



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 19, 2019,
March 5, 2019, March 26, 2019
DATE OF DECISION: March 26, 2019

Petition of: Thomas Zarrella
2 Orchard Lane
Gloucester, MA 01930

Premises Affected: 180R Center Street
Groveland, MA 01834
Assessors Map 41, Parcel 41

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 new access driveway, barn addition with a new caretaker's residence, new stables and septic system (the "Project"), located at 180R Center Street. The property is shown on Assessors Map 41, Parcel 41 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 Arakelian, 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 3-0 was made in favor of the application.

On behalf of the Groveland Planning Board
Walter Sorenson, Vice Chair
Robert Arakelian
Lisa Chandler

TOWN CLERK
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TOWN OF GROVELAND

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 new access driveway, barn addition with a new caretaker's residence, new stables and septic system, located at 180R Center Street. The property is shown on Assessors Map 41, Parcel 41 located in the Industrial (I) Zoning District.

The application was filed with the Planning Board on December 19, 2018. A continuance was requested and granted by the Planning Board on January 22, 2019 providing additional time to hear the application. 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 March 26, 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 Peer Review Engineer, TEC, provided a final comment letter dated March 8, 2019. (See letter from Peter Ellison, Project Engineer.)
- 7) The current and proposed use of the property fall within the agricultural use exception established by M.G.L. c. 40A, § 3. Under the Town of Groveland Zoning By-Laws, agricultural uses exempt under § 3 are permitted as of right within the Industrial District. (See Town Building Commissioner, Sam Joslin, memo.)

- 8) The Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife finds that the project, as currently proposed, must be conditioned in order to avoid a prohibited Take of state-listed species (321 CMR 10.18(2)(a)). To avoid a prohibited Take of state-listed species, the following conditions must be met: The Applicant shall submit a Wood Turtle Protection Plan. Said Protection Plan must be approved in writing by the Division prior to the start of Work, and; all erosion and sedimentation controls shall be removed and properly disposed of after the project is completed and as soon as surrounding areas are stabilized. Provided the conditions are fully implemented and there are no changes to the project plans, this project will not result in a Take of state-listed species. (See letter from Thomas W. French, Assistance Director with the Division of Fisheries & Wildlife, dated December 20, 2018.)
- 9) The Applicant filed a Notice of Intent (NOI) with the Groveland Conservation Commission and was issued an approval on February 20, 2019.
- 10) The project requires a new sprinkler system for the new barn addition and the existing barn. It was determined that the new sprinkler system can extend from the new barn addition through the riding ring to the stables and caretakers' residence. The layout and details will be shown on the final Architectural Plans and Mechanical, Electrical and Plumbing (MEP) Plans.
- 11) A fire flow test will be performed on the existing water main in Center Street. Prior to construction the Applicant will also excavate and expose the existing water main in Center Street to determine its condition.
- 12) The Design Team will coordinate with the Groveland Municipal Light Department prior to finalizing the MEP Plans to determine whether a transformer will be required.
- 13) Per the Groveland Zoning Bylaw Section 9.1.2 Table of Off Street Parking Requirements, the Planning Board finds that 21 parking spaces will be required. The parking is based on the maximum number of employees and students that will be at the facility at any given time. Throughout the day there will be a total of 18 students and employees. Most of the employees conduct work in the daytime and leave the facility in the afternoon. The students will come to the site throughout the day. There will be two full-time trainers on site. One of the trainers will be living in the caretaker's residence. At least one parking space must be designated handicapped parking and van accessible.
- 14) Per the Groveland Zoning Bylaw under the Aquifer Protection District Section 6.7.7.2 c), storage of animal manure is prohibited unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service.
- 15) The proposed dumpster pad is self-contained. The dumpster pad layout allows for safe disposal of the stable waste while minimizing any waste from spilling over the sides of the dumpster. The design 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 19.1 acres of land with land fronting on Center Street as generally shown on Assessors Map 41, Parcel 41, as more particularly depicted on the “Plans” as defined below.
- The “Plans” refer to the plans prepared ASB Design Group, LLC., 363 Boston Street, Route 1, Topsfield, MA titled, “Site Plan Review & Notice of Intent Plans 180R Center Street, Groveland, MA”, sheets 1-15, dated December 10, 2018, and revision date of March 3, 2019.
- The “Project” refers to the construction of a new access driveway, barn addition with a new caretaker’s residence, new stables and septic system, located at 180R Center Street. The property is shown on Assessors Map 41, Parcel 41 located in the Industrial (I) Zoning District.
- The “Applicant” refers to Thomas Zarrella, 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 driveway, 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 9.3.1 – While it is understood via the report that parking spaces will not be painted, the plans should show the proper dimensional requirements of 9’ wide by 20’ long for off street parking spaces. The proposed layout is attempting to minimize the grading impacts to the buffer zone. Due to the low volume of traffic 9’x18’ parking stalls are adequate. The Planning Board agreed.
 - b. Section 9.3.6 – Proposed parking along the eastern property line is shown approximately 3’ from the property line. A 10-foot minimum buffer is required between parking and side, or rear lot lines. The parking exists in this location today, and the Applicant will improve the buffer by installed evergreen plantings. The Planning Board agreed.

PRIOR TO ANY SITE WORK

- 1) The Memorandum of Decision must be recorded at the Southern Essex Registry of Deeds. One (1) copy of the signed and recorded Memorandum of Decision must be delivered to the Planning Department.

- 2) The approved Site Plan must be recorded at the Southern Essex Registry of Deeds. A copy of the recorded Plan must be provided to the Planning Department.
- 3) A copy of the Order of Conditions, recorded at the Registry of Deeds must be provided to the Planning Department.
- 4) A copy of the approved Wood Turtle Protection Plan must be provided to the Planning Department.
- 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 Performance Guarantee bond in the amount of \$200,000 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.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

- 7) Approval from the Water and Sewer Commission for the water connection. A copy of the approval must be provided to the Planning Department.
- 8) Approval from the Municipal Light Department concerning the transformer. A copy of the approval must be provided to the Planning Department.
- 9) Approval of the Septic System Design by the Board of Health. A copy of the approval must be provided to the Planning Department.
- 10) A pre-construction site meeting shall be held with the Applicant, contractor, Town Planner, Conservation Agent, Water and Sewer Superintendent, Building Commissioner and construction monitor.
- 11) The Peer Review Engineer will perform construction monitoring; the Applicant is responsible for the reasonable cost of said services. The monitor will oversee the construction to ensure that the site is built according to plan. The monitor shall make weekly 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 events:
 - 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.

- 12) Per Section 14.10.3, 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 one (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) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
- 6) 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.
- 7) This Site Plan Approval shall be deemed to have lapsed after **March 26, 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.
- 8) This Aquifer Protection District Special Permit shall be deemed to have lapsed after **March 26, 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.
- 9) This Stormwater Management and Land Disturbance Permit shall be deemed to have lapsed after **March 26, 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) 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.

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

Plan titled: "Site Plan Review & Notice of Intent Plans 180R Center Street, Groveland, MA"
Prepared for: Thomas Zarrella, 2 Orchard Road Gloucester, MA 01930
Prepared by: ASB Design Group, LLC., 363 Boston Street, Route 1, Topsfield, MA
Scale: 1" = 40'
Date: December 10, 2018 and revised to March 3, 2019
Sheets: 1-15

Report: Project Data/Report Accompanying Site Plan Review and Notice of Intent Blue Standard Show Stables
Prepared for: Thomas Zarrella 2 Orchard Road Gloucester, MA 01930
Prepared by: ASB Design Group, LLC., 363 Boston Street, Route 1, Topsfield, MA
Date: December 2018 and revised to March 18, 2019

cc:

Town Departments
Applicant
Abutters