



Town of North Andover
 Office of the Planning Department
 Community Development and Services Division
 120 Main Street
 North Andover, Massachusetts 01845

1.22
 RECEIVED
 TOWN CLERK'S OFFICE

2019 APR -8 PM 12: 52

TOWN OF
 NORTH ANDOVER
 MASSACHUSETTS

**NOTICE OF DECISION
 SITE PLAN REVIEW SPECIAL PERMIT**

Date: April 2, 2019

Date of Public Hearing: January 22, 2019,
 February 5, 2019, February 19, 2019,
 February 27, 2019, February 28, 2019,
 March 5, 2019, March 19, 2019, April 2,
 2019

Date of Decision: April 2, 2019

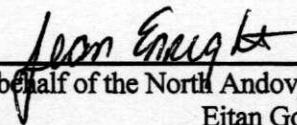
Petition of: Town of North Andover
 120 Main St.
 North Andover, MA 01845

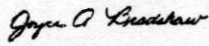
Premises Affected: 495 Main Street
 North Andover, MA 01845
 Map 57, Lot 22, 26, & 34, Map 58A, Lot 1, 2, 4, 6, 7, 8, 9 & 14

Referring to the above petition for Site Plan Review, according to the requirements of the North Andover Zoning Bylaw, Chapter 195 Article 8 Part 3 195- 8.1 through 195-8.17 and Article 10, Chapter 195-10.7

So as to allow for the renovation/reconstruction of the Site by constructing one (1) softball field, one (1) 90' baseball field, two (2) multipurpose fields, two (2) bocce courts, two (2) shuffle ball courts, two (2) half-court basketball courts, and two (2) children's playgrounds, two (2) multipurpose courts, two (2) picnic areas, an amphitheater, a concession stand, storage buildings, bathroom facilities, 160 additional parking spaces, and associated paved walkways/emergency/maintenance paths, and stormwater management systems, and other amenities as referenced in the Plans. The Property is located in the Residential 4 (R4) Zoning District.

After a public hearing given on the above date, and upon a motion by **J. Simons** and 2nd by **P. Boynton** to **APPROVE** the Site Plan Review Special Permit as amended and based upon the discussion tonight giving permission to the Planning Director to memorialize the discussion of the Planning Board in the Notice of Decision and submit the document to the Chair for review to ensure that it encapsulates the will of the Board as discussed and upon the following conditions. The vote was 4 – 1 in favor- of the application.


 On behalf of the North Andover Planning Board
 Eitan Goldberg, Chairman
 Peter Boynton
 Lori Crane
 Aaron Preston
 John Simons

ATTEST:
 A True Copy

 Town Clerk

The public hearing on the above referenced application was opened on January 22, 2019 and closed by the North Andover Planning Board on April 2, 2019.

On April 2, 2019 upon a motion made by J. Simons and seconded by P. Boynton to GRANT a Site Plan Review Special Permit to allow the renovation/reconstruction of the Site by constructing one (1) softball field, one (1) 90' baseball field, two (2) multipurpose fields, two (2) bocce courts, two (2) shuffle ball courts, two (2) half-court basketball courts, and two (2) children's playgrounds, two (2) multipurpose courts, two (2) picnic areas, an amphitheater, a concession stand, storage buildings, bathroom facilities, 160 additional parking spaces, and associated paved walkways/emergency/maintenance paths, stormwater management systems, and other amenities as referenced in the Plans. The Property is located in the Residential 4 (R4) Zoning District. This Special Permit was requested by the Town of North Andover, 120 Main Street, North Andover, MA 01845 on December 20, 2018. The applicant submitted a complete application, which was noticed and reviewed in accordance with Chapter 195 Article 8 Part 3 195-8.1 through 195-8.17 and Article 10, Chapter 195-10.7 of the Town of North Andover Zoning Bylaw and MGL C.40A, Sec. 9. The motion to approve was subject to the FINDINGS OF FACTS and SPECIAL CONDITIONS set forth in this decision.

The Planning Board vote was 4-1 (4 in favor and 1 opposed). A special permit issued by the special permit granting authority requires at least four of the five members of the granting authority voting in favor of issuing the special permit.

The Applicant is hereby notified that should the Applicant disagree with this decision, the Applicant has the right, under MGL Chapter 40A, Section 17, to appeal to this decision within twenty days after the date this decision has been filed with the Town Clerk.

In accordance with 195 Article 8 Part 3 195-8.1 through 195-8.17 and Article 10, 195-10.7 the Planning Board makes the following findings that the intent of the Bylaw, as well as its specific criteria are met. In support of this Decision, the Planning Board makes the following **FINDINGS OF FACT**:

- 1) The specific Site is an appropriate location for the Project as it is the Site of an existing playground with playing fields, a running track, stadium lights, concession stand, and parking areas. The Project includes the creation of 160 new parking spaces for a total of 465, stormwater drainage improvements and landscaping, and will utilize existing driveway access;
- 2) The use as developed will not adversely affect the neighborhood as the Site contains recreational fields that have been in existence since the Middle School was the Town's High School. Over the years the Town has developed around these fields, which makes it the ideal location for open space and recreation for the neighborhood residents. Beginning in December 2016 the Middle School Fields Improvement Committee (MSFIC) began to hold public meetings for the Project. Although plans were conceptual at the time, input was taken into consideration as the plans were solidified. The circulation, access and egress patterns will remain as they exist today. Landscaping has been increased from what was initially proposed to provide for a natural buffer between the residential neighborhood to the rear of the complex. The finding of a lack of adverse impact on the neighborhood is dependent on the formation of a committee as discussed infra (finding of fact #11), the creation of rules and regulations for the recreation

complex, and the presumed functionality of this committee and the adherence to the rules and regulations that will be established.

- 3) There will be no nuisance or serious hazard to vehicles or pedestrians. Access to the property will be from the Middle School driveway on Main Street as well as the existing Route 125 access way. The Site has been developed to keep separate the vehicle and pedestrian traffic. Locating the parking in two main larger areas as opposed to developing the Site with many small parking lots and access roads both reduces the impervious area at the Site and separates the vehicles and pedestrians to avoid nuisances and serious hazards.
- 4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use. The Division of Public Works (DPW) has reviewed the application, utilities, and drainage and deemed them to be adequate. The Site will have two buildings with bathrooms and four sheds to provide storage for the activities at the facilities. The Site will have 12 trash receptacles located throughout the Site which will be emptied and maintained by the DPW. The internal paths are also wide enough to accommodate emergency and maintenance vehicles.
- 5) The use is in harmony with the general purpose and intent of this bylaw.
- 6) In May 2015 Town Meeting approved Community Preservation Committee (CPC) funding of \$50,000 for Project Feasibility Study. In May 2017 Town Meeting approved \$600K for Project Design Funding. In May 2018 Town Meeting unanimously voted Favorable Action on CPC Funding of \$6M for Project Construction.
- 7) The Board of Selectmen established the Middle School Fields Committee (MSFIC) in November 2016. Through January 2019 the MSFIC has conducted 19 Public Meetings to discuss the Project.
- 8) Site visits were conducted on February 27, 2019 at Merrimack College and February 28, 2019 at the Greater Lawrence Technical School to view the lighting layout and visual impact.
- 9) Substantial stormwater management improvements have been designed. The Site will predominately follow the slope of the existing Site and drain from the southeastern corner of the fields to the northwestern corner of the fields and northeast and east parking areas where the water will collect in catch basins, be treated by separators and then be infiltrated back into the ground in underground infiltration chambers. Runoff from the synthetic turf field will collect in 8" perforated underdrain pipes and outlet to underground infiltration chambers. Overflow from some of the infiltration chambers will connect to the existing drainage systems outletting to Parker Street in the northwest and Middle School system in the northeast. Eighteen treebox filters have been included in the large parking area. The plans were reviewed and deemed adequate by the town's stormwater consultant, Horsley Whitten Group. (see letter dated February 19, 2019).
- 10) The Fire Department has reviewed the Project and comments have been conditioned in this Decision (Lt. Beirne memo dated 1/17/19, Lt. Beirne email dated 2/28/19).
- 11) The former Town Manager, Andrew Maylor, expressed his opinion that after the work is completed on the Project a committee should be formed to advise the Town Manager on issues involving the Site. Examples of topics which this committee could provide advice on are permitting, hours of operation of the ballfield lighting, maintenance, and concerns from abutters about spillover parking, etc. The vision expressed assumed a committee of seven with 2 being residents (that live in the area around the

recreation complex), a member of the Fields Committee, a representative of the School Administration, a North Andover Police Department representative, Department of Public Works representative, and the Youth and Recreation Director who will serve as the Chair. (February 7, 2019 email from Andrew Maylor).

- 12) The Health Director has reviewed the application and has commented that the Board of Health (BOH) would like to ensure that at a minimum any rubberized pellets and other components used for the synthetic turf and "poured in place rubber safety surface" for the playground shall meet the standards set forth in the Consumer Product Safety and Improvement Act. The lead limit is set at 100 ppm and components used in construction should be certified as no or low lead concentrations. In addition, the BOH has responded to a Planning Board request for review and recommendation regarding any public health hazards associated with artificial turf fields. Within this response the BOH has communicated that it understands that there are still ongoing studies and data gaps and will examine any new evidence, studies, or data as it is published. The Board of Health will examine any new credible evidence and scientific studies when they are published and reserves the right to issue additional recommendations. (see email B. LaGrasse dated Jan. 28, 2019, BOH dated March 18, 2019).
- 13) Traffic studies have been conducted that take into account the added impact of the recreational fields project (Technical memorandum prepared by TEC Kevin R. Dandrade, P.E, PTOE, Principal, Douglas S, Halpert, E.I.T. Project Engineer, and Eindra Aung, E.I.T., Project Engineer, dated April 20, 2017 and Memorandum, prepared by TEC Elizabeth Oltman, P.E., Senior Traffic Engineer, Eindra Aung, E.I.T., Project Traffic Engineer, dated December 14, 2017).
- 14) Finally, the Planning Board finds that this Project generally complies with the Town of North Andover Zoning Bylaw requirements as listed in **Chapter 195 Article 8 Part 3 195-8.1 through 195-8.17**, but requires conditions in order to be fully in compliance. The Planning Board hereby grants an approval to the applicant provided the following conditions are met:

SPECIAL CONDITIONS:

15) Permit Definitions:

- The "Locus" or "Site" refers to approximately a 16.72 acre portion of an existing recreational fields complex located at 495 Main Street with surrounding schools on approximately 23.68 acres of land fronting on Main Street, Rt. 125, and Massachusetts Avenue, North Andover, Massachusetts.
- The "Plans" refer to the plans entitled "Recreation Complex 495 Main Street, North Andover, Massachusetts", Sheets 1 through 28, dated December 20, 2018 and revised to March 27, 2019, consisting of Sheets 1 - 28, prepared by Waterfield Design Group, 50 Cross Street, Winchester, MA 01890
- The "Project" refers to the renovation/reconstruction of the Site by constructing one (1) softball field, one (1) 90' baseball field, two (2) multipurpose fields, two (2) bocce courts, two (2) shuffle ball courts, two (2) half-court basketball court, and two (2) children's playgrounds, two (2) multipurpose courts, two (2) picnic areas, an amphitheater, a concession stand, storage buildings, bathroom facilities, 160 additional parking spaces, and associated paved walkways/emergency/maintenance paths, and stormwater management systems, and other amenities as referenced on the Plans.
- The "Applicant" refers to the Town of North Andover, the applicants for the Site Plan Review Special Permit, its successors and assigns.
- The "Project Owner" refers to the person or entity holding the fee interest to the title to the Locus from time to time, which can include but is not limited to the applicant, developer, and owner.

- 16) All special permits associated with this Project granted under Chapter 195 – 2.2, Chapter 195, Article 7, Chapter 195, Article 8, and Chapter 195, Article 10 of the Zoning Bylaw shall also be considered as part of this Decision.
- 17) No Snow Stockpiling Signs shall be installed along the edge of the parking lot between the sidewalk and the wetland resource area. These signs shall be installed every 50 feet and shall be maintained in perpetuity. Per the Conservation Commission, a guard rail will be installed along the walking path adjacent to the wetlands resource area. The No Stockpiling signs will be mounted on the fence. Designated snow stockpile areas shall be utilized and excess snow removed from the Site in accordance with the herein referenced O&M Plan.
- 18) Snow storage at the Site shall be managed to prevent blockage of storm drain catch basins and other elements of the storm drainage system.
- 19) Upon completion of the Project, the Applicant will provide a signed statement indicating that no Illicit Discharges exist on the Site and that all Good Housekeeping BMPs and Items to Prevent Illicit Discharges will be adhered to as outlined in Section 3.0 of the Stormwater Pollution Prevention Plan and Erosion and Sediment Control Plan.
- 20) The Project is in close proximity to schools; therefore,
 - All temporary construction fencing shall be covered with a mesh screen.
 - Temporary fencing shall surround the entire Site as directed on the plans.
 - Prior to August 23, 2019 and August 23, 2020, the contractor shall construct and open to school faculty, students, and parents, the temporary pedestrian access pathway paved to binder course level at the western perimeter of the Site as shown on the Presentation Plan, dated March 19, 2019. This walkway shall extend from the end near Beacon Hill Boulevard shown on the Presentation Plans, dated March 19, 2019, easterly to the edge of the new Atkinson playground. Alignment of this pathway will be reconfigured as required to allow for construction on the Site.
 - Contractor shall provide a twenty (20) foot buffer to the active playground at the Atkinson School during the portion of construction where this buffer area is not part of the immediate construction area. Fencing can be moved to access this area as necessary during its period of construction.
 - 128 of the existing paved parking spaces located at the northeastern parking area near the Middle School and the 47 existing parking spaces across from the Early Childhood Education Center (Bradstreet 47) shall remain and be located outside of the construction limit of work until school is complete in the summer of 2020 as shown on the plans.
 - The Wheel Wash Construction Entrance shall be constructed of crushed stone per the detail. This shall be used for vehicles entering or exiting from the Staging Area and Construction Parking area shown on the Presentation Plans, dated March 19, 2019 to the temporary construction vehicle access road off of Route 125 as shown on the plan.
 - Temporary Construction Entrance: The contractor is required to have a minimum of one flagman to escort any Construction/Heavy Equipment vehicle entering and/or exiting the Site via the Temporary Construction Entrance safely across the driveway where the school busses and vehicles travel and they are not to impede school traffic.
 - The Contractor shall communicate with the School Administration designee every afternoon when school is in session via email to provide a list of expected next day deliveries and approximate times.

- Should execution of the flagman requirement and/or the daily communication of expected deliveries and approximate times consistently fail then future access and egress for Construction/Heavy Equipment vehicles will be prohibited between the hours of 7:00 – 9:00 am and 1:45 – 3:45 pm.
 - Prior to August 23, 2019 and, August 23, 2020 contractor shall coordinate with the School Administration Officials regarding entering and exiting the Site through the Middle School entrance.
 - During the school year from August 15th to June 30th the contractor shall coordinate with the School Administration designee on a weekly basis and include them in all weekly scheduling and Site coordination meetings.
 - The contractor shall provide parking for all subcontractors and others using the Site within the Project's limit of work. No parking shall be provided for Site users in the school parking areas or on adjacent residential streets at any time. All work to existing parking areas (not limited to but specifically the Bradstreet 47, Middle School parking areas, along with egress to Parker Street) with the exception of the nine most westerly parking spaces in the Middle School parking area must be completed during the summer of 2020 and shall be ready for use by the start of the school year.
 - Prior to construction the contractor shall provide a Site Access and Safety Plan to be reviewed and approved by the owner, contractor, North Andover School Department, Police and Fire Departments.
- 21) The Applicant must supply a copy of the approved Massachusetts Department of Transportation (MassDOT) permits necessary for access and construction of the Temporary Construction Entrance to the Planning Department. In the event MassDOT requires a material change (as deemed by the Planning Director) in the access/egress or other details depicted on the Plans dated December 20, 2018, Revised to February 22, 2019, the Applicant shall submit revised plans to be reviewed in accordance with the process described in Section 195-8.17 (Revisions to Approved Site Plan).
- 22) Documentation confirming the statement submitted in the Site Plan Review Special Permit application regarding lack of flammability of the synthetic turf material shall be provided to the NA Fire Department and Planning Department ((statement: The materials that make up majority of the Site (concrete buildings and synthetic turf with rubber infill) are not highly flammable)).
- 23) If the concession stand will be used for cooking, it will need to comply with NFPA 1 section 10.14 and NFPA96.
- 24) All materials comprising the artificial turf components and "poured in place rubber safety surface" for the playground shall be certified low or no lead products and they should all meet the standards set forth in the Consumer Product Safety and Improvement Act. Alternatives including but not limited to thermoplastic elastomers (TPE) should also be researched and considered as the turf infill.
- 25) Signage shall be installed informing artificial turf field users that the field can heat up quicker than the surrounding ambient environment in the hot weather.
- 26) No pets shall be allowed on Site. Signage shall be put in place to notify users.
- 27) The Planning Department shall request an update from the Board of Health related to the ongoing studies and any new evidence or data published regarding public health impacts related to artificial turf

fields. This request shall commence approximately 1 year after the issuance of a Certificate of Occupancy and shall continue for 10 years.

- 28) The committee formed to advise the Town Manager on issues involving the Site as discussed infra (Finding of Fact #2 and #11) shall report the results of the operation and what they recommend going forward annually to the Planning Board. This report shall commence approximately 1 year after the issuance of a Certificate of Occupancy and shall continue for 5 years.
- 29) The Applicant shall conduct a photometric plan analysis to determine actual lumen intensity and present an actual vs. planned analysis (as identified in the Presentation Plans dated March 19, 2019 and the NA Recreation Complex Engineered Design dated March 13, 2019) to confirm that light levels are at or below what has been represented in the lumen plans. This analysis shall be presented to the Planning Board annually beginning approximately 1 year after the issuance of a Certificate of Occupancy and shall continue for a period of 5 years.

PRIOR TO THE START OF SITE WORK OR CONSTRUCTION

- 30) Two (2) copies of the recorded Notice of Decision with endorsed plans attached must be submitted to the Planning Department.
- 31) A bond in the amount of **ten thousand dollars (\$10,000.00)** shall be posted for the purpose of insuring that the Site is constructed in accordance with the approved plan and that a final as-built plan is provided, showing the location of all on-Site structures (Site utilities, structures, curb cuts, parking spaces and drainage facilities, including invert elevations of all stormwater structures). This bond shall be in the form of a check made out to the Town of North Andover. This check will then be deposited into an interest bearing bond account.
- 32) As recommended during stormwater peer review (see Horsley Witten letter of February 19, 2019 and WSG Letter of February 22, 2019), additional testing to verify estimated seasonal high ground-water (ESHGW) beneath each infiltration system shall be conducted prior to the start of construction. Results shall be submitted to the Planning Board and Conservation Commission. If test pits do not confirm design conditions, the Plans shall be modified and submitted to these Boards for necessary approvals (modifications/amendments).
- 33) The Applicant must supply a copy of the approved MassDOT permits necessary for access and construction of the Project to the Planning Department. In the event the MassDOT requires a material change (as deemed by the Planning Director) in the access/egress or other details depicted on the Plans, the Applicant shall submit revised plans to be reviewed by the Board in accordance with the process described in Chapter 195 Article 8 Part 3 195-8.17 (Revisions to Approved Site Plan).
- 34) A pre-construction meeting must be held with the Applicant, Developer, Planning Department, Town Engineer, School Administration representative, Conservation Administrator, Construction Monitor, and Environmental Monitor. The purpose of this meeting will be to review the phasing of the development and for the Applicant to submit a construction sequencing schedule to all at the pre-construction meeting for the purpose of tracking the construction and informing the public of anticipated activities on the Site.
- 35) The detailed and dated sequence of construction shall include the installation of sedimentation/erosion control devised, demolition Site clearing, parking lot construction, drainage installation, and all other

work planned through final stabilization. Any changes to the approved sequencing plan shall be approved by the Planning Board or its designated agent.

- 36) Prior to the start of construction, approved erosion controls (12" Filtrexx SiltSoxx backed by trenched and staked siltation fence NOT HAY BALES as detailed on the plans referenced herein) shall be installed between all construction areas and wetlands. The erosion control barriers will be survey staked and properly installed and placed as shown on the plans approved and referenced herein and shall be inspected and approved by the Planning Department prior to the start of construction and shall remain intact until all disturbed areas have been permanently stabilized to prevent erosion. The Planning Department reserves the right to impose additional conditions on portions of this Project to mitigate any impacts which could result from Site erosion, or any noticeable degradation of surface water quality discharging from the Site. For example, installation of erosion control measures may be required in areas not shown on the Plans referenced in this Notice of Decision. Should such installation be required by the Planning Department, they shall be installed within 48 hours of the request.
- 37) The applicant shall have on hand at the start of any soil disturbance, removal or stockpiling, a minimum of 100 feet of SiltSoxx and an equal length of silt fence, and an adequate supply of emergency erosion controls including crushed stone, silt sacks, jute matting and any other erosion controls that may be required as part of the Stormwater Pollution Prevention Plan (SWPPP), and the herein referenced plans. Said supplies shall be used only for the control of emergency erosion problems and shall not be used for the normal control of erosion.
- 38) At least 30 days prior to the start of land disturbance activities, the Applicants shall provide to the Planning Department for review and comment a copy of its Stormwater Pollution Prevention Plan (SWPPP) prepared in consultation with the Applicants' Site contractor and Project engineer. The SWPPP shall be prepared in accordance with the U.S Environmental Protection Agency's Stormwater Construction General Permit (USEPA, 2017) and related guidance document entitled "Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites".
- 39) The Applicant/Owner shall provide the Planning Department with a copy of a maintenance contract/agreement of not less than one year entered into with a certified maintenance contractor for all responsibilities outlined in the February 2019 O&M (attached herein). The maintenance contract and the qualifications / credentials of the certified maintenance contractor shall be provided to the Planning Department for its files prior to putting the stormwater management system on-line. This special condition, including ongoing renewals of the maintenance contract by qualifier personnel, shall survive the issuance of a Certificate of Occupancy (CoO) for the Project. Evidence of maintenance of the stormwater management system shall be provided to the Planning Department on an annual basis by a Registered Professional Civil Engineer. Annual maintenance reports shall be submitted to the Planning Department no later than November 30 of any given year.
- 40) Once online, all catch basins and any other stormwater inlets on the Site or within 100 feet of the Project shall be protected by silt sacks to prevent sediment from entering the drainage system except as approved in the construction sequence/SWPPP. Silt sacks shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this decision have been permanently stabilized and the Planning Department has formally approved their removal.
- 41) The NA Fire Department shall confirm there is an adequate number of working fire hydrants maintained, in service and accessible. Confirmation shall be provided to the Planning Department.

- 42) The Contractor shall confirm with the NA Fire Department that larger Fire apparatus are able to access the Site during the construction process with particular emphasis on impact of temporary parking locations, proposed construction entrance directly off Rt. 125 as well as any barriers or fencing that may be employed to protect and/or define the Site and roadways in and around it. Use L1 template as needed.
- 43) The Contractor shall create and implement a Site safety plan in Accordance with NFPA 241 Safeguarding Construction, Alteration and Demolition Operations. This safety plan shall be reviewed and approved by the NA Fire Department with confirmation provided to the Planning Department.
- 44) The contractor shall install Temporary Construction Entrance signage to direct all construction vehicles to the construction entrance and prohibiting them for the Middle School entrance and side street (as specified in the Presentation Plan). The signage shall be reviewed by the Planning Department prior to installation.
- 45) The contractor shall install temporary warning Signs "Construction Area – No Pedestrians" at each end of the driveway from the Middle School to the Early Childhood/Kindergarten entry (as specified in the Presentation Plan). The signage shall be reviewed by the Planning Department prior to installation.
- 46) In consultation with the Director of Planning, the Applicant shall designate an Independent **Construction Monitor**. The monitor shall read, sign, and return to the Planning Director the Letter of Agreement for Independent Monitors. The Construction Monitor must be available upon four (4) hours' notice to inspect the Site with the Planning Board designated official. The monitor shall make weekly inspections of the Project, provide monthly reports to the Planning Department throughout the duration of the Project, and detail any areas of non-compliance and corrective actions. Additionally, the monitor shall assist Town Staff in overseeing the implementation and updating of the SWPPP throughout the development process.
- 47) In consultation with the Director of Planning, the Applicant shall designate an Independent **Environmental Monitor**. The monitor shall read, sign, and return to the Planning Director the Letter of Agreement for Independent Monitors. The Environmental Monitor must be available upon four (4) hours' notice to inspect the Site with the Planning Board designated official. The monitor shall make weekly inspections of the project, provide monthly reports to the Planning Department throughout the duration of the Project, and detail any areas of non-compliance and corrective actions. The monitor will also provide reports following heavy rain events.
- 48) Construction fencing must be placed along the limit of work as shown on the plan.

DURING CONSTRUCTION

- 49) Dust mitigation must be performed weekly, or more frequently as directed by the Town Planner, throughout the construction process. A water truck shall be located on Site to mitigate dust impacts.
- 50) Any stockpiling of materials (dirt, wood, construction material, etc.) must be shown on a plan and reviewed and approved by the Planning Staff. Any approved piles must remain covered at all times and fenced off to minimize any dust problems that may occur with adjacent properties.
- 51) It shall be the responsibility of the contractor to assure that no erosion from the construction Site shall occur which will cause deposition of soil or sediment upon adjacent properties or public ways, except as normally

ancillary to off-Site construction. Off-Site erosion will be a basis for the Planning Board making a finding that the Project is not in compliance with the plan; provided, however, that the Planning Board shall give the developer written notice of any such finding and seven days to cure said condition.

- 52) Coordination of delivery times shall be completed to ensure that no queuing of construction vehicles on Route 125 ever exists. Vehicles parked or idling on this street is expressly prohibited as it will negatively impact traffic. No construction vehicles will be permitted to use the side streets abutting the Site for access or egress at any time.
- 53) Test pit data was used in the design of the stormwater management system. Additional data is required (see condition #28). If during construction of the stormwater management system, conditions are not consistent with design assumptions and test pit data, the Applicant must submit revised plans for stormwater management that meet the State Stormwater Management Standards and those established under the Bylaw.
- 54) Erosion control measures shall be implemented and maintained in accordance with the Stormwater Pollution Prevention Plan and Erosion and Sediment Control Plan referenced herein or as required in this Order.
- 55) Temporary stabilized construction entrances (minimum 2-3" stone) shall be constructed and maintained as shown on sheet D-5 of the herein referenced plans immediately upon the start of work. Stone shall be replaced as necessary to prevent sediment tracking onto paved areas.
- 56) Associated pavement and roadways shall be swept at least weekly or as directed by the Site Supervisor, Project Manager, or Planning staff for as long as the Site remains exposed and un-stabilized. If material is tracked beyond the construction entrance onto the adjacent roadway, it will be swept up daily.
- 57) Any fill used in connection with this Project shall be clean fill (natural materials only), containing no recycled materials, trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
- 58) All exposed soil finish grade surfaces shall be immediately landscaped (native plantings/seed mixes) and stabilized, or loamed, seeded and mulched, with a layer of mulch hay or matting (natural fibers only, no plastic netting). All disturbed areas must be graded, loamed and seeded prior to November 1st of each year. Outside of the growing season, exposed soil finish grade surfaces shall be stabilized with a layer of mulch hay or matting until climate conditions allow for seeding. During construction, any area of exposed soils that will be left idle for more than 30 days shall be stabilized with a layer of mulch hay or other means approved by the Planning Department.

PRIOR TO A CERTIFICATE OF OCCUPANCY

- 59) The Applicant must submit a letter from the Project engineer of the Project stating that the building, landscaping, lighting and Site layout substantially comply with the plans referenced at the end of this decision as endorsed by the Planning Board and that the stormwater management structures are functioning as designed. Alternatively, the Applicant and/or Project Owner may provide a bond, determined by the Planning Board, to cover the full amount of the landscaping materials and installation if weather conditions do not permit the completion of the landscaping prior to the use of the Site.

- 60) All infiltrations structures shall be set in natural on-Site soils having suitable infiltration capacities as determined through field testing. Proof that all infiltration units drain within 72 hours shall be provided to the Planning Department prior to issuance of a Certificate of Occupancy.
- 61) The Applicant must submit a letter from the engineer certifying that the lighting provided meets minimum Illuminating Engineering Society (IES) standards.
- 62) Rules and Regulations for the Site shall be established by the proper authority based on input from the advisory committee referenced in Finding of Fact #11.
- 63) The Planning Staff shall review the Site. Any screening as may be reasonably required by the Planning Staff will be added at the Project Owner's expense.
- 64) The Applicant shall conduct a photometric plan analysis to determine actual lumen intensity and present an actual vs. planned analysis (as identified in the Presentation Plans dated March 19, 2019 and the NA Recreation Complex Engineered Design dated March 13, 2019) to confirm that light levels are at or below what has been represented in the lumen plans.
- 65) The applicant shall be responsible for cleaning all stormwater structures, in accordance with the approved Operation and Maintenance Plan (O&M) attached herein and the associated stormwater management conditions mandated herein. Evidence of this cleaning shall be presented to the Planning Department.

PRIOR TO THE FINAL RELEASE OF ALL SECURITY AND ESCROWED FUNDS

- 66) A final as-built plan showing final topography, the location of all on- Site utilities, structures, curb cuts, parking spaces and drainage facilities must be submitted to the Planning Department. Any variance to the Plan shall be specified in memo format. The as-built must be provided in paper form as well as in SDF (Standard Digital File) format.
- 67) The applicant must submit a letter from the engineer of the Project stating that the building, lighting and Site layout substantially comply with the plans referenced at the end of this decision as endorsed by the Planning Board.
- 68) The Planning Board must by a majority vote make a finding that the Site is in conformance with the approved plan.

GENERAL CONDITIONS

- 69) The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- 70) Gas, Telephone, Cable and Electric utilities shall be installed underground as specified by the respective utility companies, except for so-called "green utility boxes" as may be required by the utility companies.
- 71) Any plants, trees, shrubs, or fencing that have been incorporated into the Plan approved in this decision that die or fall into disrepair must be replaced by the Project owner in perpetuity.
- 72) The hours for construction shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday and between 7:00 a.m. and 5:00 p.m. on Saturday. Construction employees shall access the Site between 6:30 am and 7:00 am Monday through Friday via the Temporary Construction Entrance so as to arrive

prior to the school drop-off time. Any work outside of these times shall be reviewed and approved by the owner, Construction Supervisor, North Andover School Administration, Planning Department, Police and Fire Departments.

- 73) No open burning shall be done except as is permitted during burning season under the Fire Department regulations.
- 74) The owner shall apply to the Board of Health for the appropriate dumpster permit.
- 75) The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or control.
- 76) Any action by a Town Board, Commission, or Department, which requires changes in the plan or design of the building, as presented to the Planning Board, may be subject to modification by the Planning Board.
- 77) Any revisions shall be submitted to the Town Planner for review. If these revisions are deemed substantial, the developer must submit revised plans to the Planning Board in accordance with the process described in Chapter 195 Article 8 Part 3 195-8.17 (Revisions to Approved Site Plan) of the Zoning Bylaw.
- 78) Pursuant to the North Andover Zoning Bylaw Chapter 195 Article 10 this Site Plan Review Special Permit shall be deemed to have lapsed after March 19, 2021 (two years from the date the permit is granted), exclusive of the time required to pursue or await determination of any appeals, unless substantial use or construction has commenced within said two-year period or for good cause as determined by the Planning Board.
- 79) The following information shall be deemed part of the decision:

Plan titled: Recreation Complex 495 Main Street, North Andover, Massachusetts
Prepared for: Town of North Andover
North Andover, MA 01845
Prepared by: Waterfield Design Group
50 Cross Street
Winchester, MA 01890
Scale: 1" = 30'
Date: December 20, 2018, revised to March 27, 2019
Sheets: G-1, G-2, EC-1, EC-2, SP-1, SP-2, LM-1, LM-2, DU-0, DU-1, DU-2, GR-1, GR-2,
LS-1, LS-2, D-1-D13
Plan titled: Presentation Plans
Prepared for: Town of North Andover
North Andover, MA 01845
Prepared by: Waterfield Design Group

50 Cross Street
Winchester, MA 01890

Date: March 19, 2019
Sheets: 17

Musco Lighting Plans: NA Recreation Complex Engineered Design
Prepared by: MUSCO Lighting
Mark Roake
File #195848D

Date: March 13, 2019
Sheets: 18

Stormwater Management Plan

Prepared by: WDG/Waterfield Design Group
Date: December 2018, Revised to January 2019
Stamped by: Craig Miller, P.E.

Stormwater Pollution Prevention Plan and Erosion and Sediment Control Plan

Prepared by: WDG/Waterfield Design Group
Date: December 2018, Revised to January 2019
Stamped by: Craig Miller, P.E.

Operations & Maintenance Plan

Prepared by: WDG/Waterfield Design Group
Date: February 2019

cc: Town Departments
Applicant
Engineer
Abutters
Assessor