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ANDOVER PLANNING BOARD

PLANNING DIVISION

APPLICATION FOR SPECIAL PERMIT

For: Reduction in Number of Parking Spaces (Lot 2, Building 3 3000 Minuteman Road, Andover, MA)

Section of Bylaw: 5.1.9

APPLICATION MUST BE COMPLETE

(Please print or type)

This application, completed and signed, shall be submitted with 18 copies of the application and narrative, 12 copies of the plans, 1 CD with PDFs of the plans and 7 copies of any drainage report.

Application is hereby made for a Special Permit for Major Non-Residential Special Permit Section 5.1.9 of the Zoning By-Law.

1. Applicant(s): ARE - MA Region No, 93 Phase 2 Holding, LLC
Contact Name: Dante Angelucci, Senior Vice President Development
Mailing Address: 26 North Euclid Avenue, Pasadena, CA 91101
Telephone Number: 617-252-4964
2. Record Owner(s) Name: ARE - MA Region No 93 Phase 2 Holding, LLC_
Mailing Address: same as above
3. Interest in Property: x Owner _____ Other _____
(Describe): _____
4. Engineer: SMMA _____
Contact Name: Brian Lawlor, PE (37178)
Mailing Address: 1000 Massachusetts Avenue, Cambridge, MA 02138
Telephone Number: 617 520-9224
Name of Professional Surveyor: Feldman Surveyors, Timothy Agurkis PLS
#52782
5. Property Address: Building 3, Lot 2, 3000 Minuteman Road, Andover, MA
Assessors Map 165, Lot 04D and Lot 187, Lot 04
Zoning District(s) including overlay districts: ID-2
6. Lot square footage/acres: 61.82 acres

7. Frontage 63.45 feet
8. Square footage of existing building: 171,200 sq feet
 stories: 2 square footage per floor: 80,000 sq ft height: compliance with by law

9. Existing Use(s) office and medical device development
 Proposed Use(s): therapeutic drug development and cGMP compliant manufacturing
10. Square footage of proposed building or addition. There is no change in the existing building other than a renovation.

 Total building coverage percentage: _____ landscaping percentage: _____
 Total square footage: _____ percentage: _____
11. Square footage of total land disturbance: _____
12. Parking: existing 362 proposed 362
13. Number of: Buildings 1 Units: n/a
14. Building Height: N/A to SP applied for
15. Open Space: Acreage n/a to SP applied for Percentage _____
 Percentage of Accessible Open Space _____
16. Square Footage of Roadway Construction Land Disturbance: N/A to SP applied for
 Square Footage of Total Land Disturbance: N/A to SP applied for
17. Deed of Property Recorded in Essex North Registry of Deeds,
 Book 17325 Page 344 or Certificate of Title _____
 Easements and Restrictions of Record (Include description and deed reference):
Declaration of Easements, Restrictions and Covenants dated June 30, 2021, recorded at Book 17025, page 27. This Easement is between the lot owners (Lot 1, 2, and 3) on the ANR Plan (Plan 18202) and the Easement Plan (Plan18203)
18. Certified Statement as to Encumbrances on the land: _____
n/a

19. Describe any previous Special Permit Application or approvals for these premises _____

None from Planning Board. There is a parking variance granted by the zoning board of appeals see attached.
20. Provide a narrative of the project and how it meets the zoning bylaw requirements.

The Applicant seeks a special permit pursuant to 5.1.9 to allow a reduction in the number of parking spaces required by Appendix A, Table 3 without the requirement that there be shared or remote parking or a reserve parking area provided.

The property at is located at Building 3, Lot 2 at 3000 Minuteman Road. The Applicant has filed a Major Non-Residential Special Permit to renovate the existing building. There will not be additional square footage and no change in parking. To the extent that the Board believes a Special Permit to reduce parking may be required the Applicant has submitted this Application.

The Applicant's plan is to create a Class A life science campus, including research and development as well as cGMP (Clean Good Manufacturing Process) uses. cGMP is a manufacturing use which includes laboratories, offices, technical support spaces and warehouse facilities. The proposed facilities involve increasingly more complex and focused biology, and require a much smaller, but more specialized, population density than older medical and pharmaceutical manufacturing processes and technologies. To that end, the Applicant seeks relief from the parking requirements of the Zoning Bylaw to permit development of this property without the need for parking spaces or reserve parking areas that will not be needed or required by the tenants.

The Applicant has obtained a variance from the Zoning Board from the provision of Section 5.1.9 which allows the Planning Board to reduce the parking requirements without the requirement that there be shared or remote parking or a reserve parking area provided.

The Zoning Board voted:

Accordingly, the Board votes unanimously (5-0) to (1) grant a Variance from the requirements of Article VIII, §5.1.9 to allow the Planning Board in its discretion to issue a special permit as provided therein approving a reduction in the parking requirement for this site upon its finding that special circumstances render a lesser number of spaces adequate for all parking needs, but without the requirement that there be shared or remote parking or a reserve parking area provided, and (2) deny a Variance from the requirements of Article VIII, §5.1.4 as moot, subject to the following conditions:

- 1. It is understood that any buildings to be constructed or reconstructed on this site will contain a mixture of GMP use(s), laboratories, Research and Development uses, warehouse uses, uses for scientific research, amenity buildings and office uses ancillary thereto as described in this decision.*
- 2. Applicant will obtain a Major Non-Residential Project special permit from the Planning Board pursuant to Section 9.4.8 of the By-law and a special permit pursuant to Section 5.1.9 of the By-Law, pursuant to which the Planning Board finds that a lesser number of spaces than would currently be required pursuant to Section 5.1.4 of the Zoning By-Law will be adequate for all parking needs of the site.*

The Applicant believes that parking shown on the plan submitted with the Special Permit for a Major Non-Residential Special Permit has sufficient spaces.

A reduction will be consistent with the intent of the by law to provide adequate parking while ensuring that the property, a portion of one of the largest sites to be redeveloped in Andover, is developed in a manner that provides flexibility for a better planned development. It would provide the Applicant and the Planning Board flexibility in the design of the site and not require excess parking, or an area set aside for Reserve Parking, if, in the Planning Board's opinion, such additional parking or reserve parking is not needed.

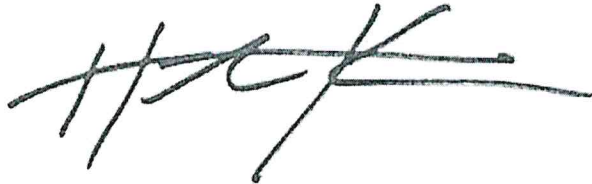
I understand and agree to comply with the requirements of the Andover Planning Board's Rules Governing Special Permits.

ARE - MA Region No 93 Phase 2 Holding, LLC_
By:

Hunter Kass,
Executive Vice President –
Regional Market Director
Duly Authorized

Signature of Record Owner

Signature of Applicant



Hunter Kass
Print Name
February 22, 2022
Date

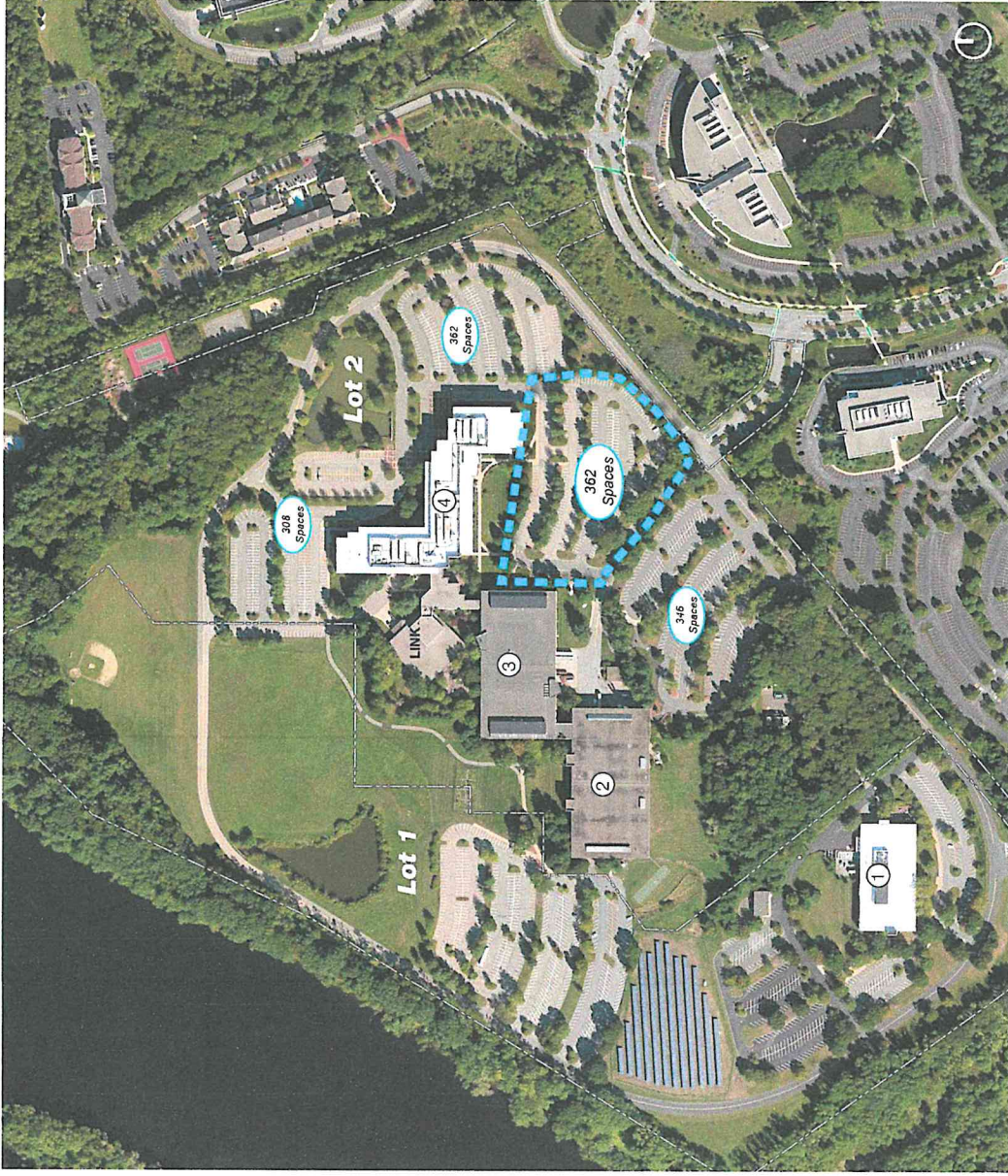
Print Name

Date

LOT 2 PARKING SUMMARY

Parking Allocation Plan

- » Building 3 (171,200 SF)
 - Parking Total: 362 spaces
 - Parking Ratio: 2.11 spaces/1,000 SF





**DECISION OF THE
ZONING BOARD OF APPEALS
ANDOVER, MASSACHUSETTS**

(Space above reserved for Registry of Deeds)
(Space below reserved for Town Clerk)

Decision Number: Z-21-150 & Z-151

Date Application Filed: October 12, 2021

Applicant: ARE-MA Region No. 93 Holding, LLC
26 North Euclid Avenue
Pasadena, CA 91101

ANDOVER TOWN CLERK
RCUD 2021 DEC 8 PM2148

Premises Affected: Land at 3000 Minuteman Road (Lots 1, 2 and 3)
Located in Zoning District ID2
Town Assessor's Map 187, Lot 4 and Map 165 Lot 4D
Essex North Registry of Deeds Book 117087 Page 342

Owner of Record: Lot 1 – Same as Applicant
Lots 2 and 3 – Atlantic Minuteman Realty, LLC

Relief Requested: Variance from the requirements of Article VIII, §5.1.4 and/or §5.1.9

Public Notice: Notice published in the Andover Townsman on October 21 and October 28, 2021,
and notice sent by mail, postage prepaid, to all interested parties pursuant to the provisions of Massachusetts General Laws.

Public Hearing(s) held: November 4, 2021

Decision of the Board: Variance from the requirements of Article VIII, §5.1.9 GRANTED, with conditions,
and Variance from the requirements of Article VIII, §5.1.5 DENIED as moot.

Members participating: Oltman, McDonough, Faulk, Keller, Rechisky

Date of Decision: December 3, 2021

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I. FACTS PRESENTED AT THE PUBLIC HEARING

A public hearing was held in The Hall, 2nd Floor, Memorial Hall Library, 2 North Main Street, Andover, MA on Thursday, November 4, 2021 on the petition of ARE-MA Region No. 93 Holding, LLC for a variance from Section 5.1.5 and/or Section 5.1.9 of the Andover Zoning Bylaw to permit reduction in the number of parking spaces otherwise required on the property located at 300 Minuteman Road. Present were: Elizabeth Oltman, Chair; Carol C. McDonough, Clerk; Kathy Faulk, Lisa Rechisky and Ellen Keller, Members; and David Guerette, Michael Novaria, Daniel Lopez and Ralph Arabian, Associate Members.

At the request of the Applicant, applications Z-20-150 and Z-21-151 were combined into one public hearing.

Appearing on behalf of Applicant were Attorney Mark Johnson of Johnson & Borenstein LLC, Dante Angelucci, Jr., Senior Vice President of Development for Alexandria Real Estate and Brian Lawlor, PE, LEED AP from SMMA.

Attorney Johnson discussed the proposed use of the site. The Applicant is planning to renovate and build an addition onto the existing building on Lot 1 and potentially construct new buildings on Lot 1. The Applicant currently owns Lot 1. The Applicant leases Lots 2 and 3 and is intending to purchase them. The Applicant is planning to renovate and build an addition onto one existing building on Lots 2 and 3, maintain two other buildings, and potentially construct a new building. The Applicant's long term plan is to create a Class A life science campus, including research and development as well as GMP uses. GMP uses, a relatively new classification which includes uses such as manufacturing in the fields of biotechnology, biologics, medical, pharmaceuticals, physical, genetic engineering, comparative medicine, bioengineering, cell biology, and human and animal nutrition. GMP is short for Good Manufacturing Practice, which is a quality control system created by the FDA (Food and Drug Administration) to ensure that any products produced for human use are manufactured in a rigorous, repeatable and traceable manner. Such uses include the production equipment, apparatus, machines and devices for research, development, manufacturing and practical application in these fields as well as uses ancillary thereto, including laboratories, office, vivarium, administrative and support facilities, warehouse and light distribution and loading facilities. The Andover Building Inspector has determined that it is allowed in the ID2 District, pursuant to Section 3.1.3.D.2 of the Andover Zoning By-Law, which governs laboratories for research and development in which all activities are conducted within enclosed structures. Similarly, this use is not specifically listed in Section 5.1.4 which governs off-street parking, but Section 5.1.4.D.1, which governs laboratories for research and development work, requires provision of one parking space for each 300 feet of gross floor area. Further Section 5.1.4.C.15 requires provision of one parking space for each 300 feet of gross floor area for professional offices.

Mr. Angelucci gave an overview of Applicant's proposal. He noted that the campus was approved and used as traditional office buildings, with some electronics manufacturing, but the Applicant believes that the GMP use is the best use for today's business environment, particularly because of this area's close proximity to research universities and technology and research companies. Applicant's proposal would create a cutting edge facility for users that want to have manufacturing and testing facilities in proximity to their core businesses to reduce their reliance on overseas technology and more complicated international supply chains, which have often failed during the pandemic.

Applicant's conceptual plan for the campus shows the expansion of existing Building 1 from 86,000 SF of office to 186,000 SF of research lab/support lab/office/GMP manufacturing/GMP warehousing. Building 2 (164,100 SF) and Building 3 (171,200 SF) will be converted from electronics manufacturing/office to research lab/support lab/office/GMP manufacturing/GMP warehousing. Existing Building 4 will be converted from 265,700 SF of

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office to research lab/support lab/office. Two new buildings, Buildings 5 (150,000 SF) and Building 6 (150,000 SF) will provide research lab/support lab/office/GMP manufacturing/GMP warehousing. The Link Building (48,200 SF) will be maintained or renovated to provide modern amenities. GMP buildings are specifically designed for a highly specialized manufacturing use with special provisions to facilitate biotechnology and production of pharmaceuticals. GMP's typically have intensive mechanical, electrical and plumbing systems. They are highly automated and contain a substantial amount of manufacturing and testing equipment and associated infrastructure. GMP's usually contain office, lab/GMP and warehouse components and the office users are the same users that occupy the lab/GMP spaces so they require fewer employees to operate than do traditional manufacturing and office properties. In addition, these facilities also have a warehouse component that has a much lower occupancy than office or manufacturing facilities.

A traditional laboratory for research and development work would require provision of one parking space for each 300 feet of gross floor area pursuant to Section 5.1.4.D.1 of the Zoning By-Law. If applied to the facility shown on the conceptual drawings, this would mean that over 3600 parking spaces would have to be provided on this site.

The Applicant has had informal interdepartmental review meetings with Town representatives and is incorporating their input into its design of the campus. It is also in the process of applying for issuance of a Major Non-Residential Project special permit from the Andover Planning Board pursuant to Section 9.4.8 of the Zoning By-Law. Applicant is requesting that this Board issue a variance pursuant to Section 5.1.4 of the Zoning By-Law to allow Applicant to provide fewer parking spaces for the campus, provided that the Planning Board agrees that such smaller number of spaces is appropriate. Alternatively, Applicant requests that this Board issue a variance from the provisions of Section 5.1.9. This Section allows the Planning Board to reduce the number of parking spaces otherwise required for a project in the ID2 district if it finds that "special circumstances...render a lesser number of spaces adequate for all parking needs," but only if a landscaped reserve onsite parking area on the property that could accommodate the number of unbuilt spaces is provided or if shared or remote parking is available. Applicant requests that this Board issue a variance from Section 5.1.9 that would allow the Planning Board to reduce the required number of parking spaces if the Applicant demonstrates that a smaller number of spaces is adequate for this use, and to waive the requirement for the provision of reserve, shared or remote parking that would never be used. Applicant argues that this will allow for reasonably maximizing development on the site while also protecting wetland areas and providing more green area and enhanced outdoor use in keeping with the design of Minuteman Park and its master plan.

Attorney Johnson noted that the Town of Andover has hired Barrett Planning Group LLC to review the existing Zoning By-Law. Although the review is not yet final, the draft report notes that the By-Law parking requirements are generally outdated, that parking requirements calculated on the basis of building area often result in an oversized parking area, and that as commercial buildings increase in size, the need for parking is decreased on a per square foot basis.

Chair Oltman noted that Paul Materazzo, Director of Land Use and Planning for the Town of Andover, submitted a letter to this Board in support of the application, calling it an opportunity for the Town to have a planned development on the site without creating underutilized parking lots. He cited the ongoing review of the By-Law and stated that the number of spaces currently required does not reflect current trends or needs for the proposed use, and will be considered for amendment at an upcoming Town Meeting.

No one else appeared before the Board to speak either for or against the petition and no other communications concerning the Application were received by the Board. The Board voted unanimously to waive a viewing of the premises and to close the public hearing. The Board then proceeded to deliberate the matter. In deliberation, the

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sense of the Board was to approve the requested variance under Section 5.1.9 with appropriate findings and conditions. The Board voted unanimously to continue its deliberation to its regular meeting to be held on December 2, 2021 for the purpose of reviewing and voting on the final decision, findings and conditions.

In addition to the written Application, the following documents and materials were received by the Board and considered at the public hearing:

- Existing Plan, prepared by SMMA, dated November 3, 2021, detailing the existing building program
- Conceptual Master Plan, prepared by SMMA, dated November 3, 2021, detailing the proposed building program
- Request for a Variance from Sections 5.1.4 and 5.1.9 PowerPoint presentation, including the existing ANR Plan of Lots 1, 2 and 3, conceptual design of the campus, and requested relief
- Addendums to Lot 1 Minuteman Road and Lots 2 and 3 Minuteman Road applications
- Copy of ZBA Decisions 1736, 2493 and 2203
- Deed for Lot 1
- Letter of Consent from Atlantic-Minuteman Realty, LLC allowing ARE-MA Region No. 93 Holding, LLC to file applications to the Town of Andover Boards and Commissions
- Notice of Ground Lease for Lots 2 and 3
- Deed for Lots 2 and 3
- Proposed Draft Relief prepared by Attorney Mark B. Johnson
- Letter from Paul Materazzo, Director of Land Use and Planning for the Town of Andover, to the Zoning Board of Appeals, dated November 4, 2021

The Board deliberated and voted to approve the following findings and decision at a public meeting held in The Hall, 2nd Floor, Memorial Hall Library, 2 North Main Street, Andover, MA on Thursday, December 2, 2021. Present and voting were: Elizabeth Oltman, Chair; Carol C. McDonough, Clerk; Kathy A. Faulk, Lisa Rechisky and Ellen Keller, Members.

II. FINDINGS AND DECISION OF THE BOARD

With respect to Variances, Section 9.2.2.2 of the Andover Zoning By-law grants the Board of Appeals the power: "To hear and decide appeals or petitions for variances from the terms of this by-law, including variances for uses, with respect to particular land or structures, owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, where a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law, all as set forth in G.L. c. 40A, s. 10."

As noted above, the Andover Building Inspector has determined that the proposed GMP use for this site is an allowed use in the ID2 District, pursuant to Section 3.1.3.D.2 of the Andover Zoning By-Law which governs laboratories for research and development in which all activities are conducted within enclosed structures. Although a GMP use is not specifically provided for in Section 5.1.4 which governs off-street parking, Section 5.1.4.D.1, which governs laboratories for research and development work, requires provision of one parking space for each 300 feet of gross floor area. This results in a requirement of over 3600 parking spaces be provided for the proposed building program.

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The consultant hired by the Town to review the Zoning By-law has concluded that the Town's parking requirements are outdated and, in the case of large commercial buildings and standards applied on a per square foot basis, unnecessarily high for today's business environment. This is particularly true for a use such as the proposed GMP use, which is highly automated and requires fewer employees than a typical manufacturing use. Requiring provision of a substantial number of parking spaces that would not be used would result in the construction of unnecessary, impermeable pavement and substantially reduce the space available for wetlands protection, green areas and outdoor use.

The Board recognizes that significantly more green areas would be impacted if the current parking requirements were applied. This would also permit a reduced development plan to be constructed which would not meet market demands and would be uneconomic to develop, resulting in a substantial hardship to the Applicant, both financial and otherwise. Due to these conditions relating to the topography of the property, which especially affect this property but do not generally affect the ID2 zoning district, and the substantial burden, financial and otherwise, to the Applicant of a denial of the requested variance, the Board finds that a literal enforcement of the Zoning By-Law would result in a substantial hardship to the Applicant.

Permitting the Planning Board to evaluate the number of parking spaces to serve this use in keeping with current economic and manufacturing trends and requirements while eliminating the requirement to provide reserve parking areas or shared or remote parking will preserve green space, outdoor areas and wetland areas, comply with the Minuteman Park master plan, and avoid the construction of substantial unused and impermeable pavement. It would also be consistent with current design and space utilization trends and evolving ideas about the reduced number of parking spaces required for commercial uses. The Board therefore finds that relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the Zoning By-law.

Accordingly, the Board votes unanimously (5-0) to (1) grant a Variance from the requirements of Article VIII, §5.1.9 to allow the Planning Board in its discretion to issue a special permit as provided therein approving a reduction in the parking requirement for this site upon its finding that special circumstances render a lesser number of spaces adequate for all parking needs, but without the requirement that there be shared or remote parking or a reserve parking area provided, and (2) deny a Variance from the requirements of Article VIII, §5.1.4 as moot, subject to the following conditions:

1. It is understood that any buildings to be constructed or reconstructed on this site will contain a mixture of GMP use(s), laboratories, Research and Development uses, warehouse uses, uses for scientific research, amenity buildings and office uses ancillary thereto as described in this decision.
2. Applicant will obtain a Major Non-Residential Project special permit from the Planning Board pursuant to Section 9.4.8 of the By-law and a special permit pursuant to Section 5.1.9 of the By-Law, pursuant to which the Planning Board finds that a lesser number of spaces than would currently be required pursuant to Section 5.1.4 of the Zoning By-Law will be adequate for all parking needs of the site.

Members voting FOR the decision: Oltman, McDonough, Faulk, Keller, Rechisky

Members voting AGAINST the decision: None

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Elizabeth M. Oltman, Chair

EMO/bb

CERTIFICATION

I, Melissa K. Ripley, Town Clerk of the Town of Andover, Massachusetts do hereby certify that twenty days have elapsed since the above referenced decision of the Board of Appeals, which was filed in the office of the Town Clerk on _____, 2021 and that no appeal has been filed with the Town Clerk.

Melissa K. Ripley
Town Clerk
Andover, Massachusetts