



**NORTHERN ESSEX
REGISTRY OF DEEDS**
A division of the Secretary of the Commonwealth

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Register

**DOCUMENT
COVER SHEET**

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DOCUMENT TYPE: Special Permit

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TOWN: Andover

PROPERTY ADDRESS: 27-45 Main Street

Book 15426 Page 102

INDEXING SHALL BE ABSTRACTED FROM THE DOCUMENT SUBMITTED

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

ON THE APPLICATION OF

Touchdown LLC

*For a Modification of a Special Permit for Planned Unit Development Mixed Use Project
under Section 9.4.8. of the Andover Zoning Bylaw*

Decision: SP19-03

YES (with conditions)

A public meeting of the Planning Board was held on June 11, 2019 in the Third Floor Conference Room of the Town Office Building, Bartlet Street, Andover, MA. Present and voting on this matter were Zachary Bergeron, Ann Knowles, Neil Magenheimer, Vincent Chiozzi, Joan Duff.

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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 April 4, 2019 and April 11, 2019 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 April 23, 2019 for an application filed on March 20, 2019 by Touchdown LLC, for a Modification of a Special Permit for Planned Development Mixed Use. The property is more specifically identified on Assessors Map 55 Lots 92 and 93. The public hearing was continued to May 28, 2019 and closed that same evening. The aforementioned members present throughout. The Planning Board deliberated and voted on June 11, 2019.

DECISION

In consideration of all plans, reports and documentation submitted, and taking into account testimony presented during the hearing, the Planning Board finds that the project will not be unreasonably detrimental to the neighborhood and the Town, and that the proposal will not derogate from the general purpose and intent of the by-law; and therefore, on June 11, 2019 at a regularly scheduled public meeting, the Planning Board deliberated on the application and subsequently voted (4-1) to issue the special permit with conditions, Zachary Bergeron, Ann Knowles, Joan Duff and Neil Magenheimer voting in the affirmative and with Vincent Chiozzi voting in the negative.

The applicant, Touchdown LLC, shall follow, and this development shall be subject to, the following twenty-two conditions. All conditions shall be fully enforced by the Inspector of Buildings. The proposed use, with the applicant and any successor in interest adhering to these twenty-two appropriate conditions, will not be unreasonably detrimental to the established or future character of the neighborhood and town, and is in harmony with the general purpose and intent of the bylaw.

CONDITIONS OF THE PERMIT

1. For purposes of this approval, the “developer” is currently identified as Touchdown, LLC, applicant for 27-45 Main Street, more specifically shown as Lot 92 and 93 on Assessor’s Map 55. The term “developer” shall also include any future sale, lease, and transfer of the project to a successor in interest. Any successor(s) in interest shall be bound by, and subject to, all applicable conditions stated below. The developer as defined, is responsible for construction of the project, including all contractors, subcontractors, vendors, or other parties working on the site. The developer is responsible for making sure that all contractors, subcontractors, vendors, or other parties working on the site are aware of the conditions;
2. All construction activities shall be in conformance with and strictly follow these conditions and the following plans:
 - a. Sheet 1 of 1, Existing Conditions Plan, dated September 26, 2014, as prepared by MHF Design Consultants, Inc.
 - b. Sheet 1 of 1, Site Improvement Plan, dated August 17, 2017, as prepared by MHF Design Consultants, Inc.
 - c. Rendering “View from Main Street” Draper Block, dated 10/15/18, Channel Building Company.
 - d. A3-1 Elevations, Draper Block Redevelopment, as prepared by GW, Channel Building Company, Revised 9/18/18.
 - e. SP-0 Overall Site Plan as prepared by Channel Building Company, revised 05/07/19.
 - f. SP-3 Entrance Landscaping as prepared by GW at Channel Building Company, revised 05/8/19.
 - g. Proposed Alley Upgrades (sheet 1 of 2), Channel Building Company, Draper Block, 27-45 Main Street, Section Thru Alley, received May 9, 2019.
 - h. Proposed Alley Upgrades (sheet 2 of 2), Channel Building Company, Draper Block 27-45 Main Street, View of Alley from Main and View of Alley from Parking lot, received May 9, 2019.

Any amendments or revisions to the foregoing plans, in whatever form or extent, including architectural design or material changes, shall be submitted to the Planning Division for consideration as to whether they constitute major or minor amendments;

3. Except to the extent it is amended by this Special Permit, all previous zoning relief on record for the Property as of the date of this Special Permit shall remain in full force and effect;
4. Prior to demolition or construction activities of any kind, the developer shall inform the Inspector of Buildings, the Planning Division, the Department of Public Works (DPW), the Police Department and the Fire Department, of the project schedule;
5. Prior to exterior construction activities along Main Street, an interdepartmental review will be requested by the applicant with the building department, the fire department, the police department and the planning division;
6. Demolition activities and removal of debris shall be in accordance with a schedule approved by the Inspector of Buildings, and such schedule shall provide for the hours during which demolition and/or hauling operations may be conducted, and shall provide for designation of a hauling route for trucks. The demolition contractor shall notify the police during demolition. All loaded trucks shall be appropriately covered, and all public streets shall be kept free and clear from any debris, stones, gravel, or other earth materials associated with the project;
7. Construction activities (including start-up and operation of equipment, transport of materials and erection of structures) shall be conducted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Saturday activities may be permitted upon written request to, and approval from, the Inspector of Buildings, however, such Saturday activities may be approved subject to restricted hours, and such approval may be revoked if any terms or conditions of the approval are violated and/or if complaints are received from abutters. Work inside a structure once enclosed (walls, roof, windows, and doors) is not subject to this condition. All construction activities shall be conducted in a workmanlike manner;
8. Construction equipment, building materials, debris, and contractors' vehicles associated with the project shall not be stored or parked on Main Street. All such equipment and materials shall be stored or parked on the site in such manner and location as to not create a hazard or visual blight to abutting properties, and shall be secured against unauthorized entry. All activities on the site shall be conducted in a workmanlike manner. 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 on the site so as to protect adjacent properties and ensure the safety of pedestrian and vehicular traffic during construction;
9. Burning or burial on the site of demolition debris or construction debris of any kind is strictly prohibited. All such debris shall be promptly removed from the site, or shall be stockpiled on the site in an appropriate location and covered until removed;
10. The mix of uses in the project that total up to 47,518 square feet in gross floor area may

change from time to time without the need for an amendment to this particular special permit; provided, however, that any mix of allowed uses in the project that generates a peak demand for on-site shared parking in excess of eighty nine (89) parking spaces, shall require an amendment of this special permit;

11. Prior to the recording of this permit at the Essex North Registry of Deeds the developer shall provide at least four (4) sets of the plans and drawings described under Condition 2 above to the Planning Division for distribution;
12. The applicant shall adhere to the design of the building and the materials specified as depicted in the memorandum submitted by the Design Review Board on October 25, 2018 with minor changes allowed as long as the changes are consistent with the original intent;
13. Prior to the recording of the Special Permit, the applicant shall provide to the Planning Division 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 THUMB DRIVE 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, and rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, and 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 Special Permit;
14. Prior to the issuance of Occupancy Permits, the applicant shall submit to the Planning Division digital files of as-built utility plans and approximate building location, following the format described above;
15. Prior to the issuance of Occupancy Permits, the Board of Health and the Department of Public Works shall be satisfied with any utility improvements required;
16. Prior to the issuance of any final Occupancy Permit, the Andover Superintendent of Trees (Tree Warden) shall be satisfied with the final tree replacement plan for any damaged street trees (per MGL Chapter 87 Public Shade Trees);
17. Prior to the issuance of any final Occupancy Permits, final tree placement of the two Elm trees planted along Central Street per the plan SP-3 shall be between 3"-5" caliper and all tree placement and landscaping shall be approved and inspected by the Tree Warden. Please note: The soil in both beds will be appropriately prepared to receive the new plantings, in consultation with the Tree Warden, and in accordance with customary landscaping practices. The hole must be dug to a width two times the diameter of the root ball of the tree or container, sloping the sides gently outward to the existing soil grade. Backfill should include modified backfill soil with amendments (example including compost, peat moss, etc.). All plant materials must be located in the field by the Landscape Architect during construction. In the south bed next to the residences along Chestnut Street, the applicant shall replace the grouping of grasses in consultation with the Tree Warden, with additional plantings such as

a line of the grasses just as they have for the other bed, along the sidewalk side of the bed. The plan shall add two (2) more Delaware Valley White Azalea beside (to the north of) the Elm;

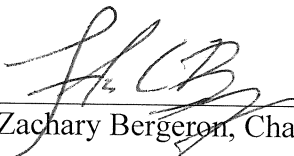
18. Prior to the issuance of any final Occupancy Permits, the Inspector of Buildings and the Planning Division shall confirm that the landscaping has been installed satisfactorily per plan and per the above conditions in the entrance to the parking lot;
19. Prior to the issuance of an Occupancy Permits, the pedestrian alley way between 27 Main Street and 23 Main Street will be improved with pavers and appropriate lighting as referenced in Condition #2 for safety and shall be open for pedestrian access as shown on the plan;
20. Following final lease up of the project or 12 months from the approval of this modification from the Planning Board (whichever comes first), the developer shall provide the Planning Division with a status report on the parking. Said status report shall include the number of available on-site parking spaces, leased/rented parking spaces, along with a summary of the short term parking demand depicted by hour, day and peak demand (i.e. M, W, F, Saturday hourly counts 9 a.m. to 8 p.m.). Should the Inspector of Buildings or the Fire Department receive complaints regarding the parking on site, the Inspector may at his discretion require the applicant to come back to the Board for review of the parking;
21. All snow must be removed from the parking area, and both the Inspector of Buildings and the Fire Department have the ability to enforce this provision;
22. Prior to the issuance of Occupancy Permits the proposed uses must adhere to this special permit or the applicant shall receive an approval for a modification of the special permit with the Planning Board.

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.

The Planning Board deliberated on the application during public meeting on June 11, 2019, and subsequently voted (4 - 1) to issue the foregoing Modification to a Special Permit with Conditions.

THE ANDOVER PLANNING BOARD

Date: June 13, 2019


Zachary Bergeron, Chairman

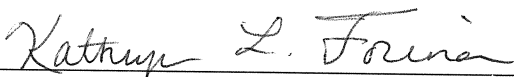
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COMMONWEALTH OF MASSACHUSETTS

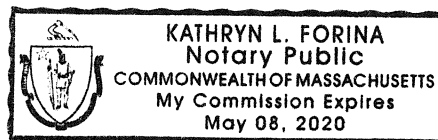
Date:

On this 13th day of June, 2019 by Zachary Bergeron 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 she 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, 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 _____ and no appeal has been filed with the Town Clerk.

Date: 7-3-2019

Austin Simko
Town Clerk