

9

RECEIVED
TOWN CLERK'S OFFICE
2024 OCT -9 AM 11:08
TOWN OF ANDOVER, MA

Bk 18144 Pg 159 #19820
11-14-2024 @ 08:41a
Essex North Registry

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

ON THE APPLICATION OF
Medico 140, LLC
140 Haverhill Street

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

Decision: SP24-04

YES (with conditions)

A public meeting of the Planning Board was held virtually on October 8, 2024. Present and voting on this matter were 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 June 20, 2024 and June 27, 2024 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 July 23, 2024 for an application filed on June 12, 2024, by Medico 140, LLC on property owned by Medico 140, LLC for a Special Permit for a Major Non-Residential Project. The property is more specifically identified as Lot 104A and 104C on Assessors Map 18. The public hearing was closed on October 8, 2024. The aforementioned members were present throughout.

The application submitted by Medico 140, LLC is to construct a 19,200 square foot medical office. The existing 25,000 + will be demolished. This application will supersede the previous Major Non-Residential Special Permit SP21-04 issued by this Board on July 20, 2021.

During a series of public hearings held from July 2024 to October 2024, the Board reviewed the information submitted by the applicant and residents along with the information as listed in the Zoning Bylaw Section 9.4.8 and Section 9.5.4.3 a – k. Through the submission of plans, reports and hearings the Board reviewed:

- a. The proposed placement of the buildings – the two lots created with the previous filing will be combined through an Approval Not Required Plan (ANR), the placement of the new medical office is appropriate with regard to the site and already disturbed areas. Variances have been granted to allow buildings within 300 feet of a residence.
- b. Major topographic changes – there will be no major topographic changes, grading is proposed to be consistent with the existing grades.
- c. Surface and ground water drainage and erosion control – currently the topography slopes from the southeast corner to the west towards the wetlands, there is an existing catch basin and manhole system that routes the water from the development areas to the wetland areas, the outlet of the wetland is a pipe under the driveway which flows north into the adjacent wetland area. The applicant proposes to keep the existing system with modifications, the stormwater will be conveyed through deep sump catch basins which will eventually lead to the wetland areas. The stormwater report has been reviewed and approved by the Horsley Witten Group with suggested conditions.
- d. Protection against flooding and inundation – please see comment above.
- e. Prevention of water and pollution and environmental damage – please see comment above.
- f. Provisions for adequate utility services – the proposal does provide for utility connections.
- g. Provisions for off-street parking and loading – as a medical clinic the Bylaw requires 1 parking space per 200 square feet of net floor area and 4 parking spaces per doctor. The 14,902 net square feet requires 75 parking spaces, it is anticipated there will be eight (8) doctors requiring 32 spaces. In total 107 spaces are required, the applicant is providing 147 parking spaces.
- h. Location of intersections of driveways and streets – the building will utilize the existing openings off of Haverhill Street and High Street, easements are noted on the plan for driveway use.
- i. The effect of additional traffic created by the development on intersections and streets likely to be affected by the proposal – the applicant has submitted a Traffic Memorandum prepared by Bayside Engineering dated July 5, 2024. The memo states the proposed project will generate 248 fewer daily vehicle trips on average than when the existing building was in use as a medical office.
- j. Provisions for pedestrian/bicycle access ways connecting to adjacent open space, neighborhoods, schools, recreation areas or transportation facilities and for alternative transit programs – a sidewalk is proposed along the interior driveway, Andover Bike Walk requested bike racks that the applicant has provided.

k. Provisions for landscaping and adequate screening and buffering – a planting plan has been submitted. The Traffic memorandum suggests keeping plantings along the entrances to less than 3 feet to allow for safe sight distances.

Special permits may be granted when the SPGA has found that the proposed use will not be unreasonably detrimental to the established or future character of the neighborhood and town and that such is in harmony with the general purpose and intent of this bylaw. In addition to any specific factors that may be set forth in this bylaw, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal:

The Office Park (OP) Zoning District was created by doctors in 1972. The district has consistently been used as a clinic since its rezoning in 1972. The Board makes a finding that the medical clinic use meets the social and community needs of the community;

2. Traffic flow and safety, including parking and loading:

As part of the application package the applicant has submitted a Traffic Memorandum prepared by Bayside Engineering dated July 5, 2024. The memo states the proposed project will generate 248 fewer daily vehicle trips on average than when the existing building was in use as a medical office. Public Safety is comfortable with information in the memorandum.

The Board makes a finding that the traffic flow and safety including parking and loading have been reviewed, and have no concerns with the traffic to be generated by this use and the parking is adequate for the use;

3. Adequacy of utilities and other public services:

The proposal does provide for utility connections, the Department of Public Works provided information on existing water mains to ensure proper gate valves and crossings. The Health Division reviewed the sewer profiles of the site plan and made recommendations regarding eliminations of crossings.

The Board makes the finding that the utilities and other public services have been reviewed and approved as adequate;

4. Neighborhood character and social structures:

The neighborhood character of this project includes a medical clinic building, an office building, single family houses, apartment buildings, the YMCA, a shopping plaza, restaurant and an industrial district. The Office Park (OP) Zoning District was created by doctors in 1972. The district has consistently been used as a clinic since its rezoning in 1972.

The Planning Board makes the finding that use as a medical clinic meets the neighborhood character and social structure of this neighborhood as clinics are allowed within the district;

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

A stormwater management report was submitted by the applicant and peer reviewed by Horsley Witten Group. The stormwater runoff from the redeveloped site will be routed through the stormwater system, treatment will be provided by the addition of two Jellyfish Filters just upstream of the outlets to the design point. Two small buried chamber systems will provide storage for stormwater to maintain peak flows which are lower in the post-development condition than the pre-development condition.

The Board makes the finding that it does not cause detrimental impacts on the natural environment. There will be no long term impacts of air pollution or water pollution from this project. During construction there will be dust and debris which will be managed on the site as any other construction project would be managed.

The Design Review Board reviewed the aesthetics and approved the plan with respect to the siting and massing of the building, a further review of the architectural plans will be required prior to construction of the buildings.

The Board finds that the application for 140 Haverhill Street meets the Special Permit criteria for a Major Non-Residential Project as outlined above and that this project will not be unreasonably detrimental to the established or future character of the neighborhood and Town, and that such approval is in harmony with the general purpose and intent of the Zoning Bylaw and approves with conditions the application by Medico 140, LLC for the Special Permit for a Major Non-Residential Project (SP24-04).

On a vote of 5 to 0, the Board votes to approve the special permit with 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, street improvements, signage, landscaping and all other details as shown on the submitted plans and documented throughout the public hearing process. The site is identified as a parcel of land situated at 140 Haverhill Street more specifically shown on Assessor's Map 18 Lots 104A and 104C. The developer is identified and shall be defined as Medico 140, LLC or his 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 plans and drawings prepared by Ranger Engineering Group, Inc., dated June 12, 2024 and last revised

October 1, 2024, which are considered the final plans and may be found in the Planning Division:

- a. Cover Sheet CS001
 - b. Notes and Legend Sheet CS002
 - c. Existing Condition Plan CS0201
 - d. Form A Plan CS0202
 - e. Demolition Plan CS0501
 - f. Construction Phasing Plan CS0502
 - g. Layout and Materials Plan CS1001
 - h. Grading and Drainage Plan CS1501
 - i. Utility Plan CS1701
 - j. Fire Truck Turning Plan CS2701
 - k. Sewer and Drainage Profiles CS3501
 - l. Site Details CS6001
 - m. Utility Details CS6002
 - n. Drainage Details CS6003
 - o. Drainage Details CS6004
 - p. Erosion and Sediment Control Plan CS8001
 - q. Erosion and Sediment Control Details CS8501
 - r. Landscape and Lighting Plan L1
 - s. Doctor Park Lighting Layout prepared by RAB dated 10/07/2024
3. 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;
 4. If a modified or supplemental plan(s), drawing(s) and document(s), if any, is required by the Planning Board or any other Board or Commission, it shall be submitted to, reviewed and approved by the Board, at a regularly scheduled, or specially scheduled public meeting;
 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 recorded in the Northern Essex Registry of Deeds unless substantially exercised (with the exception of the demolition of the existing structure) by the applicant prior to that date. The Board may consider extending the special permit upon written request of the applicant;
 7. Prior to the recording of this permit, 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 2010 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 State Plane 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 this permit;

Prior to Construction

8. Prior to any construction or demolition activity an approval not required plan to combine the two lots of Map 18 Lot 104A and Map 18 Lot 104C shall be submitted and approved by the Planning Division and recorded at the Northern Essex Registry of Deeds;
9. 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 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. The developer shall provide at least three (3) sets of the plans and drawings, considered the final plans, described under Condition 2 above to the Planning Department for distribution and review at the pre-construction meeting;
10. 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 including the construction phasing to the Planning Board to be used as a guide of activities associated with the project;
11. 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;
12. 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;
13. A Stormwater Pollution Prevention Plan (SWPPP) per the EPA NPDES Construction General Permit will be required. The developer shall deliver a signed copy of the SWPPP to the Planning Division a minimum of 14 days prior to land disturbance;
14. In order to ensure proper operation and maintenance of the proposed stormwater system, the project shall be subject to a signed "Stormwater Operation and Maintenance Plan (O&M Plan)", the Jellyfish Filter directives and the Stormtech chamber long term maintenance directives should be included in the O&M plan as attachments. Annual reports of the stormwater inspections and maintenance shall be submitted to the Planning

Division which shall include inspections and maintenance reports of the Jellyfish Filter and Stormtech chambers is required;

Throughout and During Construction

15. 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;
16. 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;
17. Except for periods during replacement if required, all access ways within the site and adjacent to the site shall be kept open, and in a safe and passable condition. No fences, barriers, or gates may be placed or installed within the town way;
18. 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 unless otherwise approved by the Planning Board. Interior finish work on the building once fully enclosed (doors and windows) is not subject to this condition;
19. Burning or burial of trees, stumps, or construction debris of any kind is strictly prohibited anywhere on site;
20. Lighting fixtures in the parking area shall be shielded and directed inward toward the site. Those fixtures not required for nighttime security shall be placed on a timer;
21. 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 the last observed activity, the Board may convene a public hearing for the purpose of revocation or modification of the permit;

Prior to Occupancy

22. Prior to occupancy, all parking areas, access driveways, pavement markings, sidewalks and off-site street improvements (if any) shall have been completed and made fully operational;
23. A set of as-built plans for utilities (water, sewer and drainage) both on and off the site shall be submitted to and approved by the Department of Public Works within seven (7) days after all installations are complete, and before the issuance of a Certificate of Occupancy;
24. The landscaping and plantings must be planted according to the Landscape and Lighting Plan. An annual review of the landscaping shall be made with removal of invasive species to the best extent possible. Should any of the landscaping die during the life of the project it shall be replaced during the next available planting season;

Specific Conditions

25. The landscaping installer shall make every effort to remove invasive species such as oriental bittersweet from landscape areas and woodlands. The property owner shall develop a plan to periodically inspect and remove invasive species that re-emerge as part of the regular landscape management plan;
26. Clear sight distance shall be maintained on the access drives with annual removal of any overgrowth;
27. Planting of the buffer trees labeled 7 Atlantic Giant Arborvitae shown on the Layout and Materials Plan shall remain throughout the life of the project. Should any of the buffer trees die they shall be replaced during the next available planting season;
28. Bike racks/parking shall be installed;

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 8, 2024, at a public meeting, the Planning Board voted (5-0) to issue the foregoing Special Permit with conditions.

Date: October 9, 2024



Neil Magenheim, Chair
ANDOVER PLANNING BOARD

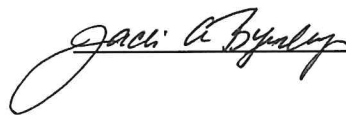
Essex, ss:

COMMONWEALTH OF MASSACHUSETTS

Date: October 9, 2024

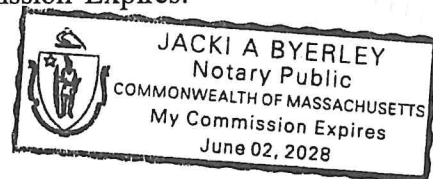
On this 9th day of October, 2024, by Neil Magenheim, the authorized agent of the Andover Planning Board, proved to me through satisfactory evidence, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the documents are truthful and accurate 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,



, 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 9, 2024 and no appeal has been filed with the Town Clerk.

Date: 10-31-2024



Town Clerk