

Town of Groveland
Planning Board
183 Main Street
Groveland, MA 01834



Robert Danforth, Chair
Walter Sorenson, Jr.
Jim Bogiages
Brad Ligols, Associate Member

TOWN OF GROVELAND
2020 OCT -8 PM 2:14
TOWN CLERK
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NOTICE OF DECISION
SITE PLAN APPROVAL
STORMWATER MANAGEMENT & LAND DISTURBANCE

PROPERTY: 895 SALEM STREET
ASSESSORS MAP 48 PARCEL 30

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

PETITIONER: 895 Salem Street Realty Trust, LLC. c/o Robert Baldini & Stephen Daniels **DATE:** October 6, 2020

ADDRESS: 895 Salem Street Groveland, MA 01834 **MEETING:** September 15, 2020

YOU ARE HEREBY notified of the Decision of the Planning Board on the application made by 895 Salem Street Realty Trust, LLC. (the "Applicant") for property located at 895 Salem Street Groveland Massachusetts, Assessor's Map 48 Parcel 30 in Groveland, MA, located in the Industrial (I) District (the "Property").

As set forth in the application filed with the Board and testimony, the Applicant sought Site Plan Approval and Stormwater Management and Land Disturbance Permit to construct two 2-story 3,960 SF buildings with 28 parking spaces and one driveway entrance on a 10.9-acre parcel.

The application was filed on June 30, 2020. The Applicant requested an extension on the time to open a public hearing to September 30, 2020. The extension was timestamped with the Town Clerk on July 7, 2020. The hearing was advertised in the Lawrence Eagle-Tribune on August 31, 2020 and September 7, 2020. All abutters were notified via Certified Mail Return Receipt. The Groveland Planning Board held public hearings remotely via Zoom video conference on Tuesday, September 15, 2020 at 7PM. The public hearing was closed on September 15, 2020. Remote meetings were held due to Governor Baker's Executive Order of March 12, 2020, and current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus." In order to mitigate the transmission of the COVID-19 Virus, municipalities have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location.

The following members were present: Robert Danforth, Walter Sorenson, Jim Bogiages and Brad Ligols.

FINDINGS OF FACT

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.

The proposed Project will ensure adequate parking, safe and accessible pedestrian and vehicular circulation and minimize traffic impact.

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.

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.

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.

The approved use of both buildings is Business Offices, an allowed use under Table 4.5 in the Groveland Zoning Bylaw. The Applicant will have some part storage and vehicle parking but the Building Commissioner has determined that both buildings main function is office operations. (See email from Sam Joslin dated September 8, 2020.)

The Applicant filed a Request for Determination of Applicability with the Groveland Conservation Commission. The Commission decided and voted that a Negative Determination is applicable. (See letter from the Conservation Commission dated January 9, 2020.) Any work that is within the 100' of the delineated resource area will require filing of a Notice of Intent.

The Peer Review Engineer, TEC, provided final comments dated September 15, 2020. (See email from Peter Ellison, Project Engineer.)

According to Groveland Zoning Bylaw 6.2.7.1 (g), earth removal is prohibited within aquifer protection overlay district zone II. The Site Plans show areas of significant cutting in order to construct a level building pad. A cut/fill analysis was required to confirm no material export will be required. The earthwork analysis showed that the site work will result in a 9,500 cubic yard export of material from the site. The Applicant has indicated that it would be feasible to re-locate this material onsite, however this work would require significant clearing of mature trees. The Board finds that the earthwork is incidental to the site work and not an intended "use". The Board does not believe that cutting additional trees in order to accommodate the balanced site is the intent of the regulation.

The Applicant has provided documentation showing that the proposed driveway access meets minimum standards for sight distance and safe access/egress.

The Fire Department has reviewed the project and verified adequate access around the proposed buildings has been provided and that the proposed hydrant location is adequate for this development. (See email dated September 15, 2020 from Chief Robert Valentine.)

The Groveland Water and Sewer Commission has reviewed the project and the design will include an 8" Ductile Iron Pipe run into the property along with an 8" gate valve on Salem Street will be required in order to shut down water to the property in case of an emergency or maintenance. Also, a 6" gate valve is required at the hydrant. The hydrant shall be a Clow Medallion. (See email dated September 9, 2020 from Colin Stokes, Water and Sewer Superintendent.) The Water and Sewer Commission will also require that a licensed drainlayer perform the water work and inspections when tying into the water main, as well as when the chlorination and pressure test are performed.

The Groveland Municipal Light Department has reviewed the project and approves of the proposed design. (See email dated July 15, 2020 from Kevin Snow, General Manager.)

For the reasons set forth above, the Board finds that the project as proposed is in compliance with the Town of Groveland Zoning Bylaw and General Bylaw.

DECISION

After the meeting on the above dates, and upon a motion by Brad Ligols, seconded by Walter Sorenson, the Planning Board APPROVES the application for Site Plan Approval and Stormwater Management and Land Disturbance permit with conditions. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Motion approved.

The site, 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, in accordance with Section 9.5.6 of the Groveland Zoning Bylaw, that the waived requirements will not be detrimental to the neighborhood or the town; the conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property; because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and the relief sought will not in any manner vary the provisions of the Zoning Bylaw.

- Per Table 9.1.2 of the Groveland Zoning Bylaw, a total of 61 parking spaces are required. The site plan proposes a total of 46 spaces.

After the meeting on the above dates, and upon a motion by Brad Ligols, seconded by Walter Soresnson, the Planning Board APPROVES the reduction in the parking requirements as noted in the zoning bylaw and make a condition in the Memorandum of Decision noting the waiver from the requirements in relation to the proposed uses and to be subject to Board review if there are any expansions and/or changes made for the proposed use and future uses. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Motion approved.

SPECIAL CONDITIONS

- 1) The Town Planner shall enforce all conditions in this Memorandum of Decision on behalf of the Planning Board.
- 2) 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.
- 3) Any change or expansion in use and any additional tenants shall require the Owner to present a proposal to the Planning Board to determine if the modifications require further Site Plan Approval and to provide proof that adequate parking is on site. If the required parking is not provided and additional parking is needed, the Owner shall file for a Parking Reduction Special Permit as stated in Section 9 of the Groveland Zoning Bylaw.
- 4) The sign shall be approved by the Building Commissioner as required under Section 11 of the Groveland Zoning Bylaw. A copy of the approved design and dimensions shall be provided to the Planning Department. The sign shall not be illuminated from 11PM to 7AM as required under Section 11.4.12.

- 5) The project site is located in Zone 2 of the Aquifer Protection Overlay District. All items listed under Section 6.2.1 are prohibited. Specifically, please note the following sections:
- d) petroleum, fuel oils, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC Codes are established by the US Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual, and other subsequent amendments;
 - e) storage of liquid hazardous materials, as defined in G.L. c.21 E, and liquid petroleum products, unless such storage is:
 - 1) above ground or floor level; and
 - 2) on an impervious surface; and
 - 3) either in container(s) or above ground container(s) within a building or outdoors in covered container(s) or above ground tank(s) in an area that has a covered containment system designed to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest containers storage capacity, whichever is greater.
 - f) storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of
 - h) discharge via floor drain(s), with or without pretreatment (such as an oil/water separator), to the ground, a leaching structure, or septic system, in any industrial or commercial facility if such floor drain is located in either:
 - 1) an industrial or commercial process area; or
 - 2) a petroleum, toxic, or hazardous materials and/or waste storage area.
 - j) storage of commercial fertilizers, as defined in G.L. c. 128, §64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

PRIOR TO ANY SITE WORK & ISSUANCE OF A BUILDING PERMIT

- 6) 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.
- 7) A Performance Guarantee bond in the amount of \$50,000 shall be posted for the purposes of ensuring that the site is constructed in accordance with the approved plans, including land restoration, and that a formal as-built plan is provided.
- 8) The Applicant shall obtain approval from the Groveland Board of Health for the proposed septic design. Documentation shall be provided to the Planning Department.
- 9) 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.

- 10) A pre-construction site meeting shall be held with the Applicant, contractor, Town Planner, Building Commissioner, Conservation Agent, Water and Sewer Superintendent, Fire Chief, Groveland Municipal Light General Manager, Highway Superintendent and construction monitor.
- 11) 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.
- 12) 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

- 13) 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.
- 14) Catch basins shall be adequately protected and maintained to prevent siltation into drainage structures.
- 15) Any laydown areas must be shown on a plan and reviewed by the Planning Department. Stockpiles must be appropriately stabilized and/or covered.
- 16) 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 within 48 hours to provide evidence of corrective-action.

- 17) 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

- 18) 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.
- 19) 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

- 20) 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.
- 21) The Planning Board must, by a majority vote, make a finding that the site is in conformance with the approved plan.

GENERAL CONDITIONS

- 22) 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.
- 23) 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.
- 24) 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.

- 25) The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- 26) Gas, telephone, cable and electric utilities shall be installed underground as specified by the respective utility companies.
- 27) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
- 28) 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.
- 29) This Site Plan Approval shall be deemed to have lapsed after October 6, 2021 (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.
- 30) This Stormwater Management and Land Disturbance Permit shall be deemed to have lapsed after October 6, 2024 (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.
- 31) 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.
- 32) The following information shall be deemed part of the decision:

Plan titled: Site Plan Set for Business Office Development 895 Salem Street Groveland, MA 01834
Prepared for: 895 Salem Street Realty Trust, 895 Salem Street Groveland, MA 01834
Prepared by: Civil Design Group, LLC, 21 High Street, North Andover, MA
Scale: 1" = 40'
Date: June 5, 2020 and revised to August 31, 2020
Sheet: 1, 2.1-2.4, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, E-0.1

Plan titled: Proposed Office Development 895 Salem Street Groveland, MA 01834
Prepared for: 895 Salem Street Realty Trust, 895 Salem Street Groveland, MA 01834
Prepared by: Civil Design Group, LLC, 21 High Street, North Andover, MA
Scale: 1" = 40'

Date: August 31, 2020
Sheet: Earthwork Plan, CF-1

Report: Stormwater management Report for 895 Salem Street Groveland, MA
Prepared for: 895 Salem Street Realty Trust
Prepared by: Civil Design Group, LLC.
Date: June 2020
Report: Cut and Fill Analysis
Prepared for: 895 Salem Street Realty Trust
Prepared by: Civil Design Group, LLC.
Date: August 31, 2020

The Planning Board APPROVES the application for Site Plan Approval and Stormwater Management and Land Disturbance.

PLANNING BOARD

Approved on October 6, 2020.


Robert Danforth, Chair

Walter Sorenson


Jim Bogardus


Brad Ligols, Associate Member

cc:

Town Departments
Applicant
Abutters

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