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Essex North Register

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TOWN OF ANDOVER, MASS

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

**ON THE APPLICATION OF  
43 River Road**

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

Decision: SP22-10

**YES (with conditions)**

A public meeting of the Planning Board was held virtually on October 25, 2022. Present and voting on this matter were Zachary Bergeron, Vincent Chiozzi, Ann Knowles, Neil Magenheim 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 July 21, 2022 and July 28, 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 August 9, 2022 for an application filed on July 13, 2022, by 3P Properties, LLC on property owned by 3P Properties, LLC for a Special Permit for a Major Non-Residential Project. The property is more specifically identified as Assessor's Map 126 Lot 4. The public hearing was closed on October 25, 2022.

The application submitted is to construct a 77,400 gross square foot self-storage facility. The current property address is 43 River Road which has the Koopman Lumber on site; a new lot will be created for the self-storage facility which may change the address. The lot is located in the IA District, the use is wholesale storage warehousing by special permit from the Zoning Board of Appeals. The lot to be created will be 86,929 square feet. Section 5.1.4 Table 3 has parking for a wholesale storage warehousing as determined by the Planning Board, the Zoning Board of Appeals did condition their special permit with the parking supply to be approved by the Planning Board.

On a vote of 5 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 Board approves with conditions 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, landscaping and all other details as shown on the approved plans. The site is identified as a portion of the parcel of land situated at 43 River Road, more specifically shown on Assessor's Map 126 Lot 4 (this address will be amended once an Approval Not Required plan is created). The developer is identified as 3P Properties, 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 landscaping, shall be in conformance with the following plans and drawings, Storage Facility plan set, prepared by Dana F. Perkins, Inc., dated July 11, 2022, revised through October 11, 2022, which includes:

○ Cover Sheet	1 of 11
○ Existing Conditions Plan	2 of 11
○ Soil Erosion & Sedimentation Control	3 of 11
○ Site Layout Plan	4 of 11
○ Grading & Drainage Plan	5 of 11
○ Utility Plan	6 of 11
○ Landscape Plan	7 of 11
○ Details & Material Specifications	8 of 11
○ Detail Sheet	9 of 11
○ Detail Sheet	10 of 11
○ Turn Radius Exhibit Plan	11 of 11
3. 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;
4. 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;
5. Plantings as shown on the Landscape Plan sheet 7 of 11 shall remain throughout the life

of the project. Should any of the landscaping die, it shall be replaced during the next available planting season;

Prior to start of construction

6. Prior to any construction on site, the applicant 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;
7. Prior to any construction activity an Approval Not Required plan shall be submitted for endorsement to the Planning Division and recorded by the applicant;
8. Prior to any construction 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;
9. 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;
10. The hauling route for the import and/or export of earth materials 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;
11. 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;
12. Final Architectural Plans shall be submitted with the style of the building, number of units and lighting placement. This will be reviewed by the Planning Department, should the plans submitted deviate from the pictures shown during the hearing or the number of units change significantly from the amount presented during the hearings the applicant will have to present the information to the Board at a regular meeting for a determination of whether the change signifies a minor or major modification. Any lighting will be required to be downward facing with limited overnight lights for security purposes;

### Throughout and During Construction

13. 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;
14. All hauling operations involving the import and export of earth materials and removal of all debris associated with the building to be demolished on 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;
15. 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;
16. Burning or burial of trees, stumps, or construction debris of any kind is strictly prohibited anywhere on site;
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 and landscaping shall have been completed and made fully operational;
19. A set of as-built plans for utilities (water, sewer and drainage) of the site shall be submitted to and approved by the Department of Public Works before the issuance of a Certificate of Occupancy. A digital file as described in condition 6 shall be submitted of the as-built for utilities and building(s);
20. No outside storage allowed.

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 October 25, 2022, at a public meeting, the Planning Board voted (5-0) to issue the foregoing Special Permit with conditions.

Date: 10-27-2022

  
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Zachary Bergeron, Chair  
THE ANDOVER PLANNING BOARD


Essex, ss:

COMMONWEALTH OF MASSACHUSETTS

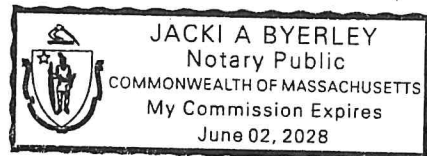
Date: 10-27, 2022

On this 27 day of October, 2022, 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:



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 October 27, 2022 and no appeal has been filed with the Town Clerk.

Date: 11-16-2022

  
Town Clerk