

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

ON THE APPLICATION OF

165 HAVERHILL ST (MERRIMACK VALLEY YMCA)

For a Special Permit of a Major Non-Residential Project Section 9.4.8 of the Zoning By-Law.

Decision: SP13-12

YES (with conditions)

A public meeting of the Planning Board was held on January 14, 2014, in the Third Floor Conference Room of the Town Office Building. Present and voting in the affirmative on the matter were members Joan Duff, Vincent Chiozzi, James Doherty, Eric Macaux, Lelani Foster and Zachary Bergeron.

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TOWN OF ANDOVER, MASS

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on September 19, 2013 and September 26, 2013, 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 October 8, 2013 on the application of Merrimack Valley YMCA for a Special Permit for a Major Non-Residential Project. The hearing was closed on January 14, 2014, with the aforementioned members of the Board present with a certification pursuant to G.L.c.39 Section 23D received.

The proposal is to expand the building at 165 Haverhill Street from 44,586 sf to 104,138 sf and associated site work.

On a vote of 5 to 0, the Board finds that the proposal to expand the existing building at 165 Haverhill Street 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 Merrimack Valley YMCA for a Major Non-Residential Special Permit subject to the following conditions:

General Conditions

1. For purposes of this special permit the project shall encompass and be defined as the structures, parking areas, utilities, drainage systems, landscaping and all other details as shown on the approved plans. The site is identified as a parcel of land situated at 165 Haverhill Street, more specifically shown on Assessor's Map 1 Lot 5-A. The developer is identified and shall be defined as Merrimack Valley YMCA or its assigns. The developer, as defined, shall be subject to all conditions listed hereunder, and shall be directly responsible for construction of the project, including all contractors, subcontractors, vendors, or other parties working on the site and on the project;
2. Except as otherwise provided for in these conditions all work associated with the project, landscaping, shall be in conformance with the following plans and drawings prepared by Marchionda & Associates, L.P., which are considered the final plans and may be found in the Planning Division:
  - a. Cover Sheet, Sheet 1 of 10, last revised 12/5/13;
  - b. Legend and Notes, Sheet 2 of 10, last revised 12/5/13;
  - c. Existing Conditions, Sheet 3 of 10, last revised 12/5/13;
  - d. Layout & Materials, Sheet 4 of 10, last revised 12/5/13;
  - e. Grading & Drainage, Sheet 5 of 10, last revised 12/5/13;
  - f. Erosion & Sediment Control Plan, Sheet 6 of 10, last revised 12/5/13;
  - g. Construction Details, Sheet 7 of 10, last revised 12/5/13;
  - h. Construction Details, Sheet 8 of 10, last revised 12/5/13;
  - i. Construction Details, Sheet 9 of 10, last revised 12/5/13;
  - j. Construction Details, Sheet 10 of 10, last revised 12/5/13;
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. 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;
5. This special permit shall expire two (2) years from the date that this decision has been recorded in the North Essex County Registry of Deeds unless substantially exercised by

the applicant prior to that date. The Board may consider extending the special permit upon written request of the applicant provided that such request has been received and a public hearing noticed prior to the expiration of the original permit. In considering a request for extension the Board may take into account conditions on the site and in the neighborhood at the time the request is made, including traffic, access, and pedestrian safety, and may impose such additional conditions deemed appropriate to mitigate any adverse impacts of the development;

6. Prior to the recording of this permit at the Registry 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 final review;

#### Prior to Construction

7. Prior to any construction on site, 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, 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 definitive plan;
8. 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;
9. Prior to any construction or demolition activity of any kind on the site or associated with the project, the developer shall submit a proposed construction schedule to the Planning Board to be used as a guide of activities associated with the project;
10. The Andover 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;
11. 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;

Throughout and During Construction

12. 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;
13. 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;
14. Except for periods during replacement if required, all public sidewalks 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;
15. Construction activities on the site including equipment startups, site preparation, excavation, demolition, grading, filling, paving, erection of structures, installation of utilities, and landscaping shall be conducted between the hours of 7:00 a.m., and 6:00 p.m., Monday through Friday. Interior finish work on the building once fully enclosed (doors and windows) is not subject to this condition;
16. Burning or burial of trees, stumps, or construction debris of any kind is strictly prohibited anywhere on site;
17. 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 and shall be extinguished when the operations or activities in the building are not being conducted.
18. Construction of the project, once begun, shall continue through to completion as expeditiously and continuously as possible; however, in the event that construction activities cease on the part of the developer for a period of six (6) months from the date of last observed activity, the Board may convene a public hearing for the purpose of revocation or modification of the permit;
19. Annual reports as outlined in the Operation & Maintenance and Long Term Pollution Prevention Plan for Post Construction Storm Water Controls last revised 11/25/13 shall be submitted to the Planning Division;

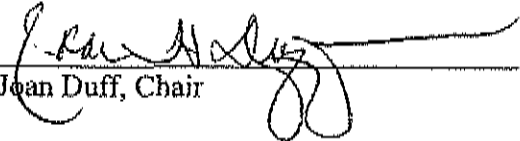
Prior to Occupancy

20. Prior to occupancy the developer must complete the utility work of the sanitary sewer and water lines as outlined in the memo from the Superintendent Water/Sewer Division dated December 13, 2013 or alternate work approved by the Superintendent Water/Sewer Division. The existing water meter/meters will have to be replaced to the Town of Andover water meter specifications;
21. Prior to occupancy of the building on the site all parking areas, access driveways, pavement markings, sidewalks and off-site street improvements (if any) shall have been completed and made fully operational;
22. Prior to occupancy, 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; the as-built shall include a digital file of the plans and features listed in condition # 7, including utilities and building location following the format of # 7.

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 14, 2014, at a regularly scheduled public meeting, the Andover Planning Board voted (5-0) to issue the foregoing Special Permit for a Major Non-Residential Project.

Date: 1/15/14

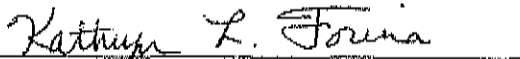
  
Joan Duff, Chair

Essex, ss

COMMONWEALTH OF MASSACHUSETTS

On this 15<sup>th</sup> day of January, 2014, by Joan Duff, 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 her 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,


  
Kathryn L. Forina, Notary Public  
My commission Expires: May 8, 2020



CERTIFICATION

I, Lawrence J. Murphy, 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 JAN 15, 2014 and no appeal against said decision has been filed.

Date: 2/7/14

  
Lawrence Murphy, Town Clerk