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TOWN OF ANDOVER, MASS

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

ON THE APPLICATION OF
300 Minuteman Road
300 Minuteman Park LLC

For a Special Permit for Major Non-Residential Project
under Section 9.4.8 of the Andover Zoning Bylaw

Decision: SP21-06

YES (with conditions)

A public meeting of the Planning Board was held virtually on January 10, 2023. Present and voting on this matter were Rocky Leavitt, Vincent Chiozzi, Ann Knowles, and Morgan von Prelle Pecelli.

Pursuant to public notice in the Eagle Tribune, a newspaper of general circulation in the Town of Andover, published on August 19, 2021 and August 26, 2021 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 by the Planning Board (the "Board") on September 14, 2021 for an application filed on August 12, 2021, by 300 Minuteman Park, LLC on property owned by 300 Minuteman Park, LLC, for a Special Permit for a Major Non-Residential Project. The property is more specifically identified as Assessors Map 165 Lot 4. The public hearing was closed on January 10, 2023.

The application submitted by 300 Minuteman Park, LLC to construct a 224,500 gross square foot cGMP facility that will include manufacturing, laboratories, warehousing, offices, storage, and shipping. The applicant has requested the Board review the parking calculation at 1 per 500 square feet without the requirement of a reserve parking area. This would put the requirement at 449 parking spaces. Landscaping has been integrated into the plan; pedestrian connectivity throughout the plan; along with an outdoor public experience; retention of trees and vegetation; porous pavement will be used on the emergency access drive and a plant schedule list that included 99.5% native species.

The Board has reviewed department comments, traffic, parking, landscaping, lighting, sewer improvements and drainage.

A traffic impact assessment dated July 29, 2021, was submitted by Vanasse & Associates, Inc. and included in the assessment was the analysis on other projects near the same corridor. The existing infrastructure was built to support a 320,000 square foot office building which the site was originally approved for. As a result, the proposed laboratory use, with lower employee density, will reduce traffic by approximately 30%. They also assessed safety for all modes of transportation, as the site has sidewalks, bike lanes and access to the Merrimack Valley Regional Transit Association (MVRTA) bus service. Several recommendations were included in the assessment regarding access and circulation, and proposed traffic mitigation measures at the River Road/Minuteman Road/Shattuck Road intersections. The assessment outlined measures in a transportation demand management program that would encourage building occupants to use public transportation, bicycle, or carpool, offering such measures as potential conditions of approval for this project. The traffic assessment made a recommendation for improvements that the applicant should implement; these are included within the conditions.

The parcel development was originally approved in 1997 as part of the Minuteman Park Master Plan and amended in 2004. The impacted watershed area consists of the entire site, approximately 20.23 acres, with approximately 408,755 square feet of additional impervious area. The stormwater management for the proposed development includes deep sump catch basins, water quality treatment units, a wet pond, and a pretreatment marsh at the edge of the property. The impacted buffer zones include work within the 100-foot and 50-foot buffer zones of the Inland Bank Bordering Vegetated Wetlands that passes north through the site.

The facility is considered new development and therefore is required to fully comply with the MassDEP Stormwater Management Standards. However, the site was approved for a similar building as part of a previous development permit in 2004. This development complies with all the requirements of the original office park master plan. As part of the Master Plan that was permitted in 1997 several approved stormwater practices have been constructed. The proposed drainage design for 300 Minuteman will utilize the constructed stormwater practices.

Horsley Witten has reviewed the documents and plans submitted as part of the application and conducted a peer review of the stormwater management design in accordance with the Massachusetts Stormwater Handbook (MSH) dated February 2008, the Town of Andover Stormwater Management and Erosion Control Bylaw and Regulations amended in May 2021, and the Town of Andover Conservation Commission Wetland Protection Regulations. Horsley Witten is satisfied with the information submitted and has recommended conditions.

The Department of Public Works expressed concerns regarding the condition of the private sewer within the Minuteman Park; a Sanitary Sewer Evaluation Study was submitted by the applicant and peer reviewed by Environmental Partners. Repairs to the private sewer have been recommended by Environmental Partners and agreed to by the applicant, which are further clarified within the conditions recommended.

The departments' comments regarding utility connections and improvements, traffic, water capacity, locations have all been answered within plans and conditions.

On a vote of 4 to 0, the Board finds that the proposed use with appropriate conditions 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 plan is dependent on a Special Permit to Reduce Number of Parking Spaces (SP21-07), which was also reviewed during concurrent public hearings and approved by the Board on January 10, 2023. The Board approves with conditions a Special Permit for a Major Non-Residential Project subject to the following conditions:

CONDITIONS OF THE PERMIT

The Major Non-Residential Project Special Permit is approved subject to the following conditions:

General Conditions

1. For purposes of this special permit the project shall encompass and be defined as the structures, parking areas, utilities, drainage systems, street improvements, signage, landscaping and all other details as shown on the approved plans. The site is identified as a parcel of land situated at 300 Minuteman Road, more specifically shown on Assessor's Map 165, Lot 4. The developer is identified and shall be defined as 300 Minuteman Park, LLC or its successors. The developer, as defined, shall be subject to all conditions listed hereunder, and shall be directly responsible for construction of the project, including all contractors, subcontractors, vendors, or other parties working on the site and on the project;
2. Except as otherwise provided for in these conditions all work associated with the project, including architecture and landscaping, shall be in conformance with the following plans and drawings prepared by John G. Crowe Associates, Inc. dated August 11, 2021, and revised through December 12, 2022, which are considered the final plans and may be found in the Planning Division:
 - C-0 Project Cover Sheet/Locus Plan C-0 last revised 12/12/2022
 - EX1.1 Existing Conditions Topographic Survey Plan last revised 12/12/2022
 - EX1.2 Existing Conditions Property Information Plan last revised 12/12/2022
 - C-1.1 Zoning Compliance Plan last revised 12/12/2022
 - C-2.1 Early Sitework Construction last revised Plan 12/12/2022
 - C-3.1 Early Sitework Compensatory Wetland Construction Plan last revised 12/12/2022
 - C-3.2 Early Sitework Compensatory Wetland and Planting Plan Construction Notes 12/12/2022
 - C-4.1 Site Preparation, Sediment & Erosion Control Plan last revised 12/12/2022
 - C-5.1 Grading and Drainage Plan last revised 12/12/2022

- C-6.1 Utilities Site Plan last revised 12/12/2022
 - C-7.1 Layout and Materials Plan last revised 12/12/2022
 - C-8.1 Planting Plan last revised 12/12/2022
 - C-8.2 General Notes last revised 12/12/2022
 - C-9.1 General Notes last revised 12/12/2022
 - C-9.2 Construction Details last revised 12/12/2022
 - C-9.3 Construction Details last revised 12/13/2022
 - C-9.4 Construction Details last revised 12/12/2022
 - C-9.5 Sanitary Sewer Profile and Details last revised 12/12/2022
 - C-9.6 Storm Sewer Profiles last revised 12/12/2022
 - C-10.1 Fire Access Plan last revised 12/12/2022
 - A-1 Building Elevations last revised 12/12/2022
 - A-2 Building Floor Plans last revised 12/12/2022
 - L-1.1 Site Lighting Photometric Plan last revised 12/12/2021
 - Stormwater Management Plan and Report last revised 12/21/2022
 - Operation & Maintenance Plan last revised 10/1/2022
3. If a modified or supplemental plan(s), drawing(s) and document(s), if any, is required by the Planning Board under the conditions of this permit, it shall be submitted to, reviewed and approved by the Board, at a regularly scheduled, or specially scheduled public meeting of which the developer and the abutters will be notified;
 4. If a modified or supplemental plan(s), drawing(s) and document(s), if any, is required by the Planning Board or any other Board or Commission, it shall be submitted to the Planning Division for consideration as to whether they constitute a major or minor modification;
 5. Administration and enforcement of this permit and the conditions attached thereto shall be pursuant to the requirements of the Planning Board's Rules Governing Special Permits;
 6. This special permit shall expire two (2) years from the date that this decision has been recorded in the Northern Essex Registry of Deeds unless substantially exercised by the developer prior to that date. The Board may consider extending the special permit upon written request of the developer;
 7. Plantings as shown on the Planting Plan sheet C-8.1 shall remain throughout the life of the project. There shall be regular maintenance of the Planting Plan which shall include the routine removal of invasive species. Should any of the landscaping die, it shall be replaced during the next available planting season;

Prior to Construction

8. Prior to any construction or demolition activity of any kind on the site or associated with the project, a pre-construction meeting shall be conducted which shall include representatives from the developer (including principle contractors and/or supervisors),

the Department of Community Development and Planning, the Department of Public Works, the Police Department and the Fire Department, for purposes of reviewing these conditions and construction schedule. The developer shall provide at least three (3) sets of the plans and drawings, considered the final plans, described under Condition 2 above to the Planning Department for distribution and review at the pre-construction meeting;

9. Prior to any construction on site, the developer shall provide to the Planning Department a digital file containing the plan listed in #2 if produced using computer aided drafting and design (CADD) software. The file format shall be in AutoCAD DWG (or ASCII DXF) version 2020 or earlier and Adobe PDF, delivered on a flash drive or shared file. 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, utilities including but not limited to water and sewer, 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;
10. Prior to any construction or demolition activity of any kind on the site or associated with the project, the developer shall submit a proposed construction schedule to the Planning Board to be used as a guide of activities associated with the project;
11. The Department of Public Works shall be notified prior to any construction activities on and off site, including excavation and grading, and shall be given full opportunity to review plans and monitor such activities;
12. The hauling route for the import and/or export of earth materials and demolition debris shall be approved by the Inspector of Buildings. All public ways are to be kept clean and free of any dirt or debris associated with hauling activities;
13. Prior to any land disturbance the developer shall submit the Stormwater Pollution Prevention Plan (SWPPP) as well as the National Pollutant Discharge Elimination System permit (NPDES);

Throughout and During Construction

14. All activities on the site shall be conducted in a workmanlike manner. All construction equipment supplies and building materials shall be appropriately secured against unauthorized access. 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 so as to protect adjacent properties from dust and other windblown debris during site preparation and construction;
15. All hauling operations involving the import and export of earth materials and removal of

all debris associated with the site shall be conducted in accordance with a schedule approved by the Inspector of Buildings. Such operations shall be limited to Monday through Friday, during hours deemed appropriate by the Inspector of Buildings, and no such operations shall be allowed or undertaken at any time deemed to be in conflict with safe pedestrian movement near the site or to cause undue congestion or safety hazards in the adjacent street system;

16. Except for periods during replacement if required, all public sidewalks adjacent to the site shall be kept open, and in a safe and passable condition. No fences, barriers, or gates may be placed or installed within the town way;
17. Construction activities on the site including equipment startups, site preparation, excavation, demolition, grading, filling, paving, erection of structures, installation of utilities, and landscaping shall be conducted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Interior finish work on the building once fully enclosed (doors and windows) is not subject to this condition;
18. Burning or burial of trees, stumps, or construction debris of any kind is strictly prohibited anywhere on site;
19. Lighting fixtures in the parking area shall be shielded and directed inward toward the site. Due to the nature of the business to be conducted on the site a certain amount of lighting may be required at all times for security purposes, and to that end the developer shall consult with the Andover Police Department to determine the level of lighting needed, the number of fixtures necessary to achieve that lighting, and the times lighting must be provided during the nighttime hours. Those fixtures not required for nighttime security shall be placed on a timer and shall be extinguished when the operations or activities in the building are not being conducted;
20. 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 six (6) 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;

Prior to Occupancy

21. Prior to occupancy of the building on the site all parking areas, access driveways, pavement markings, sidewalks and off-site street improvements (if any) shall have been completed and made fully operational;
22. A set of as-built plans for utilities (water, sewer and drainage) both on and off the site shall be submitted to and approved by the Department of Public Works after all installations are complete, and before the issuance of a Certificate of Occupancy. A digital file as described in condition # 9 shall be submitted of the as-built for utilities and building(s);

23. Prior to the issuance of the Occupancy Permit, the developer, at its sole cost, shall obtain permits and permissions, complete the clearing and necessary access improvements and construct the repairs to the Lower Trunk as described in the Environmental Partner's Memorandum dated December 1, 2021, to Jacki Byerley, Planner, Andover, Massachusetts, (collectively "The Work"). The Work when completed, shall be subject to the inspection and approval of the Andover Department of Public Works.

In the event that the total cost of The Work for the Lower Trunk is less than \$197,500.00, the developer has proposed, and shall pay to the Town of Andover, prior to the issuance of the Occupancy Permit, the difference between the Total Cost of The Work and \$197,500.00. These funds shall be used by the Town, at its discretion, for future repairs to the Upper Trunk.

In the event that the Total Cost of The Work is greater than \$197,500.00, the Developer shall be responsible for the additional costs of The Work. The Developer shall provide to the Town of Andover documentation as to the expenditures for the completion of The Work.

As used in this condition, the Lower Trunk is the length of the private sewer extension running parallel to Interstate Route 93, from the proposed sewer connection from the Project at manhole 873 downstream to manhole 2019 at the Greater Lawrence Southwest Sewer Main. This shall include the PVC pipe by-pass reach that was constructed from SMH 874 to SMH 876 to SMH 2537 to SMH 2538.

The parties agree that the optimal and practical sewer connection for 300 Minuteman Road is at or near Sewer Manhole 873 via gravity which doesn't involve wetland resource alteration, and in the event the developer changes the location of the proposed private sewer extension connection the definition of "Lower Trunk" shall be modified to include all sewer main which is downstream from said connection to manhole 2019.

In the event in the future there is an I&I assessment against all property owners in the Park, the Developer shall be responsible for its share of said assessment but shall receive a credit of the value of the work (\$197,500);

Specific Conditions:

24. The developer shall be obligated to become a participating member in the local Transportation Management Association;
25. A sidewalk should be provided within the Project site and extend to the existing sidewalk along Minuteman Road;
26. Electrical vehicles comprise an increasing share on the Town's streets and providing for them is an important employee benefit. Strong consideration should be given to providing electric vehicle (EV) charging stations within the Project site;

27. Prior to the Certificate of Occupancy in order to improve operating conditions at the Minuteman Road/River Road/ Shattuck Road intersection, it is recommended that an optimal traffic signal timing plan be designed and implemented at the intersection. This improvement will not require changes to the coordination program (cycle length or offset) for the River Road coordinated traffic signal system. With implementation of the traffic signal timing improvements, overall intersection operations were shown to improve to LOS D under 2028 Build weekday evening peak-hour conditions. The Town requires the developer to replace the existing inductive loop vehicle detection system with video detection, (four (4) video cameras required); replace the existing pedestrian signal indications with two (2) with countdown-type indications; and replace the existing pedestrian pushbuttons with ADA compliant audible devices;
28. Secure bicycle parking should be provided within the Project site and should include an exterior bicycle rack;
29. The existing aprons at the outfalls shall be properly maintained as referenced in 1.c of Horsley Witten's January 4, 2023, review memo;
30. An Illicit Discharge Compliance Statement signed by the owner is to be submitted to the Planning Division at least 14 days prior to any land disturbance;
31. Prior to occupancy, the Operations and Maintenance Plan shall be updated to include maintenance of the porous pavement and submitted to the Town;
32. The developer shall submit plans and documents which follow the standards of the Department of Public Works as outlined in a memo received from the Town Engineer and Water/Sewer Superintendent dated October 15, 2021, and further agreed upon by the developer's engineer John G. Crowe Associates, Inc response to DPW comments dated November 22, 2021.

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.

On January 10, 2023, at a public meeting, the Planning Board voted (4-0) to issue the foregoing Special Permit with conditions.

Date: 1-12-2023



Rocky Leavitt, Acting Chair
THE ANDOVER PLANNING BOARD

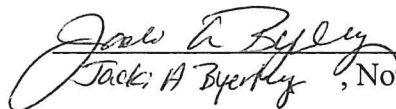
Essex, ss:

COMMONWEALTH OF MASSACHUSETTS

Date: 1-12-2023

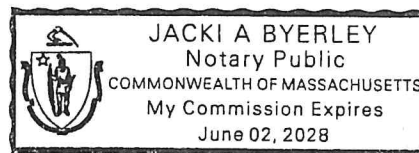
On this 10 day of January, 2023, by Rocky Leavitt, the authorized agent of the Andover Planning Board, proved to me through satisfactory evidence, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the documents are truthful and accurate 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,



Jacki A Byerley, Notary Public

My Commission Expires:



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 January 17, 2023 and no appeal has been filed with the Town Clerk.

Date: 2-8-2023


Town Clerk