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TOWN OF ANDOVER, MASS

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

**ON THE APPLICATION OF
3, 3R & 4 Executive Place**

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

Decision: SP22-11

YES (with conditions)

A virtual public meeting of the Planning Board was held on October 25, 2022; present and voting on this matter were Zachary Bergeron, Vincent Chiozzi, Ann Knowles, Neil Magenheimer, and Morgan von Prella Pecelli.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on September 8, 2022 and September 15, 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 September 27, 2022, for an application filed on August 31, 2022, by MCP/Howland Burt Owner, LLC on property owned by MCP/Howland Burt Owner, LLC, for a Modification of a Special Permit for Major Non-Residential Project. The property is more specifically identified as Lots 8, 9 & 9A on Assessor's Map 163. The public hearing was closed on October 25, 2022.

The application submitted by MCP/Howland Burt Owner, LLC is to construct 167,610 square foot warehousing building with associated parking, landscaping, stormwater management and utilities, the warehouse will be located in both Andover and Tewksbury. In 2020 the Board approved a special permit to construct two warehousing buildings with associate parking, landscaping, stormwater management and utilities; warehouse 1 was approved for 177,225 sf and

warehouse 2 was approved for 29,750 sf. The property was sold to MCP/Howland Burt Owner, LLC; the new owner is now reducing the site to one 167,610 sf warehouse and eliminating warehouse 2. There exists a 250 foot wide National Grid easement across the property that prevents any building within the easement area.

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 the application of MCP/Howland Burt Owner LLC at 3, 3R & 4 Executive Place for a Modification of 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 parcel of land situated at 3, 3R, & 4 Executive Place, more specifically shown on Assessor's Map 163 Lot 8, 9, & 9A. The developer is identified and shall be defined as MCP/Howland Burt Owner, LLC or its assigns. 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 site plans, 3, 3R, 4 Executive Place, Burt Road Development, Burt Road, Andover, MA, prepared by TEC, Inc., dated August 30, 2022, revised September 27, 2022, which contains:

a. Title and Index Sheet	C-1
b. Legend and General Notes	C-2
c. Layout & Materials Plan	C-3
d. Grading & Drainage Plan	C-4
e. Utility Plan	C-5
f. Erosion & Sedimentation Control Plan	C-6
g. Drainage Plan & Profile	C-7
h. Drainage Plan & Profile	C-8
i. Drainage Plan & Profile	C-9
j. Landscaping Plan	C-10
k. Fire Truck Access Plan	C-11
l. WB-67 Tractor Trailer Access Plan	C-12
m. Wetland Restoration Plan	C-13
n. Construction Details	C-14
o. Construction Details	C-15
p. Construction Details	C-16
q. Lighting Layout Plan prepared by Benjamin P. Rowe dated 8/30/2022;	

- r. Transportation Improvement Project 50% Submittal prepared by TEC Inc Sheets 1- 42 dated April 28, 2022 revised September 15, 2022;
 - s. Drainage Report for Burt Road Development, Andover and Tewksbury, Massachusetts, prepared by TEC, Inc., dated August 30, 2022, revised September 27, 2022;
 - t. Long Term Pollution Prevention Plan, Burt Road Development, Andover and Tewksbury, MA, prepared by TEC, Inc., dated September 27, 2022;
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. 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;
 6. Plantings as shown on the Landscape Plan sheet C10 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 Construction

7. 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;
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. Prior to the start of construction of the building, a plan of the proposed domestic and fire services as determined by the applicants plumbing and fire protection engineers shall be provided to the Department of Public Works;
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 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;
13. 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.
14. Burning or burial of trees, stumps, or construction debris of any kind is strictly prohibited anywhere on site;
15. 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

16. Prior to occupancy of any of the buildings on the site all parking areas, access driveways, pavement markings, sidewalks and off-site street improvements shall have been completed and made fully operational;
17. 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 5 shall be submitted of the as-built for utilities and building(s);


Specific to Permit

18. Prior to occupancy the roadway and utility improvements design for Biotech Drive/Burt Road shown on the Transportation Improvements Plan dated April 28, 2022 revised through September 15, 2022 shall be completed and approved by the Department of Public Works;
19. A bi-directional amplifier will be incorporated into the buildings as requested by Fire Rescue;
20. The applicant shall incorporate into all lease agreements that truck traffic is restricted from River Street;
21. For this project, the water main is allowed to be constructed as a dead-end water main instead of being a looped main. Prior to issuance of a building permit the developer shall design the building with a fire suppression system that fully meets the International Building Code and NFPA 13 requirements. The design shall be stamped and certified by a Professional Fire Protection Engineer. At the expense of the developer the fire suppression system shall be peer reviewed by a 3rd party to confirm all local, state, and federal requirements are met;
22. The water main shall be flushed twice a year (spring and fall) subject to approval by the Department of Public Works (DPW). The operation of hydrants and valves will be done only by DPW employees, the property owner will be charged fees associated with the most current fire flow policy rates, the property owner or their designated representative is to be present during the flushing of the water main;
23. Should the Conservation Commission or any other Board approve a plan that differs from the plans approved by the Planning Board the applicant will have to submit the proposed changes to the Planning Division for a review, at which time a determination will be made whether the changes are significant to require review and approval from the Planning Board;

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



Zachary Bergefon, Chair
THE ANDOVER PLANNING BOARD

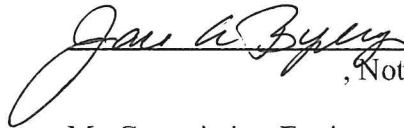
Essex, ss:

COMMONWEALTH OF MASSACHUSETTS

Date: 10/27/2022

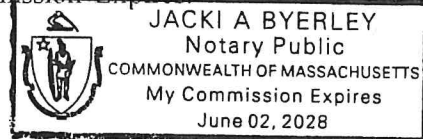
On this 27 day of October, 2022 by Zachary Bergefon, the authorized agent of the Andover Planning Board, proved to me through satisfactory evidence, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the documents are truthful and accurate 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

Austin Simko
Town Clerk