

Applicant 65

PLANNING BOARD  
TOWN OF NORTH ANDOVER  
MASSACHUSETTS

RECEIVED  
DANIEL LONG  
TOWN CLERK  
NORTH ANDOVER

JAN 19 3 16 PM '93



Any appeal shall be filed  
within (20) days after the  
date of filing of this Notice  
in the Office of the Town  
Clerk.

NOTICE OF DECISION

This is to certify that twenty (20) days  
have elapsed from date of decision and  
without filing of an appeal.  
Date: JAN 24 1993  
Daniel Long,  
Town Clerk

Date... JANUARY 19, 1993.....

Date of Hearing JANUARY 1, 1993.

28815

Petition of A.C. Builders, Inc. ....

Premises affected .... South Side Salem Turnpike - 1737 Salem Turnpike .....

Referring to the above petition for a special permit from the requirements  
of the North Andover Zoning Bylaw - Section 8.5 - Planned Residential Development  
so as to permit the construction of 29 detached single family homes.....

At a public hearing given on the above date, the Planning Board voted  
CONDITIONALLY to APPROVE the SPECIAL PERMIT .....



- Director of Public Works
- Building Inspector
- Conservation Administrator
- Health Administrator
- Assessors
- Police Chief
- Fire Chief
- Applicant
- Engineer
- File
- Interested Parties

based upon the following conditions:

- Signed George Parnas  
George Parnas, Chairman
- John Simons
- John Draper
- Joseph Mahoney
- Richard Nardella  
Planning Board

SEP 19 3 31 PM '93

Essex Registry of Deeds  
North District

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KAREN H.P. NELSON  
Director  
BUILDING  
CONSERVATION  
PLANNING



Town of  
**NORTH ANDOVER**  
DIVISION OF

120 Main Street, 01845  
(508) 682-6483

**PLANNING & COMMUNITY DEVELOPMENT**

January 19, 1993

Mr. Daniel Long, Town Clerk  
Town Building  
120 Main Street  
North Andover, MA 01845

Re: Special Permit - Planned Residential Development

Dear Mr. Long:

The North Andover Planning Board held a public hearing on October 20, 1992 upon the application of A. C. Builders, Inc. 2 Evergreen Drive, Andover, MA., requesting a Special Permit under Section 8.5 of the North Andover Zoning Bylaw. The legal notice was published in the North Andover Citizen on September 30, and October 7, 1992 and all parties of interest were properly notified. The following members were present: George Perna,

Mr. Simons read the legal notice to open the public hearing. A letter was requested from the D.P.W. listing their concerns.

Peter Ogran, Hayes Engineering, presented the Board with the following information on the proposed:

1. Located on southwest side of Route 114
2. Containing 42.8 acres
3. 22 acres open space (7.4 acres of wetland), net of 14.5% more open space area than required.
4. Has Determination from Conservation
5. Perc/test wells conducted
6. Septic systems viable in the subdivision
7. Woodland Drive 1,900 feet to Wagon Wheels, 222 feet additional to connect the two subdivisions
8. Oxbow Circle is 665 feet.
9. Hidden Place is 175 feet.
10. There are 29 building lots (1/2 acre lots)
11. 8" water line will be tied through subdivision.
12. Drainage into detention basin should dry up, however there will be a wetland community developed.

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Mr. Perna expressed some areas of concern:

1. Did not want standing water behind houses.
2. Applicant has not applied for Notice of Intent.
3. Lot 5 & 6 will need a Common Driveway Special permit to service those dwellings.

At Oxbow Circle Lot 23 and 24 will provide access to Harold Parker Forest. Representative of Greenspace Association stated that the area use to be restricted to the association. A conservation easement to be given to preserve and keep paths open that currently lead to Harold Parker Forest, excludes vehicles. Under M.G.L. 21 Ch17C 1998 Supreme Court decision immune from liability if open space is used for recreational purposes unless there is gross negligence.

A neighborhood playground is proposed, 100'x80'(8,000 sq.ft.). Similar homes built in Wayland and Maynard. Sidewalks will be provided on one side. The width of the main roadway is 26', cul-de-sac is proposed at a width of 22'. Islands in the cul-de-sac to be landscaped, without sidewalks.

Mr. Simons wanted the no-cut line or limit of work line in the rear of the dwellings. Mr. Rowen asked if the number of wetland crossings were reduced. The answer was no, the roadway has the same layout.

Nicholas Vontzalides, counsel for the Commonwealth of Massachusetts, Department of Environmental Management, had the following input:

1. Lot 3, 4, 5, & 6 incorporate 20' no cut zone with 4" diameter or greater.
2. Path network - preserve 12' wide gravel pack where rerouting of path is necessary.
3. Lot 26, 21 and 22 - access on the paths for conservation vehicles, would be used for emergency vehicles only.
4. End of Oxbow Circle - Does not want dedicated easement to Harold Parker Forest.

House renderings and open space plans were shown. A site visit will be scheduled for Saturday, October 24, 1992 at 7:30 a.m.. The center line is staked.

On a motion by Mr. Nardella, seconded by Mr. Mahoney the Board voted unanimous to continue the public hearing to November 24, 1992.

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On November 24, 1992 the following members were present: George Perna, Chairman, Joseph Mahoney, Richard Nardella and Richard Rowen.

Peter Ogran, Hayes Engineering, will accommodate Harold Parker Forest concerns. A copy of a letter from Harold Parker Forest's attorney will be sent to Mr. Ogran. House plans will be provided.

The diameter of the cul-de sac was discussed. Sidewalks will be eliminated from within the cul-de-sac.

Phased Development Bylaw may be waived. There are twenty-nine lots. A third could be constructed each year.

Special Permit for a common driveway was not advertised. Need a public hearing.

On a motion by Mr. Nardella, seconded by Mr. Rowen, the Board voted unanimously to continue the public hearing. Staff was directed to draft a decision.

The applicant was asked to supply the Board with plans of the sign to be used. The Board also asked for the location of the model home shown a plans.

On December 15, 1992 the following members were present: George Perna, Chairman, John Simons, Joseph Mahoney, John Draper, and Richard Rowen

Ms. Bradley stated that draft decision was in the Board packets for discussion.

On a motion by Mr. Draper, seconded by Mr. Simons the Board voted unanimously to continue the public hearing to the next meeting.

On January 5, 1993 the following members were present: George Perna, Chairman, Joseph Mahoney, Richard Nardella, John Draper and Richard Rowen.

Issues to be resolved are the roadway width and the shoulder width. The applicant requested a waiver on the width of the shoulder from 8 ft. to 4 ft.

Items to be placed in the Order of Conditions are as follows:

1. Applicant to put road in to connect with Old Cart Way
2. Common driveway permit required

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3. A 20 ft no cut zone and buffer zone for Lots 3, 4, 5, and 6, the applicant has asked that the Board waive.
4. There is a 50 ft buffer shown on plans

A sample deed showing the 50' buffer zone to be submitted to the Board for review. The Board also asked for a sample of a restrictive covenant.

On a motion by Mr. Mahoney, seconded by Mr. Draper the Board voted unanimously to close the public hearing on both the Definitive Subdivision and the Special Permit for a PRD.

On a motion by Mr. Draper, seconded by Mr. Mahoney, the Board voted unanimously to approve the draft decision with amendments on the Definitive Subdivision and Special Permit for Woodland Estates, providing the applicants provides the changed plans to staff.

Attached are the conditions that Board voted.

Sincerely,

NORTH ANDOVER PLANNING BOARD

*George Perna*  
George Perna, Chairman

Attachment

cc: Director of Public Works  
Building Inspector  
Conservation Administrator  
Health Administrator  
Assessors  
Police Chief  
Fire Chief  
Applicant  
Engineer  
File

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**Woodland Estates  
Special Permit, Planned Residential Development**

The Planning Board herein approves the Special Permit requested by A.C. Builders, dated September 24, 1992. The Planning Board makes the following findings regarding this Special Permit for a Planned Residential Development (PRD) as required by sections 8.5, 10.3 and 10.31 of the North Andover Zoning Bylaw:

- A. The specific site is an appropriate location for such use, structure or condition;
- B. The use as developed will not adversely affect the neighborhood;
- C. There will be no nuisance or serious hazard to vehicles or pedestrians.
- D. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- E. The application before us is in harmony with the general purpose and intent of this Bylaw.

The Planning Board also makes the findings under Section 8.5 of the Zoning Bylaw that this PRD is in harmony with the general purpose and intent of the Bylaw and that the PRD contains residential development and open space in a variety to be sufficiently advantageous to the Town and promotes the public health, safety and general welfare of the citizens of the Town of North Andover. In particular, the Planning Board finds that this project will:

- A. Promote the more efficient use of land in harmony with its natural features;
- B. Encourage the preservation of open space;
- C. Permit greater flexibility and more attractive, efficient, and economical design of residential developments;
- D. Facilitate economical and efficient provision of utilities;
- E. Meet the Towns housing needs by promoting a diversity of housing types.

Finally, the Planning Board finds that the PRD complies with Town Bylaw requirements so long as the following additional conditions are complied with. Therefore, in order to fully comply with the approval necessary to construct the PRD as specified in this Special Permit application before us the Planning Board herein grants this approval provided the following conditions are met:

1. Prior to endorsement of the record plans by the Planning Board and recording with the North Essex Registry of Deeds the applicant shall adhere to the following:
  - A. The applicant must schedule a meeting with the Town Planner in order to ensure that the plans conform with the Board's Decision.
  - B. A covenant (Form I), securing all lots within the subdivision for construction of ways and municipal services must be submitted to the Planning Board. Said lots may be released from the covenant upon posting of a bond as required in condition # 2(B).
  - C. Right of Way dedication easements for the proposed roadway, shall be prepared at the applicant's expense and provided to the Planning Office.
  - D. All drainage and sewage facilities shall be approved by the North Andover Division of Public Works.
  - E. All conditions listed herein shall be placed on the cover sheet of the Record Plans which will be presented for endorsement by the Planning Board.
  - F. The applicant must submit to the Town Planner a FORM N for all the utilities and easements placed on the subdivision. The Board will sign the document and it must be filed with the Registry of Deeds.
  - G. The applicant must review roadway names with the E-911 Coordinator and submit proof of acceptance to the Board.
  - H. An approximate schedule for construction in Route 114 shall be submitted to the Town Planner for review and approval. This should include the sewer and drainage lines and all utilities which will require openings in the roadway for tie-ins. The schedule shall be part of this decision.
  - I. Construction details of the sidewalks within the R.O.W., and driveways to the individual dwellings shall be included on the record plans.
  - J. A detailed planting list shall be prepared listing specific material to be used. This list shall further indicate quantity and size of all proposed material.

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- K. The appropriate permits from the State Highway Department must be obtained.
- L. A detailed phased development plan shall be submitted as part of the record plans, and recorded at the North Essex Registry of Deeds.
- M. The applicant must apply for and receive a special permit for the construction of common driveways as shown on the plans.

All documents shall be prepared at the expense of the applicant, and shall have proper metes and bounds as required by the Planning Boards Rules and Regulations Governing the Subdivision of Land.

- 2. Prior to any lots being released from the statutory covenants:
  - A. The applicant must submit a lot release FORM J to the Planning Board for signing.
  - B. A performance bond in an amount to be determined by the Planning Board shall be posted to ensure completion of the work in accordance with Plans approved as part of the Special Permit. Items covered include, but are not limited to:
    - 1. as-built drawings
    - 2. sewers
    - 3. roadways
    - 4. drainage
    - 5. site screening
    - 6. lot erosion control
    - 7. site restoration
    - 8. final cleanup of site
  - C. All proper documents and easements required through Condition # 1 shall be in place.
- 3. Prior to a Building Permit being issued (FORM U signed) for an individual lot, the following information shall be required by the Planning Department:
  - A. The applicant must submit to the Town Planner proof that the FORM M referred to in Condition 1(F) above, was filed with the Registry of Deeds Office.
  - B. Three (3) complete copies of plans and two (2) copies of all documents containing the Registry of Deeds stamp must be submitted to the Town Planner as proof of



filing.

- C. A plot plan must be submitted, which consists at a minimum of the following information: (a) location of the structure, (b) location of the driveways, (c) location of the septic systems if applicable, (d) location of all water and sewer lines, (e) location of wetlands and any site improvements required under a NACC order of condition, (f) any grading called for on the lot, and (g) all required zoning setbacks must be shown.
  - D. All appropriate erosion control measures shall be in place. Final determination of appropriate measures shall be made by the Planning Board or Staff.
  - E. All catch basins shall be protected and maintained with hay bales to prevent siltation into the drain lines during construction.
  - F. The lot in question shall be staked in the field to show the location of the proposed dwelling and the limit of clearing associated with construction. The Town Planner shall verify this information in the field.
4. Prior to Construction the applicant must complete the following:
- A. Lot numbers must be placed on all lots and be visible from the street.
  - B. The applicant must submit to the Planning Staff a copy of the final subdivision plan and a copy of all required documents filed with the Registry of Deeds office.
  - C. All necessary permits and approvals for the lot in question must be secured from the Department of Public Works, the North Andover Board of Health, the Conservation Commission and any State approvals as required.
5. Prior to a Certificate of Occupancy being issued for an individual lot, the following shall be required:
- A. All necessary permits and approvals for the lot in question shall be secured from the North Andover Board of Health, and Conservation Commission.
  - B. As-built plans of the individual lots showing location and final grades for all structures and septic systems

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must be submitted to the Planning Staff.

- C. Permanent house numbers must be posted on dwellings and be visible from the road.
- D. An interim as-built, certified by the design engineer, verifying that all utilities have been installed in accordance with the plans and profile shall be submitted prior to the application of the binder coat of pavement. In addition, all required inspection and testing of water, sewer, and drainage facilities shall be completed prior to binder course paving.
- E. The roadway must be constructed to at least binder coat of pavement to properly access the lot in question.
- F. All slopes on the lot in question shall be properly stabilized.
- G. There shall be no driveways placed where stone bound monuments and/or catch basins are to be set. It shall be the developers responsibility to assure the proper placement of the driveways regardless of whether individual lots are sold. The Planning Board shall require any driveway to be moved at the owners expense if such driveway is at a catch basin or stone bound position.

Certification by a Registered Professional Engineer will be required prior to the issuance of a Certificate of Occupancy.

- H. The site shall be reviewed by the Planning Board. Any additional screening as may be reasonably required by the Planning Board shall be added at the applicant's expense.
6. Prior to the final release of any bond money, the following shall be completed by the applicant.
- A. An as-built plan and profile shall be submitted for review and approval.
  - B. The applicant shall petition Town Meeting for public acceptance of all streets. Prior to submitting a warrant article for such petition the applicant shall review the subdivision and all remaining work with the Town Planner and the Division of Public Works. The Planning Board shall hold a portion of the subdivision bond for continued maintenance and operations until such time as Town Meeting has accepted (or rejected in favor of private ownership) the roadways. It shall

be the developer's responsibility to insure that all proper easements have been recorded with the N.E.R.D..

7. Any changes on the plans required by the North Andover Conservation Commission may be subject to Modification under Chapter 41 by the Planning Board.
8. The applicant shall comply with all North Andover Department of Public Works Rules and Regulations and specifically adhere to the following requirements:
  - A. The Right of Way width throughout the subdivision should be 50 feet, with cutting limited to 40 feet wherever feasible..
  - B. All sidewalks shall be 4 feet in width along one side as shown on the plans.
  - C. Copies of erosion and sedimentation control plans shall be provided to this office.
  - D. Sub-drainage to eliminate drainage problems may be required in areas of steep cuts as determined by the Department of Public Works staff.
  - E. Permits for connections to Town utilities will not be granted by the Division of Public Works until a complete set of signed plans, a copy of the Planning Board decision, and the Conservation Commission Order of Conditions are on file in their office.
  - F. The minimum width of pavement for the through streets shall be 26'. The minimum width of pavement for the cul de sac street shall be 24'. The cul de sac turnaround with the island shall have a minimum pavement width of 30'.
  - G. The applicant agrees to construct the roadway and utilities required between Old Cart Way and Woodland Estates. The applicant must work with the Department of Public Works in coordinating the timing of this construction.
  - H. The water main shall be designed to pass over the culverts at Station 7+30 Woodland Drive and Station 1+60 Oxbow Circle. The proposed hydrant on Oxbow Circle shall be installed at the end of the proposed eight inch branch toward the future roadway. The proposed stub to Station 6+10 should be eliminated and the water services relocated accordingly.
9. The applicant shall adhere to the following requirements of

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**the Fire Department:**

- A. Open burning is allowed by permit only after consultation with the Fire Department.
  - B. Underground fuel storage will only be allowed in accordance with Town Bylaws and State Statute and only with the review and approval of the Fire Department and Conservation Commission.
  - C. Lot numbers are to be posted clearly during construction and permanent house numbers marked prior to occupancy.
  - D. All structures shall be required to contain residential fire sprinklers systems the design of which will be approved by the Fire Department.
  - E. The water main should be looped through to Wagon Wheel Estates.
  - F. The Street names must be reviewed and approved by the Dispatch Supervisor in order to facilitate implementation of E-911.
10. The applicant shall adhere to the following requirements of the Police Department:
- A. Adequate site distance shall be maintained at the exit of the project onto Route 114.
  - B. Appropriate signs shall be placed on Route 114 informing motorists of the intersection during the period of construction activity.
  - C. A "STOP" sign shall be placed as the proposed roadway exits onto Route 114.
11. The applicant shall adhere to the following conditions:
- A. There will be a 20 foot no-cut zone imposed along the rear lot lines of lots 3, 4, 5 and 6 which will run with the land in subsequent deeds. The Planning Board agrees to waive the 50' buffer requirement along these lots.
  - B. Not less than a 50 foot wide 'no-cut zone' shall be created as part of the open space along the rear lot lines of the remaining lots and along the remainder of the boundary with Harold Parker State Forest, excluding the area along the Eastern open space which has been designated as an easement for a future roadway.

- C. The developer shall stipulate within the open space deed that the existing trails shall be for public non-mechanized access to the state forest.
- D. Where the northwest branch of the trail needs to be relocated the developer will link back into the trail system and provide a uniform 12' wide gravel pack base over the reconstructed portion as shown on the plans. Where a relocation of the access from Rt. 114 may be required the trail must also be relocated.
- E. A gate will be constructed at entry points to the existing trail system as designated on the plans
12. The applicant shall comply with all North Andover Conservation Commission Rules and Regulations.
13. Any action by a Town Board, Commission or Department which requires changes in the roadway alignment, placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board.
14. The required open spaces shall be conveyed to the Conservation Commission or to a non-profit conservation organization, or to a corporation in trust representing persons responsible for the PRD, and shall be protected by a conservation restriction as required by G.L. Chapter 40A, Section 9, for common open space in cluster developments.
15. Restrictive covenants shall be recorded to insure that the architectural style of the proposed structures shall be uniform in design.
16. There shall be no burying or dumping of construction material on the site.
17. Any signs utilized for this project must obtain a sign permit as required by Section 6 of the Bylaw and will be reviewed by the Town Planner.
18. The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
19. Gas, Telephone, Cable and Electric utilities shall be installed as specified by the respective utility companies.
20. An as-built plan and profile shall be submitted for review and approval. A certified interim as-built verifying that all utilities have been installed in accordance with the plans and profile shall be submitted prior to the

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application of the binder coat of pavement. In addition, all required inspection and testing of water, sewer, and drainage facilities shall be completed prior to binder course paving.

21. Tree cutting shall be kept to a minimum throughout the project in order to minimize erosion and preserve the natural features of the site. The developer shall inform the Tree Warden when tree cutting is to occur.
22. Tree cutting on slopes will be kept to a minimum and trees to be cut will be pre-approved by the Tree Warden.
23. Any Plants, Trees or Shrubs that have been incorporated into the Landscape Plan approved in this decision, that die within one year from time of planting shall be replaced by the applicant. Ten percent (10%) of the value of the site screening portion of the Bond shall be held to ensure compliance with this condition.
24. All construction shall commence within two (2) years from the date of this approval and shall be completed within five (5) year from the date of this approval.
25. The provisions of this conditional approval shall apply to and be binding upon the applicant, it's employees and all successors and assigns in interest or control.
26. This project shall respect the provisions of Section 4.2 of the North Andover Zoning Bylaw. (Phased Development)
27. The following waivers to the Planning Board's "Rules and Regulations Governing the Subdivision of Land" have been granted through this approval:
  - a. Section 7(A)(3)(a) Grade: Grades from station 15+75 to Station 17+25 exceed 6% maximum grade as shown on Profile Sheet 2.
  - b. Section 7(A)(4)(a) Dead-End Streets: Dead end street extended to 635 feet as shown on Profile Sheet 3.
  - c. Section 7(B)(4) Streets and Roadways: Distance between crest and catch basins exceeds 400 feet, between Station 13+43 and Station 18+32 as shown on Profile Sheet 2.
  - d. Section 3(C)(4) Statement of Environmental Impact
  - e. Section(A)(2)(d) Cul de sac turnaround with island.
28. The following information shall be considered as part of

this decision:

Performance Bond Worksheet

Plans entitled: Definitive Plan  
Woodland Estates, North Andover, MASS.

Dated: August 14, 1992  
Scale: 1" = 40'  
Sheets: 1 through 3  
Prepared By: Hayes Engineering, Inc.  
603 Salem Street  
Wakefield, MASS 01880

Plans entitled: Definitive Plan & Profile  
Woodland Estates, North Andover, MASS  
Dated: August 14, 1992  
Scale: 1" = 40'(HOR) & 4'(VERT)  
Sheet: 1 through 4  
Prepared By: Hayes Engineering, Inc.  
603 Salem Street  
Wakefield, MASS 01880

Plans entitled: Topographic Plan  
Woodland Estates, North Andover, MASS  
Dated: August 14, 1992  
Scale: 1" = 40'  
Prepared By: Hayes Engineering, Inc.  
603 Salem Street  
Wakefield, MASS 01880

- cc: Conservation Administrator
- Director of Public Works
- Health Administrator
- Building Inspector
- Police Chief
- Fire Chief
- Assessors
- Applicant
- Engineer
- File

WOODLAND.1