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TOWN OF ANDOVER, MASS

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

ON THE APPLICATION FOR

7 TANTALLON ROAD

For a Special Permit for a Planned Development Multi-family Dwelling Section 7.2 of the
Zoning Bylaw.

Decision: SP22-12

YES (with conditions)

A public meeting of the Planning Board was held on January 24, 2023, in the Third Floor Conference Room of the Town Office Building. Present and voting in the affirmative on the matter were members Zachary Bergeron, Rocky Leavitt, 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 notice sent by mail, postage prepaid, to all interested parties pursuant to the provisions of Massachusetts General Laws, Chapter 40A, a public hearing was convened on September 27, 2022 on the application of NRJP, LLC for a Special Permit for a Planned Development Multi-family Dwelling. The hearing was closed on January 24, 2023, with the aforementioned members of the Board present.

The existing building at 7 Tantallon Road originally built in 1922 known as the The Shawsheen

Creamery Building - Shawsheen Dairy. It was used as a creamery into the early 1980's but has been vacant for some time. The new building will be a multi-family building called The Tantallon for 24 rental units, four of which will be affordable. It is located in the General Business Zoning District which allows a Planned Development Multi-family Dwelling with a Special Permit. To meet the zoning requirement of Section 7.2.2.1 two thousand square feet of lot per dwelling unit the applicant is proposing a lot line change with the abutting property of 16 Haverhill Street, creating a 49,097 square foot lot. Two parking spaces per unit is required in accordance with Section 7.2.5.2.a, there will be 48 parking spaces, 24 will be located under the building the other 24 are along the building or driveway and 2 visitor parking spaces will be available on the neighboring property of 16 Haverhill Street.

The building will be 40,000 square feet with 8 two-bedroom units per floor with a roof deck. The building will be constructed in a Georgian Revival architectural style. The existing traffic flow will stay as is with the entrance between 12 and 16 Haverhill Street and exiting at the drive between the Shawsheen River and 12 Haverhill Street.

In accordance with Section 7.2.8. of the Andover Zoning Bylaw, the project meets the following criteria:

1. The design standards and review criteria in this section have been met. The Design Standards include Access, Parking, Landscaping, Screening, Lighting, Disposal Area, and Utilities. The design hasn't been revised from the 2018 Planning Board approval which went through the Design Review Board. The applicant is providing access that has been accepted by Public Safety. A landscaping plan has been submitted with Native plantings; a condition is suggested to replace any planting that die throughout the life of the project. Wall pack lighting will be installed along the building and a light pole near the entrance, a lighting plan has been included as part of the plan set. Utility connections are shown on the plans, additional investigation of the depth of the utilities and their connections will take place prior to construction.
2. The provisions for parking and vehicular circulation on the site and access onto adjacent roadways will promote safe traffic control and flow. The proposed parking meets the required two spaces per unit and based on feedback from the Board in the previous approval the applicant will provide an agreement with the neighboring property for 2 visitor parking spaces. The vehicular circulation has been revised from the 2018 approval to two-way traffic onto Haverhill Street near the site opening at 16 Haverhill Street and two-way traffic between the 7 Tantallon Road and 12 Haverhill Street buildings. Signage will be placed to alert travelers of the change in traffic circulation.
3. The provision for landscaping and screening will provide an adequate buffer for adjoining properties and will minimize the impact of the proposed uses and parking areas, and the effect of the bulk and height of buildings and structures. The site is being redeveloped from a paved site and derelict creamery building to a multi-family development, the developer proposes plantings along the building and river to the best extent practical without interfering with public safety.

4. Any provision for pedestrian ways will provide safe and convenient access on-site with linkage to adjacent pedestrian areas. The applicant proposes a sidewalk along Tantallon Road and to provide striping for a walking path from the east side of the building leading to Haverhill Street.
5. The project will provide for adequate drainage, water and sewer facilities with sufficient capacity to serve the planned development. The drainage report is satisfactory as presented by the applicant. Water and sewer capacity are sufficient. The property is located in a floodplain and the applicant has provided information on how the flood waters will be handled through the open area of the ground floor parking. It is a concern of the Board and staff for the notification to the residents regarding potentially flooding storms; therefore, conditions will be in place to require the developer and management company to make the residents aware of potential future flooding when signing their lease or rental agreement and that there is a notification system in place informing residents of storm events that would cause flooding so that residents are able to get themselves out of the units along with moving their cars and belongings out of parking spaces close to the river and the garage.
6. The intersections and roadways likely to be affected by the proposal are of sufficient capacity and design to accommodate the planned development. The proposal includes 24 units of housing. The police agree that the anticipated volume will not have an adverse impact on the volume or safety of traffic in the area.

According to Section 9.4.2 Special Permits in General must meet five additional criteria, some of which are duplicative of Section 7.2.8:

1. Social, economic, or community needs which are served by the proposal.
New housing units, such as the ones proposed, are needed in this part of Andover. The units are located within the General Business District within close proximity to the highway and a short distance from the commuter rail which provides for transit-oriented housing.
2. Traffic flow and safety, including parking and loading.
The site accommodates the parking required and an adjacent parking lot may at times provide visitor parking. The driveway is a sufficient width to safely accommodate vehicles entering and possibly exiting at the same time.
3. Adequacy of utilities and other public services.
As confirmed by the Department of Public Works, the utilities and services are adequate, additional study of Infiltration and Inflow measure will be necessary to offset the increase in sewer flow in accordance with 314 CMR 12.03(15), which can be conditioned as part of the approval.
4. Neighborhood character and social structures.
The neighborhood is a General Business district with a mix of uses, there is a bank to the front of the property, a mixed commercial building next door and an 86-unit

condominium complex across Haverhill Street. In staff's opinion, the proposed multifamily housing is appropriate for the area.

5. Impacts on the natural environment, including, but not limited to air, water pollution, noise, stormwater runoff, and aesthetics.

The drainage is meant to be improved with the completion of the project. The aesthetics of the site are being improved with the approval of this project. The proposed exterior design of the buildings is recommended by the Design Review Board to the Planning Board.

On a vote of 6 to 0, the Board finds that the multi-family building called The Tantallon for 24 rental units, four of which will be affordable located in the General Business Zoning District and associated site work as requested 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 NRJP, LLC for a Special Permit for a Planned Development Multi-family Dwelling subject to the following conditions:

1. For purposes of this approval, the "developer" is currently identified as NRJP, LLC owner of 7 Tantallon Road, 10 Haverhill Street, and a portion of 16 Haverhill Street, more specifically shown as Lot 5A, 6 & 7 on Assessor's Map 35. The term "developer" shall also include any future sale, lease, and transfer of the project to a successor in interest. Any successor(s) in interest shall be bound by, and subject to, all applicable conditions stated below. The developer as defined is responsible for construction of the project, including all contractors, subcontractors, vendors, or other parties working on the site. The developer is responsible for making sure that all contractors, subcontractors, vendors, or other parties working on the site are aware of the conditions.

2. Except as otherwise provided in these conditions, all construction activities shall be in conformance with and follow these conditions and the following plans prepared by Howard Stein Hudson dated 2/17/2020 revised through 1/12/2023, which are considered the final plans and may be found in the Planning Division:

- a. Sheet - 1, Cover Sheet, dated 2/17/2020 last revised 1/12/23;
- b. Sheet - 2, Demolition & Erosion Control Plan, dated 2/17/2020 last revised 1/12/2023;
- c. Sheet - 3, Layout and Material Plan, dated 2/17/2020 last revised 1/12/2023;
- d. Sheet - 4, Grading and Drainage Plan, dated 2/17/2020 last revised 1/12/2023;
- e. Sheet - 5, Utility Plan, dated 2/17/2020 last revised 1/12/2023;
- f. Sheet - 6, Landscape Plan, dated 2/17/2020 last revised 1/12/2023;
- g. Sheet - 7, Lighting Plan, dated 2/17/2020 last revised 1/12/2023;
- h. Sheet - 8, Detail Sheet 1 of 4, dated 2/17/2020 last revised 1/12/2023;
- i. Sheet - 9, Detail Sheet 2 of 4, dated 2/17/2020 last revised 1/12/2023;
- j. Sheet - 10, Detail Sheet 3 of 4, dated 2/17/2020 last revised 1/12/2023;
- k. Sheet - 11, Detail Sheet 4 of 4, dated 2/17/2020 last revised 1/12/2023;

3. Any amendments or revisions to the foregoing plans, in whatever form or extent, including architectural design or material changes, shall be submitted to the Planning Division for consideration as to whether they constitute major or minor amendments;
4. An instrument containing these conditions, shall be recorded at the Northern Essex Registry of Deeds;
5. An Approval Not Required (ANR) Plan shall be submitted and recorded at the Northern Essex Registry of Deeds to create the new lot line as shown on the approved plans;
6. Prior to recording of the conditions of approval, the developer shall provide at least four (4) sets of the plans and drawings described under #2 above to the Planning Department for distribution;
7. After the creation of the ANR plan, the applicant shall provide to the Planning Department a digital file containing the plan listed in condition #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;
8. As required by the Department of Environmental Protection the developer must hire a Licensed Site Professional (LSP) to review and monitor the Activity and Use Limitation on the property as recorded in the Essex Registry of Deeds Northern Essex Registry of District book 9956 page 104. The LSP must prepare a safety plan to be used by all site contractors. Said safety plan shall be submitted at the pre-construction meeting for review and approval by Town departments;
9. Prior to demolition of the existing building the developer will investigate the two drain/sewer manholes on the east side of the building labeled "connection unknown" and "no pipe visible" and work with the Department of Public Works on what action if any needs to take place to the manholes;
10. Prior to demolition of the existing building a pre-construction meeting shall be held. At the meeting the developer's site contractor shall provide the contact information of a Licensed Site Professional (LSP) hired as required in condition #7, the safety plan required in condition #7 shall be submitted at the pre-construction meeting for review and approval by Town departments. A schedule shall be provided for the hours during which demolition and/or hauling operations may be conducted, a schedule for the utility work which includes the replacement of the water main, building construction, site paving, drainage infrastructure and the hauling route for trucks. Construction of the water and sewer mains and utility services may require evening

and Saturday work. At the time of the preconstruction meeting the developer and/or contractor shall provide a detailed construction sequencing plan of anticipated night work and Saturday work, including work hours, number of days, schedule of town inspectional services, police details and how the neighboring properties will be notified;

11. Construction activities and removal of debris shall be in accordance with the schedule provided during the pre-construction meeting, and such schedule shall provide for the hours during which construction and/or hauling operations may be conducted, and shall provide for designation of a hauling route for trucks. All loaded trucks shall be appropriately covered, and all public streets shall be kept free and clear from any debris, stones, gravel, or other earth materials associated with the project. Blowing dust or debris shall be controlled by the developer of lots through stabilization, wetting down, and proper storage and disposal methods. Street Sweeping of Tantallon Road and the surrounding drives shall take place throughout the day and prior to leaving the site for the day to remove any sediments tracked;

12. Construction activities (including start-up and operation of equipment, transport of materials to and from the site, earth work, clearing, grubbing, tree removal, and erection of structures) shall be conducted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Saturday activities may be permitted upon written request to, and approval from, the Inspector of Buildings; however, such Saturday activities may be approved subject to restricted hours, and such approval may be revoked if any terms or conditions of the approval are violated and/or if complaints are received from abutters. Work inside a structure once enclosed (walls, roof, windows, and doors) is not subject to this condition. This restriction of times excludes the construction of the utilities that will be allowed for a limited number of days and times during the evening and on Saturdays;

13. Construction equipment, building materials, debris, and contractor's vehicles associated with the project shall not be stored or parked on Haverhill Street. All such equipment and materials shall be stored or parked on the site in such manner and location as to not create a hazard to abutting properties, and shall be secured against unauthorized entry. All activities on the site shall be conducted in a workmanlike manner. 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 on the site so as to protect adjacent properties and ensure the safety of pedestrian and vehicular traffic during construction;

14. 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 nine (9) 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;

15. Prior to issuance of a building permit to construct the new multi-family structure a Reciprocal Easement Agreement shall be submitted and reviewed by Town Counsel and approved by the Planning Board which will cover cross-easements allowing continued and proposed traffic flow and access by vehicles and on foot; cross-easements allowing continued

and proposed utility connections, a sign easement on 16 Haverhill Street in favor of 7 Tantallon Road, visitor parking in favor of 7 Tantallon Road allowing visitor parking of 2 spaces after 5:00 pm on weeknights and on weekends on 16 Haverhill Street, and a snow storage easement on 16 Haverhill Street;

16. Prior to issuance of a building permit to construct the new multi-family structure, the developer must enter into a written agreement with the Department of Municipal Services concerning Infiltration and Inflow (I/I) offsets. Said agreement shall identify either a location where the sewer will be corrected or shall detail an appropriate fee to be deposited into an account to offset costs of future I/I work;

17. Prior to issuance of the structure permit for the new multi-family structure all exterior water, sewer and drainage utilities are to be installed and pass all tests. A foundation permit may be issued before installation and testing;

18. The water service to the Shawsheen Pump Station must remain functional and uninterrupted throughout the construction of this project. The Department of Public Works expects that the water feed to the Shawsheen Pump Station which originates in Haverhill Street and follows along Tantallon Road will remain active. This may, or may not, require a temporary bypass of the water main;

19. Plantings as shown on the Planting Plan sheet 6 shall remain throughout the life of the project. Should any of the landscaping die, it shall be replaced during the next available planting season;

20. The developer shall be responsible to complete the activities as outlined in the Operation and Maintenance Plan dated March 2019 revised October 2022;

21. The addition of two detectable warning strips to existing accessible ramps on the sidewalk of Haverhill Street shall be required;

22. Snow plowing, removal and storage shall be the responsibility of the developer;

23. All exterior lighting on the site (parking areas and building) shall conform to the plans referenced in condition #2 above. A post-installation lighting inspection will be made by Planning Staff, and any adjustments necessary to prevent spillover or glare onto adjacent properties or roadways will be the responsibility of the developer;

24. A minimum of 4 of the units (15% of 24 units) of the units shall be affordable in perpetuity in accordance with Section 7.2.4 of the Andover Zoning Bylaw;

25. Prior to the issuance of an Occupancy Permit, the developer shall have completed the required sewer offset work, or provide the agreed upon fee for deposit;

26. The abutting property of Assessor's Map 35, Lot 29 and the development property is separated by a chain-link boundary fence owned by the abutting property, which contains one

gate at the end of Tantallon Road, which is kept locked by the abutting property. The developer has volunteered to use commercially reasonable efforts to attempt to obtain permission from the abutting developer to install a 2nd gate, and to install each gate with a so-called click-to-access lock to provide emergency access to and from the abutting property, being Assessor's Map 35, Lot 29. If the developer's efforts are unsuccessful, they shall provide documentation to the Planning Department to evidence said efforts;

27. Prior to occupancy of the buildings the access/egress driveways, parking area, pavement markings, on-site street improvements such as landscaping associated with the project shall have been completed;

28. Prior to occupancy the applicant shall provide to the Planning Division a digital file containing an as-built plan 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 utilities, buildings, 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;

29. The developer shall submit a copy of the inspection report from long-term maintenance plan on an annual basis;

30. In view of the Project's proximity to the Shawsheen River, the Applicant's Stormwater Management Report had included a Stormwater Operations & Management Manual. It is a condition of this Permit that once constructed, the Property Manager of the residential facility shall be acquainted with said Operations & Management Manual, and that upon any transfer of ownership, new owners of the facility shall be provided with a copy of the same;

31. In view of the Project's proximity to the Shawsheen River, the building owner shall require that the Property Manager, as well as the owner of the facility, communicate in a timely fashion with all residents of the facility regarding all pending flood events. It is a condition of this permit that the Property Manager of the facility (as well as its owners) maintain a communication system capable of promptly notifying residents of any upcoming storm events that would cause flooding so that residents are able to get themselves out of the units along with moving their cars and belongings out of parking spaces close to the river and the garage;


32. All water main work scheduled for the 2023 construction season is likely to be affected by nearby Town originated water main construction. DPW expects the applicant's contractor to coordinate with the Town contractor to facilitate construction that does not interfere with the Town project;

33. An emergency exit plan for residents when the water gets above a certain level should be posted in a visible place near all stair wells, exits and elevators. This should include where residents could park their car outside and above the floodplain.

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 24, 2023, at a public meeting, the Planning Board voted (6-0) to issue the foregoing Special Permit with conditions.

Date: January 26, 2023



Zachary Bergeron, Chair
THE ANDOVER PLANNING BOARD

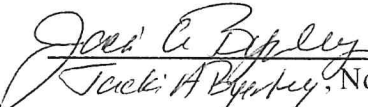
Essex, ss:

COMMONWEALTH OF MASSACHUSETTS

Date: January 26, 2023

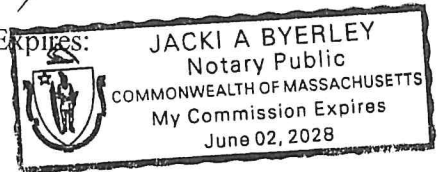
On this 26th day of January, 2023, by Zachary Bergeron, the authorized agent of the Andover Planning Board, proved to me through satisfactory evidence, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the documents are truthful and accurate 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,



Jacki A. Byerley, Notary Public

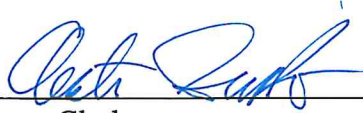
My Commission Expires:



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 26, 2023 and no appeal has been filed with the Town Clerk.

Date: 2-21-2023



Town Clerk