



# TOWN OF ANDOVER

Planning Division  
36 Bartlet Street  
Andover, MA 01810  
978-623-8620  
www.andoverma.gov

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TOWN CLERK'S OFFICE  
2025 SEP 10 PM 1:11  
TOWN OF ANDOVER, MA

## CERTIFICATE OF ANDOVER TOWN CLERK PURSUANT TO MASS GENERAL LAWS CHAPTER 41 SECTION 81U

1. On April 15, 2025 a definitive plan for a subdivision entitled Ministers Estates, dated April 14, 2025 and last revised August 12, 2025, was filed with the Andover Planning Board.
2. Pursuant to G.L. c. 41 § 81U, the Planning Board was required to take final action on said plan by August 29, 2025 extended to September 30, 2025, which latter date was agreed to upon the written request by the applicant.
3. On September 9, 2025, the Planning Board took the following action on said plan (delete all but correct choice):
  - a. Approved with conditions attached to this Certificate:
  - ~~b. Modified and approved subject to the conditions attached to this Certificate:~~
  - ~~c. Disapproved, for the following reasons attached to this Certificate:~~
  - ~~d. Approved on \_\_\_\_\_ by operation of law due to the failure of the Planning Board to take final action within 90 days/135 days or within such time as was agreed to upon the written request of the applicant.~~

Executed this 10<sup>th</sup>, day of September, 2025, by Jacki Byerley, the authorized agent of the Andover Planning Board.

Essex, ss. Commonwealth of Massachusetts

On this 10<sup>th</sup>, day of September, 2025, by Jacki Byerley, 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:

Nancy B. Ippolito



**NANCY B. IPPOLITO**  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires  
October 11, 2030





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## Certified Mail

September 10, 2025

Ministers Lane LLC  
Greg Alexandris  
42 School Street  
Andover, MA 01810

Re: 39 Sunset Rock Road – Ministers Estates - Definitive Subdivision

Dear Mr. Alexandris,

On September 9, 2025, at a regularly scheduled public meeting, the Andover Planning Board voted to grant approval to your definitive subdivision plan entitled Ministers Estates dated April 14, 2025, last revised August 12, 2025.

The definitive plan had been submitted on April 15, 2025, was the subject of a public hearing convened on May 13, 2025 and closed on September 9, 2025. The plan is dependent on a Special Permit for Earth Movement, which was also reviewed during concurrent public hearings and approved by the Board on September 9, 2025. The Special Permit for Earth Movement will be filed with the Town Clerk separate from and subsequent to this communication.

The proposal is located in the SRB Zoning District which requires 30,000 sq. ft. of land, a 40' right of way, 26' of pavement and a sidewalk. The existing historic house at 39 Sunset Rock Road is to be removed from the site. Five new homes to be constructed using the new roadway of Ministers Lane as their access. A Homeowners Association will be created for maintenance of the stormwater facilities. Parcel A is the stormwater infiltration basin lot with infiltration trenches on Lots 1 & 2 are all part of the stormwater management which will be maintained by the HOA. Each lot will have a roof drain system to be maintained by the individual homeowner. A utility easement for the water main will be turned over to the Town. The road name is Ministers Lane and will be a public way with grades from 2% to 8%.

The definitive plan involves a Special Permit for Earth Movement, which will necessitate a net cut of approximately 1,347 cubic yards of soil. A breakdown of the roadway, lots and stormwater earth movement has been included in the application package.

During the hearings the Board has focused discussions on the stormwater management, water main looping, tree removal, and maintenance of the subdivision. The special permit requirement for earth movement has the Board review the earth movement for the subdivision design of the existing topography, the cuts and fills, and preservation of natural features.

Through the hearing process revisions were made to the drainage design. The stormwater runoff will be infiltrated on-site and to prevent any increase in existing runoff. Horsley Witten Group peer reviewed the stormwater design and confirmed it has been designed in accordance with the Massachusetts Stormwater Handbook (MSH) dated

February 2008, and the Town of Andover Stormwater Management and Erosion Control Regulations amended May 11, 2021.

In review of the subdivision as a whole the Board finds the Subdivision and Special Permit are in conformance with the Subdivision Control Law, the Rules and Regulations Governing the Subdivision of Land in the Town of Andover, the recommendations of the Board of Health, and the applicable provisions of the Andover Zoning Bylaw. Further the Board finds the subdivision does not create an adverse impact on the safety of the existing street and the character of the neighborhood as it relates the design standards of the Rules and Regulations Governing the Subdivision of Land.

In consideration of all the reviews, presentations, discussions, agreements, and understandings the Board grants final approval to the Ministers Estates Definitive Subdivision Plan subject to the following conditions:

General Conditions

1. For purposes of this approval the subdivision shall be defined as all features depicted on the plans described under condition number 2; the developer shall be defined as the applicant, Ministers Lane, 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 the construction of the subdivision and all activities associated therewith shall be in conformance and compliance with the information, details, notations, grading and features shown on the following plans, drawings and documents prepared by DK Engineering LLC dated April 14, 2025, revised through August 12, 2025 unless otherwise noted;
  - a. Title Sheet
  - b. Definitive Subdivision Plan
  - c. Existing Conditions Plan
  - d. Grading Plan
  - e. Erosion Control Plan
  - f. Plan & Profile Sheet
  - g. Drainage Detail Sheet #1
  - h. Drainage Detail Sheet #2
  - i. Detail Sheet miscellaneous
  - j. Landscape Plan
  - k. Project Report on Drainage & Sedimentation Control & Stormwater Report, Ministers Estates, prepared by DK Engineering LLC, dated April 14, 2025 revised August 4, 2025
  - l. Operation and Maintenance Plan Ministers Estates prepared by DK Engineering LLC dated July 7, 2025;
3. Sheet 2 of said plan entitled "Definitive Subdivision Plan" and an instrument containing these conditions, shall be recorded at the Northern Essex Registry of Deeds pursuant to the requirements of the Subdivision Rules and Regulations of the Andover Planning Board;
4. Prior to the recording of the definitive plan, 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, 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;

5. This subdivision approval is limited to five (5) building lots as shown on the plan referenced above;
6. 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;
7. Within five (5) days of the transfer of ownership of this subdivision, in whole or in part, the developer shall notify the Andover Planning Department of the name and address of the new owner(s). The developer shall provide the new owner(s) with a copy of these conditions;
8. No permits for building may be issued by the Inspector of Buildings for any lot within this subdivision unless and until the provisions of Section V.E. of the Rules and Regulations of the Board have been satisfied. Once a building permit has been issued for any particular lot this condition will be deemed to have been complied with and considered released for that lot;
9. Any blasting operations shall require proper permits, and may not be undertaken on any weekend or holiday;
10. All grading and earth disturbance within the subdivision shall be governed by Sections VI.F.6, and VI.F.7 of the Rules and Regulations of the Board, as well as the Special Permit for Earth Movement as issued under the Planning Board Decision SP25-01;
11. Import or export of earth materials from within the subdivision is prohibited except as may be provided for under special permit issued under Planning Board Decision SP25-01, or as otherwise allowed under the applicable provisions of the Zoning Bylaw;
12. Deeds for all building lots, as shown on the plan shall reserve the fee and/or interest in the streets and/or easements, said fee and/or interest to be conveyed to the Town at the time of street acceptance;
13. Yard sprinklers or other privately-owned underground devices shall not be installed within the roadway or utility easements, nor shall private recreational features be allowed within the roadway. Landscaping within the roadway in the form of grass, flowers, and small shrubbery is permitted at the risk of the lot owner, provided that such landscaping does not interfere with the use or safety of the roadway;
14. The subdivision shall be constructed in accordance with and subject to all applicable provisions of the Rules and Regulations of the Board. The approval and these conditions shall be enforced under the provisions of Section V.H. of the Rules and Regulations of the Board;
15. Prior to the recording of the definitive plan at the Registry of Deeds the developer shall provide the Planning Department with a municipal lien certificate indicating that all taxes, assessments and charges have been paid in full as required by MGL, Chapter 60, Section 23;

#### Prior to Construction

16. Prior to start of construction of the subdivision the historic home known as the Addison B. LeBoutillier home shall have been removed from the site;

17. Prior to any construction activity of any kind within the subdivision the developer shall submit for review and approval to the Planning Department a proposed construction sequence schedule in a form provided by the Department, said schedule to be used as a guide to activities within the development including construction of roadways, utilities, drainage systems, stabilization, and stockpiling. This schedule once established shall not be deviated from, but may for good and demonstrated reason, be modified by agreement between the developer and the Planning Department;
18. Construction traffic associated with this subdivision shall be regulated by the Inspector of Buildings. Prior to commencing hauling operations, a hauling route shall have been reviewed and approved by the Inspector of Buildings. Any 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. Hauling of earth materials and heavy equipment on Sunset Rock Road is restricted to the time period between the last morning pick-up of school children, and the first afternoon drop off. It shall be the developer's responsibility to inform all contractors, subcontractors, vendors, and workmen of this restriction, which shall be enforced under the provisions of Section V.H. of the Board's Rules and Regulations;
19. Prior to any construction activity of any kind within the subdivision the developer shall submit for review and approval to the Planning Department a detailed schedule of the anticipated earth operations;
20. Prior to introduction of construction equipment onto the site a meeting shall be conducted between the developer, the developer's contractors, and the Planning Department, as well as the departments within the Community Development and Planning Department, and Department of Public Works for the purpose of reviewing these conditions and the construction sequence schedule;
21. Prior to any construction activities, the documents establishing the Homeowners' Association must be reviewed by Town Counsel, approved by the Planning Board and recorded at the Northern Essex Registry of Deeds. All lots within the subdivision shall be included in the HOA. The account shall have been established and funded in a manner prescribed by the Town. The Homeowners' Association documentation shall provide for:
  - a. The establishment of an account in the Homeowners' Association Name and in an amount recommended by the Town Engineer and approved by the Planning Board and secured in a manner and form approved by the Board. Following establishment, the developer shall provide the Planning Department with written proof that said account has been established running to the benefit of the Homeowners' Association. The account once established shall be kept for the purpose of maintenance, repair and/or restoration of said items with a minimum balance as recommended by the Town Engineer to be maintained at all times;
  - b. The terms and method of assessments; the method of drawing on such funds; shall restrict any alteration of those facilities; shall indemnify the Town from any responsibility or liability for maintenance and operation of those facilities; and shall further provide that the Town will be reimbursed for any expenses incurred in the event the Town is required to perform any work in or on any of the facilities;
  - c. In the event that any of the facilities are damaged to such an extent that they no longer perform its intended function, and such damage is not repaired by the Homeowners' Association, the Town shall have the right to make such repairs and lien the property owners or use any other remedy available under the law to effect the same;
  - d. The Town shall be provided with an easement to maintain and repair said facilities if necessary but all financial responsibility for any such repairs, inspections and maintenance shall be solely on the Homeowners' Association and all lot owners by virtue of their interest in said association;

- e. Long term maintenance of the stormwater management facilities as described in the Operation and Maintenance Plan Ministers Estates;
  - f. Maintenance of the trenches on Lots 1 and 2;
  - g. Maintenance and replanting of the entry way landscaping. The developer will maintain and replant any tree that should die for one year from the date of planting;
  - h. A provision that the agreement cannot be amended or dissolved in any manner without approval of a majority of the Andover Planning Board;
22. Once paved, the roadway Ministers Lane shall be kept clear and passable at all times. No equipment shall be parked in such a manner as to render the roadway impassable, and no refuse containers, trailers, or construction materials of any kind shall be placed or stored upon the street;

### **Throughout Construction**

23. 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;
24. 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 determined by the Planning Department within sixty (60) days of such disturbance unless otherwise approved by the Planning Department;
25. A copy of the final Stormwater Pollution Prevention Plan (SWPPP) shall be provided to the Town at least 14 days prior to commencing of land disturbance activities;
26. No building lot shall remain in an open condition longer than sixty (60) days. "Open" shall be defined as that period of time between initial preparation of the lot for building (clearing of trees, 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. This restriction shall remain in force until the lot has been properly stabilized and shall survive changes in ownership of the lot;
27. Stockpiles of earth materials shall not be permitted in any area, which necessitates removal of trees for such purpose, nor within fifty (50') feet of any wetland boundary, drainage channel, or watercourse. Stockpiles shall be designated on a plan, which shall be submitted to the Planning Department, said locations to be determined by the developer and approved by the Planning Department. Stockpiles shall be prohibited in areas, which have not been approved by the Planning Department;
28. Long term (more than sixty days) stockpiles of earth materials shall be shaped and secured by butted haybales around the perimeter, and shall be promptly stabilized by temporary seeding or netting;
29. Burial or burning of vegetation, stumps, or construction debris is strictly prohibited anywhere within the subdivision. Such materials shall be removed and properly disposed of off the site;
30. All construction activities within the subdivision shall be confined between the hours of 7:00 a.m., and 6:00 p.m., Monday through Friday, unless otherwise approved by the Planning Board. 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 complaints. Construction activities include the transport of equipment, materials and supplies to and from the subdivision;

31. As field conditions warrant, terms of type and design specified by the Department of Public Works shall be installed in locations determined by the written decision of the Director of Public Works;
32. Construction activities on individual lots 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;

#### Prior to Clearance Certificates

33. No Clearance Certificate shall be issued for any lots until such time as the documents establishing the Homeowners' Association have been approved by Town Counsel and the Planning Board and recorded, and the accounts referred to in condition #21 have been established and funded in a manner prescribed by the Town;
34. The developer shall be responsible for all maintenance of the drainage systems until such time as the last lot of the subdivision is conveyed to a new owner, whereupon the system shall be maintained by a Homeowners' Association established by the developer to which each lot in the subdivision is subject and whereby all lot owners will be responsible to pay for the maintenance, repair and replacement of the said system. The Town shall be provided with an easement to maintain and repair said drainage system if necessary but all financial responsibility for any such repairs and maintenance shall be solely on the Homeowners' Association and all lot owners by virtue of their interest in said association;
35. Immediately following the installation of water lines the developer shall prepare a plan pursuant to Sections VII.W.3, and VII.W.4 of the Subdivision Rules and Regulations showing the location of all service connections to the building lots. The developer is responsible for the installation of the water main through the easement located in the subdivision. No Clearance Certificate for any lot shall be issued until said plan has been submitted to the Department of Public Works;
36. Prior to the issuance of Clearance Certificates, the applicant shall submit to the Planning Department digital files of as-built plans of the features listed above, including utilities and approximate building location, following the format described in # 4 above;
37. Prior to issuance of any Clearance Certificates for the site, the developer shall have established an account, which shall be used to secure proper stabilization and removal of all erosion controls prior to completion of the subdivision. Said account shall be established in an amount recommended by the Town Engineer and approved by the Planning Board and secured in a manner and form approved by the Board. This account once established shall be used as a mechanism to assure all unnecessary erosion controls are removed upon receipt of a final as built. The developer will coordinate with the Planning Department times and dates in which the erosion controls can be removed. Upon removal of all erosion controls as depicted on sheet 5 of the approved plan, the account may be released in full;
38. Prior to the issuance of a Clearance Certificate for any lot, the limit of disturbance shown on sheet 5 of said plan shall have been clearly marked on the ground on the subject lot, and said marking shall consist of siltation fencing, surveyor's flagging, ribboned stakes at appropriate intervals, and/or a combination of such devices as determined suitable by the Planning Department, and following the installation of such markings no earth disturbance or removal of vegetation of any kind shall be permitted within the protected areas. This condition may not be released until an occupancy permit has been issued at which time this condition will be deemed satisfied;

39. Prior to the issuance of a Clearance Certificate for Lots 1 and 2, all grading and drainage as shown on sheet 4, shall be fully graded and approved by the Department of Public Works;
40. Prior to release of any Clearance Certificates for building purposes, a sign depicting "Ministers Lane" shall have been erected at a location determined by the Department of Public Works;
41. Prior to issuance of any Clearance Certificate an as-built plan of the entire stormwater system including the level spreader shall be submitted to the Planning Division for review and acceptance, the Planning Division may request additional funding from the developer to hire the services of a peer reviewer if necessary;

#### Prior to conveyance of lot

42. Prior to the conveyance of individual lots within the subdivision the developer shall provide the Planning Department with a surveyor's certification that temporary lot corners have been established on the ground for the lot to be conveyed. Once established, maintenance of these temporary corners shall be the responsibility of the lot owner. Upon completion of the street, and prior to the Select Board's layout meeting, the developer shall provide the Planning Department with a surveyor's certification that all bounds and corners have been set in accordance with Section VII.U. of the Rules and Regulations of the Board;
43. The drainage areas, inlets, outlets and all associated piping shown on the plans shall be fully constructed, stabilized, and operational and all off-site improvements shall be completed prior to pavement of the street and development of any house lot;

#### Specific Conditions

44. Prior to issuance of Clearance Certificates for Lots 3, 4 & 5 the 20' wide utility easement running through Lots 3, 4 & 5 must be provided to the Town for acceptance. It will be the developer's responsibility to draft the easement to be reviewed by Town Counsel and accepted by the Select Board;
45. Prior to installation of the underground chambers of the stormwater system the developer shall have a Professional Engineer submit certification stating that the subsurface was inspected and found acceptable;
46. Prior to occupancy of Lot 5 the developer shall plant the Eastern White Pines as shown on Sheet 10 of the plans. The developer will maintain and replant any tree that should die for one year from the date of planting;
47. Lot 5 owner shall be responsible for maintaining and replanting the buffer trees labeled Eastern White Pines as shown on Sheet 10. Should any of the buffer trees die they shall be replaced during the next available planting season. This requirement shall be within the deed of Lot 5;
48. Prior to occupancy of each of the lots, engineered as-built plans must be submitted to the Planning Division and Inspector of Buildings demonstrating the final grading of the lot and the construction and connection of the roof drains.

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.

Sincerely,



Jacki Byerley  
Planner

cc: Carlos Jaquez, Director of Public Works  
Art Martineau, Deputy Director Public Works/Town Engineer  
Scott Kandrut, Senior Civil Engineer  
Thomas Carbone, Director of Public Health  
Robert Douglas, Conservation Director  
Chris Clemente, Inspector of Buildings  
Glen Ota, Public Safety Officer  
Lt. Ryan Beal, Fire Prevention Officer  
Tristan Hoare, Chief Assessor  
Attorney Mark Johnson  
BTLR, LLC  
Raymond Y. Cormier & Haley Blacklow