

**KNOW ALL MEN BY THESE PRESENTS**

This instrument is intended as a restriction on a certain approved 4-lot Definitive Subdivision Plan entitled "William Wood Way" dated February 1, 2022 and last revised October 28, 2022 as prepared by Andover Consultants, Inc.

The Andover Planning Board voted to grant approval to the definitive subdivision plan. The definitive plan had been submitted on February 9, 2022, was the subject of a public hearing convened on March 8, 2022 and closed on December 13, 2022. 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 December 13, 2022. The Special Permit for Earth Movement will be filed with the Town Clerk separate from and subsequent to this communication.

The proposal is located in the SRA Zoning District which requires 15,000 sq. ft. of land. William Wood Way is a minor street to be accepted as a public way with a 40' right-of-way, 26' of pavement, a sidewalk on the west side, the existing house at 22 William Street will remain, and 3 new homes to be constructed using the new roadway as their access. A Homeowners' Association (HOA) will be created for maintenance of the stormwater facility. There is a reserve of a utility easement over 24 William Street for the looping of the water main.

As part of the definitive subdivision application an earth movement special permit was applied for. The proposal to construct a 315-foot-long subdivision street along with the infrastructure and stormwater structure with lot grading will necessitate a net cut of approximately 1,347 cubic yards of soil. A breakdown of the roadway, lots and stormwater earth movement has been included in the application package.

During the hearings the Board has focused discussions on the water main looping, tree removal, stormwater and general historic characteristics of the neighborhood. As it relates to the water main looping the Board had requested the applicant review alternatives to the looping as shown which would require tree removal. The street is designed to meet public street requirements as laid out in the Board's Rules and Regulations Governing the Subdivision of Land. The water main looping as shown on the plans, dated October 28, 2022, does meet Article XIII, Sec. VII.H.10. To meet the water main looping requirement all trees within the 20-foot utility easement area will need to be removed. The Regulations do require the planting of street trees which will require the developer to plant up to 24 trees. Although this does not take the place of the mature trees that will need to be removed, the applicant is meeting the requirement of the Regulations. Stormwater has been peer reviewed by a third party for compliance with the Board's Regulations and the Stormwater Bylaw and Department of Environmental Protection

standards. The property is in the Shawsheen Village Historic District listing of the National Register of Historic Places (NRH). The NRH has listed it within their database because it recognizes that a group of buildings is important to the history of the community; however, the NRH does not place any restrictions on the property. The Regulations give the power to the Board to regulate the laying out and construction of the ways in a subdivision to ensure the safety, convenience, and welfare of the residents. The special permit requirement for earth movement has the Board review the earth movement for the subdivision design of the existing topography, the cuts and fills, and preservation of natural features.

In review of the subdivision as a whole the Board finds the Subdivision and Special Permit are in conformance with the Subdivision Control Law, the Rules and Regulations Governing the Subdivision of Land in the Town of Andover, the recommendations of the Board of Health, and the applicable provisions of the Andover Zoning Bylaw. Further the Board finds the subdivision does not create an adverse impact on the safety of the existing street and the character of the neighborhood as it relates the design standards of the Rules and Regulations Governing the Subdivision of Land.

In consideration of all the reviews, presentations, discussions, agreements, and understandings the Board grants final approval to the William Wood Way Definitive Subdivision Plan subject to the following conditions:

Conditions of Approval:

General Conditions

1. For purposes of this approval the subdivision shall be defined as all features depicted on the plans described under condition number 2; the developer shall be defined as the applicant, Steven & Elizabeth Leed, 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 Andover Consultants, Inc., dated February 1, 2022, revised through October 28, 2022 unless otherwise noted;
  - a. Cover Sheet 1 of 8
  - b. Definitive Subdivision Plan 2 of 8
  - c. Existing Conditions & Demo Plan 3 of 8
  - d. Layout & Grading Plan (Revised through November 16, 2022) 4 of 8
  - e. Utility Plan (Revised through November 16, 2022) 5 of 8
  - f. Plan & Profile 6 of 8
  - g. Site Details 7 of 8
  - h. Erosion & Sediment Control Plan 8 of 8
  - i. Stormwater Management Report (Revised through September 29, 2022)
  - j. Long Term Operation and Maintenance Plan William Wood Way
3. Sheet 2 of said plan entitled "Definitive Subdivision Plan" 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 four (4) building 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 building 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 SP22-06;
11. Import or export of earth materials from within the subdivision is prohibited except as may be provided for under special permit issued under Planning Board Decision SP22-06, or as otherwise allowed under the applicable provisions of the Zoning Bylaw;
12. Deeds for all building lots, as shown on the plan shall reserve the fee and/or interest in the streets and/or easements, said fee and/or interest to be conveyed to the Town at the time of street acceptance;
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, 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. 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;

#### Prior to Construction

16. Prior to any construction activity of any kind 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;
17. 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. Hauling of earth materials and heavy equipment on William Street is restricted to the time period between the last morning pick-up of school children, and the first afternoon drop off. 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;
18. 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;
19. 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;
20. Prior to any construction activities, the documents establishing the Homeowners' Association must be reviewed by Town Counsel, approved by the Planning Board and recorded at the Northern Essex Registry of Deeds. All lots within the subdivision shall be included in the HOA. The account shall have been established and funded in a manner prescribed by the Town. The Homeowners' Association documentation shall provide for:
  - a. The establishment of an account in the Homeowners' Association Name and in an amount recommended by the Town Engineer and approved by the Planning Board and secured in a manner and form approved by the Board. Following establishment, the developer shall provide the Planning Department with written proof that said account has been established running to the benefit of the Homeowners' Association. The account

- once established shall be kept for the purpose of maintenance, repair and/or restoration of the stormwater systems, swales, retaining walls, drainage pipe and meadow with a minimum balance as recommended by the Town Engineer to be maintained at all times;
- b. The terms and method of assessments; the method of drawing on such fund; shall restrict any alteration of those facilities; shall indemnify the Town from any responsibility or liability for maintenance and operation of those facilities; and shall further provide that the Town will be reimbursed for any expenses incurred in the event the Town is required to perform any work in or on any of the facilities;
  - c. In the event that any of the facilities are damaged to such an extent that they no longer perform its intended function, and such damage is not repaired by the Homeowners' Association, the Town shall have the right to make such repairs and lien the property owners or use any other remedy available under the law to effect the same;
  - d. The Town shall be provided with an easement to maintain and repair said facilities if necessary but all financial responsibility for any such repairs, inspections and maintenance shall be solely on the Homeowners' Association and all lot owners by virtue of their interest in said association;
  - e. Long-Term maintenance of the stormwater management facilities as described in the Long-Term Operation and Maintenance Plan William Wood Way;
  - f. Maintenance and mowing of the naturalized area over Parcel A shown on Sheet 4;
  - g. Maintenance and protection of the swales and maintenance, mowing and protection of the naturalized area on Lots 3 & 4;
  - h. Maintenance and repairs to the drainage pipe on Lot 3 and Parcel A;
  - i. A provision that the agreement cannot be amended or dissolved in any manner without approval of a majority of the Andover Planning Board;
21. Once paved, the roadway William Wood Way 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;

#### Throughout Construction

22. Construction equipment or materials shall not be parked, stored, or placed in any area directly adjacent to or upgradient of any drainage channel or wetland area. 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;
23. 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. Street Sweeping of William Street and William Wood Way shall take place throughout the day and prior to leaving the site for the day to remove any sediments tracked onto the existing ways;
24. A copy of the final Stormwater Pollution Prevention Plan (SWPPP) shall be provided to the Town at least 14 days prior to commencing of land disturbance activities;
25. A signed Illicit Discharge Compliance Statement shall be provided to the Town prior to any land disturbance;

26. 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;
27. Stockpiles of earth materials shall not be permitted in any area, which necessitates removal of trees for such purpose, nor within fifty (50') feet of any wetland boundary, drainage channel, or watercourse. Stockpiles shall be designated on a plan, which shall be submitted to the Planning Department, said locations to be determined by the developer and approved by the Planning Department. Stockpiles shall be prohibited in areas, which have not been approved by the Planning Department;
28. 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;
29. 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;
30. 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;
31. 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;
32. 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;

#### Prior to Clearance Certificates

33. No Clearance Certificate shall be issued for any lots until such time as the documents establishing the Homeowners' Association have been approved by Town Counsel and the Planning Board and recorded, and the accounts referred to in condition #20 have been established and funded in a manner prescribed by the town;
34. The developer shall be responsible for all maintenance of the drainage systems until such time as the last lot of the subdivision is conveyed to a new owner, whereupon the system shall be maintained by a Homeowners' Association established by the developer to which each lot in the subdivision is subject and whereby all lot owners will be responsible to pay for the maintenance, repair and replacement of the drainage system. The Town shall be provided with an easement to maintain, and repair said drainage system if necessary but all financial responsibility for any

such repairs and maintenance shall be solely on the Homeowners Association and all lot owners by virtue of their interest in said association. No Clearance Certificate shall be issued for any lot until such time as the documents for the Homeowners' Association has been approved by the Planning Board and recorded, and the account referred to in condition # 20 be established in a manner prescribed by the Town;

35. Immediately following the installation of water lines the developer shall prepare a plan pursuant to Sections VII.W.3, and VII.W.4 of the Subdivision Rules and Regulations showing the location of all service connections to the building lots. The developer is responsible for the installation of the water main through the easement located on 24 William Street. The installation of the water main through the easement shall be under the supervision of the Deputy Director of Public Works/Highway Superintendent of the Department of Municipal Services or his designee to help ensure the protection of trees and their roots during the water main installation. No Clearance Certificate for any lot shall be issued until said plan has been submitted to the Department of Public Works;
36. Prior to the issuance of Clearance Certificates, 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;
37. Prior to issuance of any Clearance Certificates for the site, the developer shall have established a segregated account, which shall be used to secure proper stabilization and removal of all erosion controls prior to completion of the subdivision. Said account shall be established in an amount recommended by the Town Engineer and approved by the Planning Board and secured in a manner and form approved by the Board. This account once established shall be used as a mechanism to assure all unnecessary erosion controls are promptly removed upon receipt of a Certificate of Compliance from the Conservation Commission. The developer will coordinate with the Planning Department times and dates in which the erosion controls can be removed. Upon removal of all erosion controls as depicted on sheet 8 of the approved plan, the segregated account may be released in full;
38. Prior to the issuance of a Clearance Certificate for any lot, the limit of disturbance shown on sheet 8 of said plan shall have been clearly marked on the ground on the subject lot, and said marking shall consist of siltation fencing, surveyor's flagging, ribboned stakes at appropriate intervals, and/or a combination of such devices as determined suitable by the Planning Department, and following the installation of such markings no earth disturbance or removal of vegetation of any kind shall be permitted within the protected areas. This condition may not be released until an occupancy permit has been issued at which time this condition will be deemed satisfied;
39. Prior to the issuance of a Clearance Certificate for Lots 2 through 4, all utilities shall have been fully constructed and approved by the Department of Public Works. Immediately following the installation of said utilities, the developer shall prepare as-built plans pursuant to Section VII.W. of the Rules and Regulations Governing the Subdivision of Land in Andover;
40. Prior to the issuance of a Clearance Certificate for Lots 2 through 4, all grading and drainage as shown on sheet 4, shall have been fully completed and approved by the Department of Public Works;

41. Prior to release of any Clearance Certificates for building purposes, a sign depicting "William Wood Way" shall have been erected at a location determined by the Department of Public Works;

Prior to conveyance of lot

42. Prior to the conveyance of individual lots within the subdivision the developer shall provide the Planning Department with a surveyor's certification that temporary lot corners have been established on the ground for the lot to be conveyed. Once established, maintenance of these temporary corners shall be the responsibility of the lot owner. Upon completion of the street, and prior to the Select Board's layout meeting, 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;
43. The drainage areas, inlets, outlets and all associated piping shown on the plans shall be fully constructed, stabilized, and operational, and all off-site improvements shall be completed prior to pavement of the streets and development of any house lot;

Specific Conditions

44. Prior to the start of construction, the 20' wide utility easement at 24 William Street must be recorded at the Northern Essex Registry of Deeds and a copy of the recorded easement provided to the Planning Department. The easement shall include the restriction to not be used for construction access;
45. The deeds to Lots 3 & 4 shall include the swale easement and the water easement as referenced on Sheet 2 of the plans;
46. The deed for Lot 3 shall include the 20' wide drainage easement as referenced on Sheet 2 of the plans;
47. Prior to issuance of Clearance Certificates for Lots 3 & 4 the 20' wide utility easement running through Lots 3 & 4 must be provided to the Town for acceptance. It will be the developer's responsibility to draft the easement to be reviewed by Town Counsel and accepted by the Select Board;
48. Prior to installation of the underground chambers of the stormwater system additional soil testing by a professional engineer shall be completed to confirm the bottom of the system is a minimum of 2 feet above the estimated seasonal high groundwater;
49. Prior to installation of the underground chambers of the stormwater system the developer shall have a Professional Engineer submit certification stating that the subsurface was inspected and found acceptable;
50. It is strongly recommended the lot owners, prior to seeking a building permit, utilize the Historic Preservation Commission and/or the Design Review Board's expertise for their house plan to continue with the housing style of the Shawsheen Village Historic District that is listed on the National Register of Historic Places (NRH). The NRH has the district listed within their data base because it recognizes that a group of buildings is important to the history of the community.



TOWN OF ANDOVER  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
AND PLANNING


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

1. On February 9, 2022 a definitive plan of a subdivision entitled William Wood Way, dated February 1, 2022 and last revised October 28, 2022, 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 June 24, 2022 extended to December 31, 2022, which latter date was agreed to upon the written request by the applicant.
3. On December 13, 2022, the Planning Board took the following action on said plan:
  - 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.~~

The approval has become final.

I, Austin Simko, 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 December 15, 2022 and no appeal has been filed with my office.

Date: 1-13-2023

  
Austin Simko, Town Clerk



TOWN OF ANDOVER  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
AND PLANNING

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

RECEIVED  
TOWN CLERK'S OFFICE  
2022 DEC 15 PM 12:44  
TOWN OF ANDOVER, MASS

1. On February 9, 2022 a definitive plan for a subdivision entitled William Wood Way, dated February 1, 2022 and last revised October 28, 2022, 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 June 24, 2022 extended to December 31, 2022, which latter date was agreed to upon the written request by the applicant.
3. On December 13, 2022, 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 15th, day of December, 2022, by Paul Matrizzo, the authorized agent of the Andover Planning Board.

Essex, ss. Commonwealth of Massachusetts

On this 15<sup>th</sup> day of December, 2022, by Paul Matrizzo, 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:

