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TOWN OF ANDOVER, MASS

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Essex North Registry

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

ON THE APPLICATION OF

Andover Town Yard, LLC

11 Lewis Street, 35 Pearson St, 122 North Main St, 2-4 Buxton Court, 7-9 Lewis Street

Special Permit for a Historic Mill Overlay District under Section 8.5 of the Zoning Bylaw.

Decision: SP23-02

YES (with conditions)

A public meeting of the Planning Board was held on August 1, 2024. Present and voting in the affirmative on the matter were members Neil Magenheim, Rocky Leavitt, Vincent Chiozzi, Morgan von Prelle Pecelli and Ann Knowles.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on December 7, 2023 and December 14, 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 January 9, 2024 on the application of Andover Town Yard, LLC for a Historic Mill Overlay District Special Permit. The hearing was continued and closed on August 1, 2024, with the aforementioned members of the Board present throughout.

The Planning Board has listened to, and gathered the following information at the public hearings. An overview of the entire project was presented to the Planning Board. The project is to construct a

248,788 ± square foot mixed use development with associated site work. The property is known as the Old Town Yard located at 11 Lewis Street. In 2021 a Request for Proposal was advertised seeking a qualified developer to acquire and redevelop the former Town Yard site. The site, which totals approximately 3.4 acres, forms an important development site given its proximity to the MBTA Commuter Rail station, the Shawsheen River and downtown Andover. Minco Development Corporation was chosen by the Selection Committee. Minco Development Corporation, through its affiliate Buxton Redevelopment, LLC, acquired four privately owned parcels of land abutting the Old Town Yard property, which parcels are included in the proposed project site: 122 North Main Street, 2-4 Buxton Court, 7-9 Lewis Street, and 35 Pearson Street.

A summary of the Land Disposition Agreement (LDA) and timeline was presented, as well as a review of the Conceptual Program & Plan (CPP), which was attached as an exhibit to the LDA by and between the Town of Andover and Andover Town Yard, LLC, an affiliate of Minco Development Corporation. The original site plan submission was different than the CPP submitted by the developer as part of the RFP proposal process. Accordingly, consistent with the terms of the LDA, the Board made a formal request to the developer to modify the CPP to include 5,000 square feet of restaurant space and 2,160 square feet of Community Space. This modified CPP aligns with the recommendations of the Town Yard Selection Committee, which in 2021 recommended Minco as their selection for developer to the Select Board, and is consistent with the LDA.

Andover Town Yard, LLC and their design team presented the lighting plan. Revisions were made from the original submission to include lighting of the walkway, dog park and parking areas. A landscaping plan for the entire site including all public and private locations was reviewed. Revisions were made to the landscaping plan to include native plantings along with a variety of plantings.

Andover Town Yard, LLC provided information regarding the housing affordability component. It was determined to construct the units on site instead of presenting a payment in lieu. The project shall contain no fewer than twenty-five (25) permanently restricted affordable rental housing units using 80% of the Boston Area Median Income (as determined by the US Housing and Urban Development (HUD) which publishes annual income limits based on household size).

A comprehensive presentation and review of the stormwater and utilities was given. Peer review consultant, Horsley Witten Group, completed a review of the stormwater report with recommended conditions. A comprehensive overview of proposed Sustainability improvements and inclusions was presented.

Vanesse & Associates, Inc. presented the Transportation Impact Assessment conducted in the Fall of 2023. The submitted report reviewed the additional trips to be generated by this development and the impact on the surrounding streets. A peer review consultant, The Engineering Corp (TEC), completed a review with recommended conditions.

The Planning Board received confirmation from Town Departments and other Boards that the plans and reports have been accepted and provided recommended conditions which have been

incorporated into the Planning Board decision which includes improvements to Lupine Road watermain. The Department of Public Works had previously made improvements to the Pearson Street and Essex Street watermains based on a report by Woodward & Curran regarding water improvements needed for the development of the Historic Mill Overlay District. Additionally, the Woodard & Curran report explained the need for an upgrade of the Lupine Road watermain. An agreement will be made between the DPW and Andover Town Yard, LLC to allow for the upgrade of the Lupine Road watermain, with the work to be completed before the issuance of a certificate of occupancy for this development.

The Planning Board considered Zoning Bylaw Section 8.5. Design Objectives, a project within the Historic Mill Overlay District (HMOD) shall:

Provide a positive economic benefit to Andover (including, but not limited to, fiscal impact, Town services, and employment), be in harmony with the general purpose and intent of the Comprehensive Plan and not be unreasonably detrimental to the overall General Business Districts, specifically Downtown Andover.

- Blend the scale of residential, business, and commercial structures into the site design;
- Provide safe vehicular and pedestrian ways, and minimize traffic impacts;
- Preserve natural features, wetlands, scenic vistas, and open spaces when possible;
- Minimize the visual impact of parking areas;
- Assure safe interior circulation within its site by separating pedestrian, bike, and vehicular traffic;
- Include existing and future pedestrian pathways within 100 feet of the Shawsheen River for public use and enjoyment if the Project includes frontage along the Shawsheen River. Said pedestrian pathway shall be publicly accessible via a public access easement or conveyance to the Town of Andover. The easement width for these pathways shall be not less than 10 feet, unless otherwise approved by the Planning Board;
- Have signage to identify places, provide direction, and advertise businesses. Along with communicating information, signage should add to the character of each project and reinforce a sense of place;
- Signs shall consist of high-quality materials and color palettes that reflect the architectural themes of the surrounding area;
- Location and placement of signs should not obstruct pedestrian or vehicular movement;
- Incorporate energy efficient and environmentally sensitive principles;
- Incorporate pedestrian amenities, accessory uses, and community benefits into the overall design in a harmonious way; and
- Incorporate low-impact development (LID) design techniques or Stormwater Best Management Practices (such as, but not limited to, pervious paving, landscape swales, vegetative filters or rain gardens, and landscape infiltration facilities) to lessen the environmental impact of development along the Shawsheen River.

The Planning Board has confirmed Andover Town Yard, LLC has met these objective which has been demonstrated throughout the public hearings process.

Design Guidelines and Review.

The Planning Board's Historic Mill District Design Guidelines, dated February 6, 2018, shall apply to all projects that are subject to this Section 8.5. The Guidelines are intended to preserve and augment the architectural qualities, historic character, and pedestrian scale of the district. Andover Town Yard, LLC has met these guidelines which has been reviewed by the Design Review Board and Planning Board.

Special Permit Criteria

1. Social, economic, or community needs which are served by the proposal.
The applicant's proposal satisfies the foregoing purpose. Multi-family is an alternative to the large single-family detached structures currently being built in town, the location lends itself to a larger scale mixed use development by bringing a needed form of housing within the downtown walking area and easy access to the MBTA commuter rail while still providing for a social and economic need with the commercial component, community building, public walking paths and dog park.
2. Traffic flow and safety, including parking and loading.
Vanesse & Associates, Inc. presented the Transportation Impact Assessment conducted in the Fall of 2023. The submitted report reviewed the additional trips to be generated by this development and the impact on the surrounding streets. A peer review consultant, TEC, completed a review with recommended conditions. Parking is provided throughout the site for the residents of the development along with users of the dog park, community building, and commercial use. This includes move in areas, delivery and drop off zones.
3. Adequacy of utilities and other public services.
A comprehensive presentation and review of the stormwater and utilities was given. Peer review consultant, Horsley Witten Group, completed a review of the stormwater report with recommended conditions. The DPW had previously made improvements to the Pearson Street and Essex Street watermains based on a report by Woodward & Curran regarding water improvements needed for the development of the Historic Mill Overlay District. An additional item needed from the report is the upgrade of the Lupine Road watermain. An agreement will be made between the DPW and Andover Town Yard, LLC to allow for the upgrade of the Lupine Road watermain before the issuance of a certificate of occupancy for this development.
4. Neighborhood character and social structures.
The Historic Mill Overlay District, with its accompanying guidelines, and the development specific reviews by the Town Yard Selection Committee, Select Board, Design Review Board and the Planning Board has ensured the development being approved by the Planning Board meets the neighborhood character and social structure of the area.

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

Andover Town Yard, LLC presented a comprehensive overview of proposed Sustainability improvements and inclusions. A comprehensive presentation and review of the stormwater and utilities was given. Peer review consultant, Horsley Witten Group, completed a review of the stormwater report with recommended conditions.

In consideration of all of the foregoing, including the plans, documents, and testimony given during the public hearings, the Planning Board hereby approves and issues a Historic Mill Overlay District Special Permit for Andover Town Yard, LLC to construct 165 residential units and mixed commercial uses for a total of 248,788 ± square foot with associated site work subject to the following conditions:

General Conditions

1. For purposes of this approval the special permit shall be defined as all features depicted on the plans described under Condition #2; the developer shall be defined as the applicant, Andover Town Yard, LLC 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, work associated with the project, including architecture and landscaping, shall be in general conformance with the following plans and drawings prepared by The Morin-Cameron Group, Halvorson Tighe & Bond Studio, and Arrowstreet Inc., which are considered the final plans and may be found in the Planning Division:
 - a. Civil Plans prepared by The Morin-Cameron Group Sheets C1.0 through C8.5 dated 5/7/24;
 - b. Landscape Plans prepared by Halvorson Tighe & Bond Studio Sheets L1.0 through L5.2 dated 5/7/24;
 - c. Architectural Plans prepared by Arrowstreet Inc. Sheets A1.0 through A1.7 dated 5/7/24;
 - d. The modified Conceptual Program and Plan (CPP) requested and approved by the Planning Board on April 9, 2024;
3. The plans referenced in Condition #2 are consistent with the modified CPP requested and approved by the Planning Board on April 9, 2024. If the developer wishes to revise the modified CPP in the future, the requested change must be reviewed by the Inspector of Buildings for compliance with the Zoning Bylaw and must comply with the relevant provisions of the Land Disposition Agreement by and between the Town of Andover and Andover Town Yard, LLC, as the same may be amended from time to time;
4. If a modified or supplemental plan(s), drawing(s) and document(s), if any, is required by the Planning Board under the conditions of this permit, it shall be submitted to, reviewed and approved by the Planning Division;

5. 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 and Site Plans;
6. This special permit shall expire three (3) years from the date that this decision has been filed with the Andover Town Clerk's office, plus such time as required to pursue or await the determination of an appeal, if substantial use thereof has not sooner commenced or if construction has not begun by such date except for good cause. The Board may consider extending the special permit upon written request of the applicant provided that such request has been received and a public hearing is noticed prior to the expiration of the original permit. In considering a request for extension, the Board may take into account economic conditions and funding availability;
7. 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;
8. Any blasting operations shall require proper permits, and may not be undertaken on any weekend or holiday;
9. Prior to the recording of this permit at the Northern Essex Registry of Deeds, the developer shall provide to the Planning Division a set of the plans and drawings described under Condition #2 above, which will be considered the final plans;

Prior to Construction

10. Prior to construction of the Community Building, the developer shall meet with the Planning Division staff, other applicable Town boards, and other departments for a courtesy review of the draft design;
11. Prior to any construction on site, the developer shall provide to the Planning Division 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 prior to the recording of the permit;

12. Prior to any construction or demolition 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 principal 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 sequence schedule;
13. The proposed project requires land disturbance of greater than 1 acre. Therefore, a Stormwater Pollution Prevention Plan (SWPPP) per the EPA NPDES Construction General Permit will be required. The developer shall deliver a copy of the SWPPP to the Planning Division a minimum of 14 days prior to land disturbance;
14. Prior to any construction activity of any kind within the site, the developer shall submit for review and approval to the Planning Division a proposed construction sequence schedule, said schedule to be used as a guide to activities within the development including construction of roadways, utilities, drainage systems, stabilization, safe pedestrian circulation before and after construction hours, and stockpiling. This schedule once established should not be substantially deviated from, but may for a reasonable and demonstrated reason be modified by agreement between the developer and the Planning Division;
15. The Department of Public Works shall be notified prior to any construction activities on and off site, including excavation and grading, and shall be given full opportunity to review plans and monitor such activities;
16. The hauling route for the import and/or export of earth materials and demolition debris shall be approved by the Inspector of Buildings and the Police Safety Officer. All public ways are to be kept clean and free of any dirt or debris associated with hauling activities. Prior to commencing hauling operations, a hauling route shall have been reviewed and approved by the Inspector of Buildings. Any substantial deviation from the approved route and/or scheduling once established shall require proper notification and approval from the Inspector of Buildings.
17. Construction traffic associated with this project shall be regulated by the Inspector of Buildings. Any substantial 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. It shall be the developer's responsibility to inform all contractors, subcontractors, vendors, and workmen of this restriction;
18. In order to ensure proper operation and maintenance of the proposed stormwater system, the project shall be subject to a signed "Long-Term Operation and Maintenance Plan", as prepared by The Morin-Cameron Group, [as agreed to by the developer and the Town].

Said plan may be amended from time to time and is subject to review and approval by the Department of Public Works;

19. The Developer shall submit a copy of the Illicit Discharge Compliance Statement signed by the developer;

Throughout Construction

20. 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;
21. 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 proposed by the developer and approved by the Planning Division within thirty (30) days of such disturbance, or within some other time period otherwise approved by the Planning Division;
22. The site shall not remain in an open condition longer than three hundred sixty (360) days. "Open" shall be defined as that period of time between initial preparation of the lot for construction (i.e., clearing of site, 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;
23. Stockpiles shall be prohibited within fifty (50') feet of any wetland boundary, drainage channel or water course, and prohibited in any area which necessitates removal of trees for such purpose;
24. Stockpiles of earth materials kept on the development site for more than 120 days shall be shaped and secured by butted haybales around the perimeter, and shall be promptly stabilized by temporary seeding or netting;
25. Burial or burning of vegetation, stumps, or unprocessed construction debris is strictly prohibited anywhere within the site. Such materials shall be removed and properly disposed of off the site;
26. All construction activities within the site shall be confined between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday (which includes holidays), unless otherwise approved by the Planning Board or Inspector of Buildings. 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 substantiated complaints, which the developer has had the opportunity to address and has

not addressed in a reasonable period of time. Construction activities include the transport of equipment, materials and supplies to and from the site;

27. Hauling of earth materials and heavy equipment should be coordinated with the school transportation departments so as to minimally interfere with morning pick up and drop off of school buses within the hauling route. It shall be the developer's responsibility to communicate with the proper school departments to determine precise hours of pick up and drop off, and to inform all contractors, subcontractors, vendors, and workmen of this restriction;
28. As field conditions warrant and at the option of the Department of Public Works, berms of type and design specified by the Department of Public Works shall be installed in locations proposed by the developer and approved by the Department of Public Works;
29. Construction activities 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;
30. Once construction has begun, it shall continue through to completion in accordance with the Land Disposition Agreement, including Section 3.04;
31. During construction, Buxton Court, Lewis Street and Pearson Street will be kept clean of construction debris, runoff and site materials through the use of street sweeping and/or other cleaning activities;

Prior to Occupancy

32. The Developer shall implement the following Transportation Demand Management (TDM) measures:
 - a. A "Welcome Packet" will be provided to all residents and employees detailing available transportation services and facilities.
 - b. EV parking spaces will be provided at locations approved by the Andover Fire Department.
 - c. Public transportation schedules will be posted in a centralized location for residents and employees.
 - d. A pick-up/drop-off area for rideshare services will be provided near the lobby area.
33. Where the proposed wastewater flow exceeds 5,000 gallons per day, the developer is required to provide mitigation for the added flow by virtue of the removal of four (4) gallons of infiltration and/or inflow from the sanitary sewer system for each gallon of new wastewater flow to be generated by the new or reused sewer connection or extension as required by the Andover Board of Health Rules and Regulations for Design, Construction, and Use of Sanitary Sewer dated April 1, 2023; the developer shall be responsible for repair

of structural deficiency in the sewer mains, upsizing of existing mains and improving the capacity of the existing sewer by either removing infiltration and inflow (I/I) in an amount equal to four (4) times the amount of design flow to be added to the system by this proposal, repairing of sewer mains or upsizing of existing mains, or a combination thereof. The developer shall propose repairs, upsizing and I/I improvements to mitigate the deficiencies in the system. The Andover Department of Public Works will review such proposals and will communicate approval to the Planning Division once all concerns are addressed satisfactorily. The requirements of this condition can be satisfied by payment made to the Town for repair or through a combination of I/I removal work and payment to the Town at a rate allowed within the Andover Board of Health Rules and Regulations for Design, Construction, and Use of Sanitary Sewer dated April 1, 2023;

34. Prior to the issuance of the certificate of occupancy, a set of interim as-built plans (a print, dwg digital file and a pdf) for any utilities constructed both on and off the site in connection with the project shall be submitted to and approved by the Department of Public Works, which plans shall be prepared and stamped by a Registered Professional Engineer licensed in Massachusetts and shall show the horizontal and vertical location of all improvements, all new or relocated utilities, and all existing utilities to be retained;
35. Prior to issuance of the final certificate of occupancy permit, a set of as-builts (a print, a dwg digital file and pdf) for utilities (water, sewer and drainage) both on an off the site as shown on the approved plan shall be submitted to and approved by the Department of Public Works;

Specific to this Special Permit

36. If, and only if, funding to the MassWorks grant (in whole or in part) is retracted or rescinded by the Commonwealth of Massachusetts, the developer shall provide for the completion of design plans and specifications for the closure of Pearson Street;
37. If, and only if, funding to the MassWorks grant (in whole or in part) is retracted or rescinded by the Commonwealth of Massachusetts, the developer shall provide funding for the closure of Pearson Street at Lewis Street;
38. Lighting fixtures and the signs in the parking area and at the perimeter of the property shall have residential cut-off shields and shall be directed inward toward the site to minimize potential light spill and glare;
39. Overnight lighting of the site shall be kept to a minimum as required by state building code requirements and public safety;
40. During the period of construction, the required construction fencing (scrim) shall display appropriate art at a minimum along the construction fencing facing the MBTA station but

can additionally be placed along other fencing areas as determined by the developer. The required construction fencing scrim with associated art is expected to be changed annually. The developer will work with the Planning Division on art selection and artist(s) fees (if any) to be paid by the developer; any artist(s) fees paid will not exceed \$2,000.00 in total;

41. The project shall contain no fewer than twenty-five (25) permanently restricted affordable rental housing units using 80% of the Boston Area Median Income (as determined by the US Housing and Urban Development (HUD) which publishes annual income limits based on household size). No certificate of occupancy shall be issued for the project until such restriction is executed by the developer, the Town, and the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) and recorded with the Northern Essex Registry of Deeds;
42. The developer, monitoring agent, or management company shall maintain records sufficient to comply with Executive Office of Housing and Livable Communities (EOHLC), or appropriate state agency, guidelines for the location of the affordable units within the project and the occupancy of such units by income-eligible households. The records, including the locations of the affordable units, rental rates, income qualifications, and any other item related to the affordable units may be reviewed annually by the Town of Andover at any time with thirty (30) days notice;
43. The rental rates for the affordable units may be adjusted by the developer from time to time, to reflect the increase (or decrease) in area median income as defined by HUD;
44. The developer shall provide an affirmative marketing plan and tenant selection plan for the affordable units to the Planning Division prior to making any of the units available;
45. Pursuant to the landscape plans prepared by Halvorson Tighe & Bond Studio Sheets L1.0 through L5.2 dated 5/7/24, the developer shall be required to replace any trees and shrubs that do not survive the two (2) years following initial planting, such replacement to be during the next planting season. Landscaping within the site shall remain throughout the life of the project; should any of the landscaping trees die, they shall be replaced during the next planting season with a similar style tree and at a similar location. The developer will include in its annual operating budget for maintenance of existing landscaping, re-planting of buffer landscaping and continued removal of invasive plants to the extent possible;
46. Prior to the closing under the Land Disposition Agreement, but in no event later than the date that is 90 days after the Planning Board's issuance of this decision and in the absence of any appeal, the developer shall enter into an agreement with the Town's Department of Public Works providing for the developer's financial contribution in support of improvements to the watermain on Lupine Road. The agreement will include, but is not limited to, the requirement for the developer to make a financial contribution at the time of closing outlined in the Land Disposition Agreement and the form that the financial

contribution will take, and when the improvements by the Town for the upgrade or repair of the Lupine Road watermain will be completed. Prior to issuance of the first permit to build, the Department of Public Works shall inform the Planning Division regarding the status of the Lupine Road watermain improvement work;

47. The final design of parking along Pearson Street will be completed after the final design of the closure of Pearson Street has been completed. The parking design will be reviewed and approved by Public Safety, Planning Staff and Engineering. In designing the parking area, the developer shall take into consideration sight distance to ensure pedestrian and bicycle safety. To ensure safe sight distances, the developer shall consider the relocation of the existing utility pole, signing the first parking space as "compact car space" or consider the removal of the first parking space adjacent to the driveway or a combination thereof;
48. At 70% occupancy of the residential building and following full occupancy of the proposed mixed-use tenants, the developer will conduct Automated Traffic Recorder (ATR) counts of Buxton Court and the site driveway to Pearson Street to capture Project-related traffic volumes for a seven-day period, as well as parking utilization counts of the garage, surface parking, and community building parking on Pearson Street. Such ATR counts will measure one weekday and one weekend day during typical overnight (10:00 PM and 4:00 AM) for residential demands and weekday evening (4:00 PM and 7:00 PM) and Saturday midday (11:00 AM and 3:00 PM). While there will be non-Project related traffic in this count program, it is expected that the majority of trips will be related to the Project. The information associated with these counts will be summarized in a memo to the Town Planning Division and engineering staff;
49. If the measured site-generated traffic volumes referenced in Condition #48 for the Project exceed the projected site-generated traffic volumes established in the Traffic Impact Assessment (TIA) by more than 10 percent (i.e., 110 percent of the projected site-generated traffic volumes), the developer shall conduct a traffic monitoring program (not to exceed \$50,000) to ensure that the Project impacts are consistent with those predicted in the Project's permitting process, evaluate the effectiveness of the Transportation Demand Measures (TDM) in meeting the mode share targets, and assess the need for additional off-site improvements or TDM measures. As part of the monitoring program, the Developer will complete the following:
 - Collect manual Turning Movement Counts (TMCs) during the weekday morning (7:00 AM to 9:00 AM) and weekday evening (4:00 PM to 6:00 PM) at the following intersections:
 - Route 28 / Lewis Street
 - Route 28 / Pearson Street
 - Route 28 / Elm Street [i.e., Elm Square]
 - Railroad Street / Essex Street / Dundee Park

- Collect Automated Traffic Recorder (ATR) data for a continuous 7-day week-long period along each Buxton Court and Pearson Street positioned at locations to capture site related trips only.
- Collect parking demand counts during the peak parking demand periods for the specific land use areas, including:
 - Residential - 5:00 AM to 9:00 AM
 - Other Site Uses - 10:00 AM to 1:00 PM
- Collect motor vehicle crash reports from the Town of Andover Police Department for the most recent one-year period to ascertain changes in crash frequency, crash trends, and severity at the monitored locations.
- Compare the TMCs collected above with those projected within the TIA for the Project to determine whether the total vehicles entering each intersection exceeds the volumes projected.
- Perform a capacity and queuing analysis using Synchro analysis software to evaluate the traffic operations at each of the intersections listed above and compare to the operations projected in the TIA prepared for the Project.
- Assess whether additional mitigation is necessary at any of the study intersections and identify measures to improve operations and/or reduce vehicular traffic volumes. The need or evaluation for further mitigation will be conditioned upon:
 - The measured site-generated traffic volumes for the Project exceed the projected site-generated traffic volumes established in this TIA, or subsequent revisions as presented to the Town of Andover by more than 10 percent (i.e. 110 percent of the projected site-generated traffic volumes).
 - One or more of the movements at the monitored intersections is identified to be operating at or over capacity (defined as a V/C ratio equal to or exceeds 1.00).
 - There is a pronounced increase in the frequency of occurrence of motor vehicle crashes at a monitored location and the calculated motor vehicle crash rate exceeds the MassDOT average crash rate for similar locations.

The Town reserves the right to require a peer review of the monitoring summary submitted;

50. If corrective actions are necessary based on information gathered from Condition #49 to reduce the unmitigated impact of the Project, the actions should be documented in the Transportation Management Plan (TMP), approved, and coordinated with the Town; and be undertaken by the developer subject to receipt of all necessary rights, permits, and approvals, not to exceed \$50,000.
- a. Assess whether the constructed parking supply is adequate for the parking demand as observed; and

- b. Prepare a memorandum summarizing the results of the TMCs, ATRs, parking demand counts, traffic impact analysis for submission to the Town of Andover.

The Town reserves the right to require a peer review of the memorandum summary submitted.

51. The operations of the signal at the intersection of North Main Street/Railroad Street/Private Driveway/Retail Plaza (at the railroad crossing bridge) shall be reevaluated after 70% occupancy to optimize traffic signal timings as necessary in consultation with the Town;
52. The developer shall make the community building available to the Town and community groups for programming and events. The Town and developer contemplate an engaged and frequent use of the community building, and provided there are no extenuating circumstances that prevent such use, when requested by the Town or any community group, the developer shall permit such use subject to the developer's reasonable use agreement therefor, and, in any event, subject to and in accordance with the terms of the Land Disposition Agreement;
53. A snow removal plan for the roadways, driveways, pedestrian and bicycle pathways shall be submitted to the Planning Division prior to issuance of the certificate of occupancy. The plan shall be coordinated with the Department of Public Works for snow plowing of roadways and driveways leading to and in the site and of the pedestrian access over the MBTA rail lines;
54. Prior to issuance of the certificate of occupancy for the project, a meeting with the developer, Planning Division, the Department of Public Works, and the Legal Department shall take place to review the as-built plans to determine if there are any easements or deeds in fee needed for the utilities and infrastructure;
55. Prior to the issuance of a building permit for each habitable building within the project, the developer shall submit to the Town evidence of the issuance by the United States Green Building Council of a pre-certification of each such building pursuant to the LEED BD+C program at a level of Silver or higher;
56. Prior to the issuance of a certificate of occupancy, the developer shall provide a certification to the Planning Board by the developer's architect that the project has been constructed substantially in accordance with the final approved plans;
57. The rights of way and adjacent sidewalks (if any) within the project to be used for vehicular traffic and pedestrian purposes shall be made available for use by the Town and members of the public for such purposes from and after the issuance of the certificate of completion

pursuant to the LDA. Such use may be subject to the developer's reasonable restrictions thereof as may be approved by the Planning Board in writing;

58. For the avoidance of doubt, nothing contained in this decision shall be deemed to amend, waive, or otherwise modify any of the terms or provisions of the Land Disposition Agreement or the rights and obligations of the Town and the developer thereunder.

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 developer is responsible for the costs associated with the Registry filings.

On August 1, 2024, at a public meeting, the Planning Board voted (5-0) to issue the foregoing Special Permit with conditions.

Date: August 7, 2024

Neil M
Neil Magenheim, Chair
ANDOVER PLANNING BOARD

Essex, ss:

COMMONWEALTH OF MASSACHUSETTS

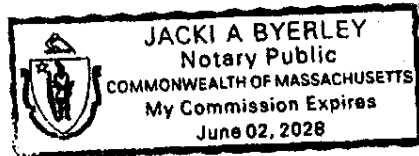
Date: August 7, 2024

On this 7th day of August, 2024, by Neil Magenheim, 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
Jacki A Byerley, Notary Public

My Commission Expires:



CERTIFICATION

I, Austin Smko, 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 my office on 8-7-2024 and no appeal against said decision has been filed.

Date: 8-27-2024



Town Clerk