (5) days of the transfer of ownership of this subdivision, in whole or in part, the developer shall notify the Andover Planning Department of the name and address of the new owner(s). The developer shall provide the new owner(s) with a copy of these conditions;
8. No permits for construction of the new dwelling may be issued by the Inspector of Buildings for any lot within this subdivision unless and until the provisions of Section V.E. of the Rules and Regulations of the Board have been satisfied. Once a building permit has been issued for any particular lot this condition will be deemed to have been complied with and considered released for that lot;
9. Any blasting operations shall require proper permits, and may not be undertaken on any weekend or holiday;
10. All grading and earth disturbance within the subdivision shall be governed by Sections VI.F.6, and VI.F.7 of the Rules and Regulations of the Board, as well as the Special Permit for Earth Movement as issued under the Planning Board Decision SP21-05;
11. Import or export of earth materials from within the subdivision is prohibited except as may be provided for under the special permit issued under Planning Board Decision SP21-05, or as otherwise allowed under the applicable provisions of the Zoning Bylaw;
12. Deeds for the new lot, as shown on the plan shall be granted the right to pass and re-pass over the way;
13. Yard sprinklers or other privately owned underground devices shall not be installed within the roadway or utility easements, nor shall private recreational features be allowed within the roadway. Landscaping within the roadway in the form of grass, flowers, trees and small shrubbery is permitted at the risk of the lot owner, provided that such landscaping does not interfere with the use or safety of the roadway;
14. The subdivision shall be constructed in accordance with and subject to all applicable provisions of the Rules and Regulations of the Board. The approval and these conditions shall be enforced under the provisions of Section V.H. of the Rules and Regulations of the Board;
15. Original mylar prints of the abovementioned plans must be submitted for endorsement to the Planning Division following the statutory 20-day appeal period;
16. Prior to the recording of the definitive plan at the Registry of Deeds the developer shall provide the Planning Department with a municipal lien certificate indicating that all taxes, assessments and charges have been paid in full as required by MGL, Chapter 60, Section 23;

17. The paved area is intended to remain as privately owned, with lot owners responsible for snow plowing, maintenance costs, and improvements. Any change to this condition will require approval by the Planning Board and will result in whatever design and construction changes are necessary to bring the paved area in to full compliance with roadway construction standards contained in the Subdivision Regulations, with lot owners responsible for improvement and maintenance costs;
18. Trash and recycling trucks will not travel on the way, pick up of trash and recycling will take place on William Street;
19. Prior to release of a Clearance Certificate for building purposes, a sign depicting the street address issued by the Assessor shall have been erected at a location determined by the Department of Public Works;
20. The landscaping and plantings as shown on the plans referenced in condition #2 must be planted and survive one (1) year following initial planting. The owner shall replace any trees that die within one year from the date of planting in kind and in similar size;

Prior to Construction

21. Prior to any construction activity within the subdivision the developer shall submit for review and approval to the Planning Department a proposed construction sequence schedule in a form provided by the Department, said schedule to be used as a guide to activities within the development including construction of roadways, utilities, drainage systems, stabilization, and stockpiling. This schedule once established shall not be deviated from, but may for good and demonstrated reason, be modified by agreement between the developer and the Planning Department;
22. Construction traffic associated with this subdivision shall be regulated by the Inspector of Buildings. Prior to commencing hauling operations, a hauling route shall have been reviewed and approved by the Inspector of Buildings. Any deviation from the approved route and/or scheduling once established shall require proper notification and approval from the Inspector of Buildings. Construction traffic shall be defined as large trucks hauling earth moving equipment, dump trucks, trucks hauling building materials, cement trucks, and contractors' vehicles larger than panel trucks. It shall be the developer's responsibility to inform all contractors, subcontractors, vendors, and workmen of this restriction, which shall be enforced under the provisions of Section V.H. of the Board's Rules and Regulations;
23. Prior to any construction activity of any kind within the subdivision the developer shall submit for review and approval to the Planning Department a detailed schedule of the anticipated earth operations;
24. Prior to introduction of construction equipment onto the site a meeting shall be conducted between the developer, the developer's contractors, and the Planning Department, as well as the Conservation Department, and Department of Public Works for the purpose of reviewing these conditions and the construction sequence schedule;

25. The roadway shall be kept clear and passable at all times. No equipment shall be parked in such a manner as to render the roadway impassable, and no refuse containers, trailers, or construction materials of any kind shall be placed or stored upon the street;
26. Prior to any construction activities, the documents maintenance agreement shall outline the responsible party for all maintenance of the pavement and utilities within the right of way must be reviewed by Town Counsel, approved by the Planning Board and recorded at the Northern Essex Registry of Deeds. The agreement documentation shall provide for:
  - a. The maintenance, inspections and upkeep of the private way including but not limited to snowplowing and salting/sanding of the roadway;
  - b. Removal/placement of trash and recyclables;
  - c. Shall reference compliance to the latest Long Term Operation and Maintenance Plan;
  - d. A provision that the agreement cannot be amended or dissolved in any manner without approval of a majority of the Andover Planning Board;

#### Throughout Construction

27. Construction equipment or materials shall not be parked, stored, or placed in any area directly adjacent to or upgradient of any drainage channel. Repairs and maintenance to equipment shall be conducted in areas where no spills or leakage of fuels or other fluids could pose a pollution hazard;
28. Earth disturbed by construction activities associated with the roadway or easements, such as tree cutting, stump grubbing, cutting, filling, and regrading, shall be appropriately stabilized by methods determined by the Planning Department within sixty (60) days of such disturbance unless otherwise approved by the Planning Department;
29. No building lot shall remain in an open condition longer than sixty (60) days. "Open" shall be defined as that period of time between initial preparation of the lot for building (clearing of trees, stripping of topsoil), and the time that the foundation has been installed, backfilled, and the rough grading has been established and stabilized by use of temporary seeding, mulching, or netting. This restriction shall remain in force until the lot has been properly stabilized and shall survive changes in ownership of the lot;
30. Stockpiles shall be prohibited within fifty (50') feet of any wetland boundary, drainage channel or water course, and prohibited in any area which necessitates removal of trees for such purpose. Only locations approved by the Planning Department may be used for stockpiles of earth materials;
31. Long term (more than sixty days) stockpiles of earth materials shall be shaped and secured by butted haybales around the perimeter, and shall be promptly stabilized by temporary seeding or netting;
32. Burial or burning of vegetation, stumps, or construction debris is strictly prohibited anywhere within the subdivision. Such materials shall be removed and properly disposed of off the site;
33. All construction activities within the subdivision shall be confined between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, unless otherwise approved by the Planning Board. Once fully framed, interior construction related activities are allowed on Saturdays between 8:00 a.m. and 6:00 p.m. unless otherwise restricted or prohibited by the Inspector of Buildings in

response to complaints. Construction activities include the transport of equipment, materials and supplies to and from the subdivision;

34. As field conditions warrant, berms of type and design specified by the Department of Public Works shall be installed in locations determined by the written decision of the Director of Public Works;
35. Construction activities on individual lots shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the developer of lots through stabilization, wetting down, and proper storage and disposal methods;

#### Specific Conditions

36. Immediately following the installation of water lines the developer shall prepare a plan pursuant to Sections VII.W.3, and VIIW.4 of the Subdivision Rules and Regulations showing the location of all service connections to the building lots;
37. Prior to occupancy, the applicant shall submit to the Planning Department digital files of as-built plans of the features listed above, including utilities and approximate building location, following the format described in # 4 above;
38. Prior to Clearance Certificate for the lot the developer shall provide the Planning Department with a surveyor's certification that temporary lot corners have been established on the ground. Once established, maintenance of these temporary corners shall be the responsibility of the lot owner. Upon completion of the construction of the access and lot, the developer shall provide the Planning Department with a surveyor's certification that all bounds and corners have been set in accordance with Section VII.U of the Rules and Regulations of the Board;
39. The dwelling to be constructed on the new lot construction must install an individual dwelling sprinkler systems in accordance with NFPA 13D. Modification of the sprinkler system design can be made with approval of the Fire Department.

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 Northern Essex County Registry of Deeds. The applicant is responsible for the costs associated with the Registry filings.

CERTIFICATION

I, Melissa L Ripley, 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 my office on Oct 18, 2021 and no appeal against said decision has been filed.

Date: Nov 17, 2021

Melissa L Ripley  
Town Clerk



TOWN OF ANDOVER  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
AND PLANNING

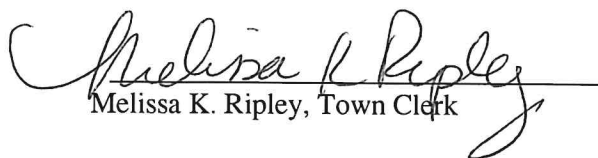
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CLERK PURSUANT TO MASS GENERAL  
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  - d. Approved on \_\_\_\_\_ by operation of law due to the failure of the Planning Board to take final action within 90 days/135 days or within such time as was agreed to upon the written request of the applicant.

The approval has become final.

I Melissa K. Ripley, the duly appointed Town Clerk of the Town of Andover, Massachusetts, do hereby certify that twenty (20) days have elapsed since the foregoing decision of the Andover Planning Board was filed in the Office of the Town Clerk on October 18, 2021 and no appeal has been filed with my office.

Date: Nov 17, 2021

  
Melissa K. Ripley, Town Clerk