



Town of Groveland Planning Board

183 Main Street
Groveland, MA 01834

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

MEMORANDUM OF DECISION SITE PLAN APPROVAL AQUIFER PROTECTION DISTRICT SPECIAL PERMIT STORMWATER MANAGEMENT AND LAND DISTURBANCE PERMIT

PUBLIC HEARINGS: January 8, 2019, January 22, 2019, February 5, 2019
DATE OF DECISION: February 5, 2019

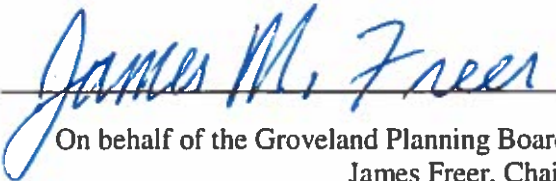
Petition of: 857 Salem Street Realty Trust
c/o Brad Ligols
16 Evergreen Lane
Groveland, MA 01834

Premises Affected: Nelson Street
Groveland, MA 01834
Assessors Map 47, Parcel 32A

TOWN OF GROVELAND
2019 FEB -6 PM 3:32
TOWN CLERK
RECEIVED/POSTED

Referring to the above petition for a Site Plan Approval filed pursuant to Section 13 of the Groveland Zoning Bylaw, Special Permit for Aquifer Protection Overlay District pursuant to Section 6.2 of the Groveland Zoning Bylaw and permit for Stormwater Management and Land Disturbance pursuant to Article 14 of the Town of Groveland General Bylaw to construct a self-storage facility consisting of two buildings at 4,620SF with associated parking and stormwater infrastructure (the "Project"), located at Nelson Street. The property is shown on Assessors Map 47, Parcel 32A located in the Industrial (I) Zoning District.

After a public hearing given on the above dates, and upon a motion by Lisa Chandler, seconded by Robert Danforth, the Planning Board APPROVES the application for a Site Plan Approval, Aquifer Protection District Special Permit and Stormwater Management and Land Disturbance Permit as amended with conditions. A vote of 5-0 was made in favor of the application.



On behalf of the Groveland Planning Board
James Freer, Chair
Walter Sorenson
Robert Arakelian
Lisa Chandler
Robert Danforth

The Planning Board herein APPROVES Site Plan Approval filed pursuant to Section 13 of the Groveland Zoning Bylaw, Special Permit for Aquifer Protection Overlay District pursuant to Section 6.2 of the Groveland Zoning Bylaw and permit for Stormwater Management and Land Disturbance pursuant to Article 14 of the Town of Groveland General Bylaw to construct a self-storage facility consisting of two buildings at 4,620SF with associated parking and stormwater infrastructure, located at Nelson Street. The property is shown on Assessors Map 47, Parcel 32A located in the Industrial (I) Zoning District.

The application was filed with the Planning Board on December 4, 2018 and timestamped in the Town Clerk's office on December 17, 2018. The Applicant submitted a complete application conforming to the requirements of the Zoning Bylaw, which application was noticed and reviewed in accordance with Section 13, Section 6.2 of the Groveland Zoning Bylaw and Article 14 of the Groveland General Bylaw. The public hearing on the above referenced application was opened on January 8, 2019 and closed on February 5, 2019. A quorum of Planning Board members was present.

The Planning Board makes the following findings as required by the Groveland Zoning Bylaws Section 13, Section 6.2 and Article 14 of the Groveland General Bylaw:

FINDINGS OF FACT

- 1) The proposed Project will not adversely impact the natural or built environment of the Town and the use is in harmony with the general purpose and intent of the Groveland Zoning Bylaw.
- 2) The proposed Project will not adversely impact the quality and quantity of drinking water for the residents, institution and businesses of the Town.
- 3) The proposed Project has been designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water-related natural characteristics of the site.
- 4) The proposed Project has been designed to reduce degradation of public health, land, surface and groundwater resources, drinking water supplies, recreation, and aquatic life and habitat by regulating the impacts of construction activities and post development stormwater runoff quantity and quality.
- 5) The proposed Project is the result of discussions with the Planning Board, Municipal Department Staff and outside consultants with respect to parking, site design, grading, landscaping and stormwater management. The resulting proposal limits impacts on neighboring residents and businesses.
- 6) The Building Commissioner, Sam Joslin, determined the lot is grandfathered based on the ANR endorsed on October 2, 2013 and is a legal non-conforming lot and would not be required to seek zoning relief for the dimensional requirements of the lot, specifically lot frontage and lot area. (See Zoning Determination Memo.)
- 7) On November 17, 2004 the Zoning Board of Appeal approved the Special Permit for the Self or Mini Storage Facility and deemed that the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The decision was recorded at the Southern Essex Registry of Deeds under BK37245 PG368.

- 8) As a condition of the Special Permit issued by the Zoning Board of Appeals, hours of operation are restricted to 6:30AM to 7:00PM Sunday through Saturday. The premise will remain closed on Thanksgiving Day and Christmas Day.
- 9) The Interim Fire Chief, Richard York, required a fire hydrant be located on the West Side of Nelson Street before the fence line. (See memo dated January 22, 2019.)
- 10) The Water and Sewer Superintendent, Thomas Cusick, requested that the Applicant install an 8" x 6" anchor tee with a 6" valve before the hydrant and finish with an 8" end cap after the tee, with all proper restraining/ blocking and testing to provide proper preparation for any expansion of water service in the future. (See email dated January 20, 2019.)
- 11) The Applicant is not proposing a water connection to the site at this time.
- 12) Section A §1910.141 Sanitation of CFR 29 requires a bathroom for employees with the exception for "normally unattended work locations". The Applicant has stated that the kiosk proposed is not normally attended and therefore a bathroom would not be required.
- 13) The lighting proposed for these buildings is downcast LED lights, not building mounted flood lights that are prohibited under Section 13.5.2.5.
- 14) Security measures, such as lighting, police access and surveillance cameras, have been discussed with the Chief of Police. (See Police Chief, Jeffrey Gillen, email dated January 9, 2019.)
- 15) The Applicant stated that there will be no dumpster on site. There will be a "Carry In, Carry Out" policy that is specified in each unit lease and noticed conspicuously on the premise.
- 16) Per the Groveland Zoning Bylaw, the Applicant is required to have ~~three (3)~~ ^{Six (6) or} parking spaces on site (1 per 2,000SF net floor area for the first 20,000 plus a minimum of one (1) parking space per employee). Additional parking spaces shown on the plan may be used for outdoor vehicle storage so long as it meets all applicable local and state requirements.

DECISION

After considering the required standards and factors set forth in Section 13, Section 6.2 of the Groveland Zoning Bylaws and Article 14 of the Groveland General Bylaw, the Planning Board finds that the requested Site Plan Approval, Aquifer Protection District Special Permit and Stormwater Management and Land Disturbance Permit may be granted because it does not adversely impact the natural or built environment of the Town and the use is in harmony with the general purpose and intent of the Groveland Zoning Bylaw and Groveland General Bylaw.

The Planning Board grants Site Plan Approval, Aquifer Protection District Special Permit and Stormwater Management and Land Disturbance Permit for the Project as shown on the Record Plans, subject to the following conditions:

DEFINITIONS

- The “Locus” or “Site” refers to the 0.926 acres of land with land fronting on Nelson Street as generally shown on Assessors Map 47, Parcel 32A, as more particularly depicted on the “Plans” as defined below.
- The “Plans” refer to the plans prepared by Jones & Beach Engineers, Inc., 85 Portsmouth Ave, PO Box 219 Stratham NH titled, “Industrial Building Proposed Storage Facility Tax Map 47, Lot 32A Nelson Street, Groveland, MA”, sheets 1-7, dated December 13, 2018, and revision date of January 31, 2019.
- The “Project” refers to the construction of a self-storage facility consisting of two buildings at 4,620SF with associated parking and stormwater infrastructure, located at Nelson Street. The property is shown on Assessors Map 47, Parcel 32A located in the Industrial (I) Zoning District.
- The “Applicant” refers to 857 Salem Street Realty Trust, c/o Brad Ligols., the applicant for the Approval, 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.

SPECIAL CONDITIONS

- 1) The roadway, utilities, and stormwater management infrastructure will be constructed according to the Plans, with requested waivers granted. With respect to waivers concerning development standards, the Planning Board makes a finding that the waived requirements will not impair the functioning, long-term maintenance, nor appearance of the future development of the land, will not result in an adverse impact on the areas adjacent to the land, and are consistent with the Board’s development objectives. These waivers consist of:
 - a. Section 9.3.8 – The minimum aisle width in all parking lots shall be 24 feet. Applicant requested 22 feet due to low traffic flow to and through the site, the desire to minimize the project disturbance and minimize the total impervious area. The Planning Board agreed.
 - b. Section 6.2.8.3 –All new stormwater shall be directed to oil, grease, and sediment traps prior to infiltration to the groundwater. Applicant requested a waiver for the porous paver sections due to the nature of the design and the prohibition on hazardous materials placed on the units under the Overlay District regulations and by the unit’s rental limitations. The Planning Board agreed.
- 2) Section A §1910.141 Sanitation of CFR 29 requires a bathroom for employees with the exception for “normally unattended work locations”. If the employee will have regularly scheduled office hours at this location a bathroom shall be required. The Applicant shall acquire the appropriate approvals for the construction of a septic system or connection to public sewer. Documentation of such shall be provided to the Planning Department.
- 3) If the Applicant proposes a water connection the Applicant shall receive the appropriate approvals from the Groveland Water and Sewer Commission. Documentation of such shall be provided to the Planning Department.
- 4) A Knox box Key box shall be provided for Fire Department use. The box shall be located at the discretion of the Fire Chief and include keys for the fence gate and both buildings.

- 5) The Applicant shall provide for the long-term maintenance of the proposed stormwater infrastructure. A copy of the Operation and Maintenance Plan and Stormwater Prevention Pollution Plan (SWPP) shall be provided to the Planning Department.

PRIOR TO ANY SITE WORK & ISSUANCE OF A BUILDING PERMIT

- 1) The Memorandum of Decision must be recorded at the Southern Essex Registry of Deeds. Two (2) copies of the signed and recorded Memorandum of Decision must be delivered to the Planning Department.
- 2) A Performance Guarantee bond in the amount of \$40,000 shall be posted for the purposes of ensuring that the site is constructed in accordance with the approved plans and that a formal as-built plan is provided.
- 3) The Applicant shall obtain approval from the Groveland Water and Sewer Commission for the hydrant connection. Documentation shall be provided to the Planning Department.
- 4) The Applicant shall provide a copy of the temporary construction easement for construction of the proposed 15-foot retaining wall to the Planning Department. Or the Applicant shall provide a certified plan detailing the construction materials that will be used demonstrating that there will be no impact to the abutting property.
- 5) A construction schedule shall be submitted to the Planning Department for the purposes of tracking the construction and informing the public of anticipated activities on-site.
- 6) A pre-construction site meeting shall be held with the Applicant, contractor, Planning Department representative, Building Commissioner and construction monitor.
- 7) The Peer Review Engineer will perform construction monitoring. The monitor will oversee the construction to ensure that the site is built according to plan. The monitor shall make inspections of the project and file monthly reports to the Planning Department throughout the duration of the project. The frequency of inspections may be adjusted in coordination with the Town Planner based on the construction phase and weather conditions. The reports shall detail areas of non-compliance with the approved Plans, and any corrective-actions taken. Specifically, the Applicant shall notify the Planning Department at least two (2) working days before each of the following event:
 - a. 14.10.2.1 Erosion and sediment control measures are in place and stabilized, and site clearing limits are clearly marked in the field.
 - b. 14.10.2.2 Site Clearing has been substantially completed
 - c. 14.10.2.3 Rough Grading has been substantially completed
 - d. 14.10.2.4 Final Grading has been substantially completed
 - e. 14.10.2.5 Close of the Construction Season; stabilization of the site.
 - f. 14.10.2.6 Final Landscaping (permanent stabilization) and project final completion.
- 8) Per Section 14.10.3, the monitor shall make weekly inspections of the project, provide monthly reports to the Planning Department, and detail any areas of non-compliance and corrective actions. The monitor will also provide reports following heavy rain events (storm events greater than 0.5 inches).

DURING CONSTRUCTION

- 1) The construction contractor shall employ all available best-management-practices for the control of dust, including but not limited to watering, planting, stabilization, track-out shaker plates, and/or stockpile coverings.
- 2) Catch basins shall be adequately protected and maintained to prevent siltation into drainage structures.
- 3) Any laydown areas must be shown on a plan and reviewed by the Planning Department. Stockpiles must be appropriately stabilized and/or covered.
- 4) It shall be the responsibility of the Applicant 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. Discovery of off-site erosion will be a basis for the Planning Board to make a finding that the project is not in compliance with the approved Plans. In the event off-site erosion is discovered as a result of construction activity, the Planning Board shall give the applicant written notice of any such finding with three (3) days to provide evidence of corrective-action.
- 5) In an effort to reduce noise levels, the Applicant or contractor shall keep in optimum working order, through regular maintenance, any and all equipment that shall emanate sounds from the structures or site

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

- 1) The Applicant must submit a letter from the architect and engineer of the project stating that the landscaping and site layout substantially complies with the Plans referenced in this Memorandum of Decision as endorsed by the Planning Board. Alternatively, the applicant 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 use of the building.
- 2) The Planning Board will review the site; any screening as may be reasonably required by the Planning Board will be added at the Project Owner's expense.

PRIOR TO THE RELEASE OF ALL SECURITY AND ESCROWED FUNDS

- 1) The Applicant shall submit an as-built plan stamped by a Registered Professional Engineer in Massachusetts that shows all construction, site design, including stormwater structures and other pertinent site features. One paper copy and one electronic copy (PDF) shall be submitted to the Town Planner. If over 1 year has elapsed from the issuance of the Certificate of Occupancy, the Applicant must submit a second letter from the architect and engineer verifying that the landscaping and site layout substantially complies with the Plans referenced in this Memorandum of Decision as endorsed by the Planning Board.
- 2) The Planning Board must, by a majority vote, make a finding that the site is in conformance with the approved plan.

GENERAL CONDITIONS

- 1) Subject to the Conditions contained herein, the Project shall be substantially constructed in accordance with the Record Plans, which are on file with the Planning Board.
- 2) Any action taken by a Town Board, Commission or Department which requires changes in the plan or design of the buildings, as presented to the Planning Board, may be subject to modification by the Planning Board.
- 3) If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications to the Planning Board. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for site plan approval, aquifer protection district special permit and stormwater management and land disturbance permit shall be required by the Planning Board; provided, however, that the Planning Board may determine that a proposed modification is insubstantial and approve the same without the need for any further Planning Board approval or hearing. Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.
- 4) The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- 5) Gas, telephone, cable and electric utilities shall be installed underground as specified by the respective utility companies.
- 6) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
- 7) Exterior construction of the Project shall not commence on any weekday before 7:00AM and shall not continue beyond 6:00PM except for emergency repairs. Exterior construction shall not commence on Saturday before 8AM shall not continue beyond 5PM with the same exceptions. The Building Commissioner may allow longer hours of construction in special circumstances, provided that such activity normally is requested in writing by the Applicant except for emergency circumstances, where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of construction operation shall be enforced by the Police Department.
- 8) This Site Plan Approval shall be deemed to have lapsed after **February 5, 2020** (one year from the date granted), exclusive of the time required to pursue or await determination of any appeals, unless substantial use or construction has commenced within said one-year period or for good cause as determined by the Planning Board.
- 9) This Aquifer Protection District Special Permit shall be deemed to have lapsed after **February 5, 2023** (three years from the date granted) exclusive of the time required to pursue or await determination of any appeals, unless substantial use or construction has commenced within said three-year period or for good cause as determined by the Planning Board.
- 10) This Stormwater Management and Land Disturbance Permit shall be deemed to have lapsed after **February 5, 2023** (three years from the date granted), exclusive of the time required to pursue or await determination of any appeals, unless substantial use or construction has commenced within said three-year period or for good cause as determined by the Planning Board.

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

12) The following information shall be deemed part of the decision:

Plan titled: "Industrial Building Proposed Storage Facility Tax Map 47, Lot 32A Nelson Street"
Prepared for: 857 Salem Street Realty Trust, c/o Brad Ligols
16 Evergreen Lane Groveland, MA 01834
Prepared by: Jones & Beach Engineers, Inc., 85 Portsmouth Ave, PO Box 219 Stratham NH
Scale: 1" = 20'
Date: December 13, 2018 and revised to January 31, 2019
Sheets: 1-7

Report titled: Drainage Analysis Erosion and Sediment Control Plan Proposed Storage Facility
Tax Map 47, Lot 32A Nelson Street Groveland, MA
Prepared for: 857 Salem Street Realty Trust, c/o Brad Ligols
16 Evergreen Lane Groveland, MA 01834
Prepared by: Jones & Beach Engineers, Inc., 85 Portsmouth Ave, PO Box 219 Stratham NH
Date: December 13, 2018 and revised to February 5, 2019

cc:
Town Departments
Applicant
Abutters

TOWN OF GROVELAND
Notice of Appeal or Not
for Decision Made by Groveland Planning Board



Office of the Town Clerk
183 Main Street
Groveland, Mass
Tel-469-5005
Anne Brodie

I hereby copy of a decision of the Groveland Planning Board of the TOWN OF GROVELAND related to the application of:

Brad Ugols

Applicant's Name

Nelson St

Applicant's Street Address

File Number

Was filed in this office on: Feb 4, 2019 and that no notice of appeal was filed.

Attest:

Anne Brodie
Anne Brodie

Date: _____