

Bk 17465 Pg 50 #13184
06-02-2022 @ 02:00p
Essex North Registry

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

ON THE APPLICATION OF
ARE-MA Region No 93 Phase 2 Holding, LLC
3000 Minuteman Road
Building 3

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

Decision: SP22-03

YES (with conditions)

A public meeting of the Planning Board was held virtually on March 29, 2022. Present and voting on this matter were Zachary Bergeron, Rocky Leavitt, Vincent Chiozzi, Ann Knowles, Neil Magenheimer and Morgan von Prelle Pecelli.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on February 3, 2022 and February 10, 2022 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 February 22, 2022 for an application filed on January 26, 2022, by ARE-MA Region No 93 Phase 2 Holding, LLC on property owned by ARE-MA Region No 93 Phase 2 Holding, LLC for a Special Permit for a Major Non-Residential Project. The property is more specifically identified as on Assessors Map 188, Lot 5B (previously known as Map 165, Lot 4D) and Map 187, Lot 4A & Lot 4C (previously known as Map 187, Lot 4). The public hearing was closed on March 29, 2022. The aforementioned members were present throughout.

The application submitted by ARE-MA Region No 93 Phase 2 Holding, LLC is to renovate more than 40% of the gross floor area of the existing 171,200 sf building known as Building 3 with a

change of use to a laboratory/office (+42,800 sf) and associated Current Good Manufacturing Process facility (+128,400 sf). The parking lot surrounding Building 3 will have 362 parking spaces.

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

A traffic impact assessment dated March 17, 2022 was submitted by Vanasse & Associates, Inc. and included in the assessment was the analysis on other projects near the same corridor. The traffic assessment concluded the renovation of Building 3 will result in a reduction in traffic during weekday commuter peak hours when compared to a fully occupied Philips Healthcare campus.

On a vote of 6 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 in conjunction with a Special Permit to Reduce Number of Parking Spaces (SP22-07), which was also reviewed during concurrent public hearings and approved by the Board on March 29, 2022. The Board approves with conditions the application of ARE-MA Region No 93 Phase 2 Holding, LLC for a Special Permit for a Major Non-Residential Project 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 3000 Minuteman Road, more specifically shown on Assessors Map 188, Lot 5B (previously known as Map 165, Lot 4D) and Map 187, Lot 4A & Lot 4C (previously known as Map 187, Lot 4). The developer is identified and shall be defined as ARE – MA Region No 93 Phase 2 Holding, 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 SMMA, which are considered the final plans and may be found in the Planning Division:

C-121 Layout and Materials Plan dated 1/26/2022
Building 3 Parking Allocation Plan (undated)
Exterior Elevations, dated 1/25/22
Floor Plans, dated 1/25/22

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. Any amendments or revisions to the foregoing plans, in whatever form or extent, shall be submitted to the Planning Division for consideration as to whether they constitute major or minor amendments;
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 applicant prior to that date. The Board may consider extending the special permit upon written request of the applicant;

Prior to Construction

7. Prior to any construction on site, the applicant shall provide to the Planning Department a digital file containing the plan if produced using computer aided drafting and design (CADD) software for Building 3. 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, 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 prior to the recording of the definitive plan;
8. 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;
9. 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;
10. 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;

Throughout and During Construction

11. 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;
12. 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;
13. 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;
14. 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;
15. Burning or burial of trees, stumps, or construction debris of any kind is strictly prohibited anywhere on site;
16. 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;
17. 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

18. 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;
19. 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;

Specific Conditions:

20. The applicant shall be obligated to become a participating member in the local Transportation Management Association;

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 March 29, 2022, at a public meeting, the Planning Board voted (6-0) to issue the foregoing Special Permit with conditions.

Date: 3/30/2022

[Signature]
_____, Chairman
THE ANDOVER PLANNING BOARD

Essex, ss

COMMONWEALTH OF MASSACHUSETTS

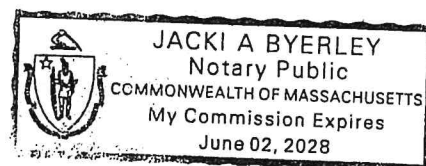
Date: 3/30/2022

On this 30 day of March, 2022, by Zachary Bergman, 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,

[Signature]
_____, Notary Public

My Commission Expires:



3000 Minute Man Park

CERTIFICATION

I, Melissa K 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 March 9, 2022 and no appeal against said decision has been filed.

Date: May 12, 2022

Melissa K Ripley
Town Clerk