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07-05-2022 @ 10:27a
Essex North Registry

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

(Space above reserved for Registry of Deeds)

Decision Number: Z-22-43

(Space below reserved for Town Clerk)

Date Application Filed: April 11, 2022

Applicant: 3P Properties, LLC
665 Church Street
Whitinsville, MA 01588

Premises Affected: Land & buildings at 43 River Road, Andover, MA
Located in Zoning District IA
Town Assessor's Map 126, Lot 4
Essex North Registry of Deeds Book 17058, Page 310

ANDOVER TOWN CLERK
ROUD 2022 JUN 8 PM3:25

Owner of Record: 3P Properties
665 Church Street
Whitinsville, MA 01588

Relief Requested: Special Permit under Article VIII, §3.1.3.C.24

Public Notice: Notice published in the Andover Townsman on April 21 and 28, 2022, and notice sent by mail, postage prepaid, to all interested parties pursuant to the provisions of Massachusetts General Laws.

Public Hearing(s) held: May 5, 2022.

Decision of the Board: Special Permit under Article VIII, §3.1.3.C.24 GRANTED.

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

Date of Decision: June 3, 2022

RECEIVED
7-5-22

43 River Road
Decision no. Z-22-43

I. FACTS PRESENTED AT THE PUBLIC HEARING

A public hearing was held in the Conference Room A, 3rd Floor, Town Offices, 36 Bartlet Street, Andover, MA on the petition of 3P Properties, LLC for a Special Permit under Article VIII, §3.1.3.C.24 to allow a wholesale storage warehousing on the subject property. Present were: Elizabeth Oltman, Chair; Carol McDonough, Clerk; Kathy Faulk, Ellen Keller, and Lisa Rechisky, Members and Daniel Lopez, Michael Novaria and Ralph Arabian, Associate Members.

Attorney Andrew Caffrey, Jr. represented the Applicant before the Board to detail the desired plans. The Applicant is the owner of Koopman Lumber, which is on the front portion of the subject property. "Lot A" is located to the rear of the overall lot, behind the Koopman Lumber building. "Lot A" is currently vacant. The Applicant proposes to split this lot from the main parcel and build a 3-story self-storage facility, with parking to be determined by the Planning Board and in compliance with all other zoning requirements. Survey to complete a subdivision plan for the Planning Board to approve is necessary. The self-storage facility is a type of warehouse, as broadly defined by the By-Law. Warehouses are allowed in the IA District by special permit from the Zoning Board. Utilities and infrastructure are in place to service the new lot. Access will be provided via Riverside Drive.

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

- Plan of Land, dated November 21, 1988, prepared by CYR Engineering Services Inc.
- Conceptual Sketch Plan, dated March 22, 2022, prepared by Dana F. Perkins, Inc.
- Deed for 43 River Road
- Board of Appeals Decisions 560, 930,1325, 1495, 3022, 3882, Z-18-3, Z-21-20
- Photos of similar facility

No one else submitted any correspondence nor appeared before the Board to speak either for or against the petition. 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 sense of the Board was to grant relief via the special permit. The Board voted unanimously to continue its deliberation to its next meeting held on June 2, 2022, for the purposes of reviewing and voting on the final decision.

Present and voting were: Elizabeth Oltman, Chair; Carol McDonough, Clerk, Ellen Keller, Kathy Faulk, and Lisa Rechisky, Members.

II. FINDINGS AND DECISION OF THE BOARD

Section 9.4.2 of the By-Law allows the Board of Appeals, as the Special Permit Granting Authority identified in the Table of Uses (Section 3.1.3) to grant special permits when the Board "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 by-law."

The proposed subdivided lot is located in the IA zoning district. The surrounding area is developed with industrial and commercial uses. The adjacent property contains the Greater Lawrence Technical School. Access to the proposed self-storage warehouse facility will be via Riverside Drive and all utilities are available to the property.

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A variance for access to the IA District through a residential district was previously granted, including the subject lot. The site plan will be developed in accordance with all By-law requirements.

After thoughtful consideration of the evidence presented, the Board finds that the self-storage warehouse facility is an appropriate use for the subject lot. Based on the foregoing, the Board finds that the proposed self-storage warehouse facility will not be substantially more detrimental to the neighborhood, and that the proposal is consistent with the intent and purpose of the Zoning By-law.

Accordingly, the Board votes unanimously (5-0) to grant a special permit under Article VIII, §3.1.3.C.24 to allow the proposed use, subject to the following conditions:

- The lot subdivision and site plans must be submitted to and approved by the Planning Board
- The site plans must conform to all By-law requirements, with parking supply as approved by the Planning Board

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

Members voting AGAINST the decision: None

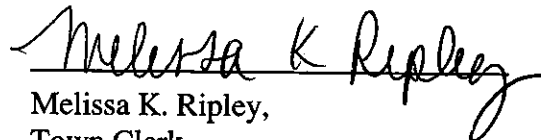


Elizabeth Oltman, Chair

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 June 3, 2022, and that no appeal has been filed with the Town Clerk.



Melissa K. Ripley,
Town Clerk
Andover, Massachusetts