

2

RECEIVED  
TOWN CLERK'S OFFICE  
2023 MAY 24 AM 9:35  
TOWN OF ANDOVER, MASS

Bk 17788 Pg 271 #11416  
07-19-2023 @ 09:06a  
Essex North Registry

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

ON THE APPLICATION FOR

33 CHESTNUT STREET

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

Decision: SP23-01

YES (with conditions)

A public meeting of the Planning Board was held  
by remote participation on May 23, 2023. Present and  
voting in the affirmative on the matter were  
members Zachary Bergeron, Rocky Leavitt, Vincent Chiozzi,  
Ann Knowles 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 April 6, 2023 and April 13, 2023, 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 April 25, 2023, on the application of School Street Group,  
LLC for a Special Permit for a Planned Development Multi-family Dwelling. The hearing was  
closed on May 23, 2023, with the aforementioned members of the Board present.

The project is to convert an existing commercial building into 3 residential units located in the  
General Business Zoning District which allows a Planned Development Multi-family Dwelling  
with a Special Permit. Zoning Bylaw Section 7.2.2.1 requires two thousand square feet of lot per

BK 17283 PS 307

dwelling unit; the lot is over 6,000 square feet. Two parking spaces per unit is required in accordance with Section 7.2.5.2.a, there will be 9 parking spaces, 3 within garages and 6 outside parking spaces. Landscaping is proposed around the perimeter of the property, with a dumpster for the unit owners.

In order to build a multi-family building in the General Business District a Special Permit granted by the Planning Board is required.

#### Special Permit Criteria

According to Section 7.2.8 of the Andover Zoning Bylaw, the proposed project must meet 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.
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 2 spaces per unit with 3 visitor parking spaces. The driveway entrance and egress is not changing.
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 developer proposes plantings along the perimeter of the site 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.  
There are existing sidewalks on Chestnut Street and Bartlet Street.
5. The project will provide for adequate drainage, water and sewer facilities with sufficient capacity to serve the planned development.  
There is no new impervious surface being created. The existing drainage flows will remain the same, water and sewer connections will take place from Bartlet Street and Chestnut Street.
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 3 units of housing, 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.

The units are located within the General Business District within proximity to walkable areas and public transportation.

2. Traffic flow and safety, including parking and loading.  
The site accommodates the parking required, the driveway is a sufficient width to safely accommodate vehicles entering and exiting at the same time.
3. Adequacy of utilities and other public services.  
The utilities and services are adequate.
4. Neighborhood character and social structures.  
The neighborhood is a General Business district with a mix of uses.
5. Impacts on the natural environment, including, but not limited to air, water pollution, noise, stormwater runoff, and aesthetics.  
The drainage is to remain the same with the completion of the project.

On a vote of 5 to 0, the Board finds that the multi-family building units, 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 School Street Group, 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 identified as School Street Group, LLC owner of 33 Chestnut Street more specifically shown as Lot 54 on Assessor's Map 39. 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:
  - a. Sheet – 1, Existing Conditions Plan, Dated 2/11/2023 (last revised 4/06/2023) prepared by DK Engineering, LLC;
  - b. Sheet – 2, Site Development Plan, Dated 2/11/2023 (revised 5/16/2023) prepared by DK Engineering, LLC;
  - c. Sheet – A3.01, 33 Chestnut Street Proposed Residential Layout, Dated 11/30/2022 (revised 3/17/2023) prepared by O'Sullivan Architects, Inc.;
  - d. Sheet – A3.02, 33 Chestnut Street Proposed Residential Layout, Dated 11/30/2022 (revised 3/17/2023) prepared by O'Sullivan Architects, Inc.;

- e. Sheet – A3.03, 33 Chestnut Street Proposed Residential Layout, Dated 11/30/2022 (revised 3/17/2023) prepared by O’Sullivan Architects, Inc.;
  - f. Sheet – A3.04, 33 Chestnut Street Proposed Residential Layout, Dated 11/30/2022 (revised 3/17/2023) prepared by O’Sullivan Architects, Inc.;
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. 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;
6. A construction schedule shall be provided for the hours during which construction, demolition and/or hauling operations may be conducted, a schedule shall include for the utility work which includes the building construction, site paving, and the hauling route for trucks;
7. 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;
8. Construction equipment, building materials, debris, and contractor’s vehicles associated with the project shall not be stored or parked on Chestnut Street or Bartlet 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;

9. 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;
10. Prior to occupancy of the new multi-family structure a Condominium Association shall be submitted and reviewed by Town Counsel and approved by the Planning Board;
11. The landscaping along Bartlet Street may be adjusted from the plan dated May 16, 2023 to allow for appropriate sizing of hedges and trees. The landscaping must be planted prior to occupancy. The developer shall replace any trees that die within one year from the date of planting in kind and in similar size, there after the Condominium Association shall maintain the landscaping throughout the life of the project. Should any of the landscaping die it shall be replaced during the next available planting season;
12. Snow plowing, removal and storage shall be the responsibility of the developer, until such time as the developer turns the project over to the Condominium Association;
13. All new exterior lighting on the site (parking areas and building) shall prevent spillover onto adjacent properties or roadways will be the responsibility of the Condominium Association;
14. 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;
15. 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;

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 May 23, 2023, at a public meeting, the Planning Board voted (5-0) to issue the foregoing Special Permit with conditions.

Date: May 24, 2023



\_\_\_\_\_  
Zachary Bergeron, Chair  
THE ANDOVER PLANNING BOARD

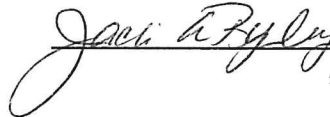
Essex, ss:

COMMONWEALTH OF MASSACHUSETTS

Date: May 24, 2023

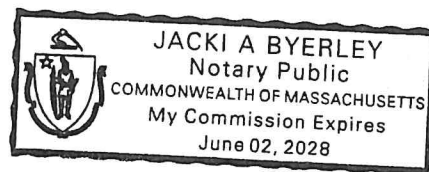
On this 24 day of May, 2023, by Zachary Bergeron, the authorized agent of the Andover Planning Board, proved to me through satisfactory evidence, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the documents are truthful and accurate to 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,



\_\_\_\_\_  
, 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 May 24, 2023 and no appeal has been filed with the Town Clerk.

Date: 6-20-2023

  
\_\_\_\_\_  
Town Clerk