

GROVELAND PLANNING BOARD

FINDINGS AND DECISION

APPLICATION FOR SITE PLAN APPROVAL

Applicant: ANFEH, LLC

Subject Property: 929-931 Salem Street, Groveland, MA
Assessor's Maps 49, Lot 04

Date: April 7, 2017

PROCEDURAL HISTORY

1. ANFEH, LLC (hereinafter referred to as the "Applicant") has proposed to demolish an existing auto body shop building and two family building; perform site grading; construction of a new 7,550 square foot building which will include convenience store, and a car repair/auto body shop; installation of four automobile fuel dispensing pumps with canopies and two above ground double wall fiberglass fuel storage tanks with a total capacity of 20,000 gallons; and associated drainage, utilities and landscaping improvements (the "Project") on the Subject Property. The Subject Property is located in the Industrial district (C).
2. A public hearing was duly advertised and held on November 15, 2016. After hearing and consideration of the testimony and evidence of all parties present, and upon due consideration of the Groveland Zoning By-Laws, the Planning Board hereby approves the submitted site plan approval permit application with the following conditions/restrictions.
3. This decision is rendered on April 7, 2017, subsequent to opening the public hearing on November 15, 2016 (with continued hearings held on February 21, 2017 and closed March 21, 2017).
4. The approval of the Site Plan was voted unanimous, with the conditions enumerated in this decision, Voted 4 - 0 by the four members present.
5. The following documents and exhibits were received during the public hearing and are hereby incorporated by reference in this decision.
 - Site plan application prepared by Choubah Engineering Group, P.C. of North Dartmouth, Massachusetts, prepared for ANFEH, LLC, dated September 9, 2016

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TOWN CLERK
RECEIVED/POSTED

- Plans entitled “Proposed Automobile Service Station and C-Store, 929-931 Salem St., Groveland, MA 01834” prepared by Choubah Engineering Group, P.C. of North Dartmouth, Massachusetts, prepared for ANFEH, LLC, dated September 9, 2016, last revised March 1, 2017 (hereinafter referred to as the “Record Plans”).
- Report titled “Development Impact Statement for Proposed Automotive Service & Convenience Store at 929-931 Salem Street, Groveland, Massachusetts” prepared by Choubah Engineering Group, P.C. of North Dartmouth, Massachusetts, prepared for ANFEH, LLC, dated September 6, 2016.
- Report titled “Stormwater Calculation & Maintenance Plan For Proposed Automotive Service with Auto Repairs & Convenience Store At 929-931 Salem Street, Groveland, MA 01834” prepared by Choubah Engineering Group, P.C. of North Dartmouth, Massachusetts, prepared for ANFEH, LLC, dated September 6, 2016, last revised January 10, 2017.
- Response letter prepared by Choubah Engineering Group, P.C. dated January 11, 2017, February 3, 2017 and March 1, 2017.
- Comment letter from Groveland Conservation Commission dated February 16, 2017.
- Peer Review letters from GZA GeoEnvironmental, Inc. dated December 14, 2016, January 26, 2017, February 14, 2017, March 7, 2017 and March 18, 2017.
- Verbal comments during hearings by Joe D’Amore of Cherry Tree Lane, Groveland and Larry Kelly of Salem Street (abutter), Groveland.

6. The plans and other submission materials were reviewed by the Planning Board; it's consulting engineer, GZA GeoEnvironmental, Inc. (GZA). Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearings.

FINDINGS OF FACT:

1. The Board makes the following findings with regard to the Projects compliance with the Site Plan Review standards:
 - a. The Project includes the installation of landscaping to provide a sound buffer and to protect the views of the adjacent residential properties. The project will not alter stormwater drainage patterns or increase flows to the adjacent properties. No new buildings are proposed near residential properties that would create or alter light or shade impacts.
 - b. The Project will establish parking areas and access ways within the site which will improve the convenience and safety of vehicular and pedestrian movement. Handicap parking will be provided as required by ADA and Massachusetts AAB regulations. The

proposed building will be handicap accessible.

- c. The Project will establish parking areas and access ways within the site which will provide adequate access to the fueling pumps, auto repair shop and the convenience store. The access ways provide adequate access for fuel trucks delivering fuel to the site. The proposed uses will generate minimal traffic and the number of proposed parking spaces exceeds the minimum required by the zoning by-law.
- d. Dumpster is provided for the refuse and waste generated by the site uses.
- e. The proposed improvements are located outside of the 100-foot from the vegetated wetlands. The proposed building and stormwater drainage is an improvement over the existing. Stormwater runoff will be treated in accordance with the Massachusetts Department of Environmental Protection regulations and stormwater standards. A 2,000 gallon tight tank is provided to collect drainage from the interior bays of the car repair/auto body shop. The proposed uses should have no impact community assets in the area
- f. The proposed uses will not cause a significant impact in water demand and should not impact the Town's water supply and distribution system. Sanitary sewage generated by the site uses will be treated and disposed by a Title V system. The project will generate minimal traffic. The project does not involve housing and will not impact the school system.

DECISION:

After considering the required standard and factors set forth in Sections 108 of the Groveland Zoning By-laws, the Planning Board finds that the requested site plan approval may be granted because the adverse effects of the proposed Project will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the Subject Property, and of the proposed Project in relation to the Subject Property.

The Planning Board grants the site plan approval for the Project as shown on the Record Plans, subject to the following conditions:

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. 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 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.

3. The Applicant has proposed, and the Board hereby requires, unless the Town otherwise acts or as otherwise provided in this Decision, that the following aspects of the Project shall be private, and that the Town shall not have any legal responsibility for the operation, maintenance, repair or replacement of the same to the extent such features are located on the Subject Property. Accordingly, the Applicant shall at all times maintain in a timely manner responsibility for the following services:

- All roadways and parking areas
- Stormwater management facilities, including infiltration basins
- Snow plowing
- Landscaping
- Trash removal
- Site lighting
- Building repair and maintenance
- Water services as well as all above ground and inground structures and piping related thereto
- All above ground or underground electrical conduits and piping (provided that nothing herein is intended to prohibit the ownership of the same by an appropriate utility company)

4. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.

5. All invoices generated by the Board's peer reviewers during the Application stage shall be paid within twenty days of the filing of this decision with the Town Clerk, whether this Decision is appealed or not. No post-permit reviews of documents or plans shall be conducted until such invoices have been paid in full. No building permit or certificate of occupancy shall be issued until such invoices have been paid in full.

6. No temporary or final certificate of occupancy for any building or phase of the Project shall be issued until the infrastructure, common facilities, common improvements and landscaping specified in this Decision and set forth on the Record Plans are constructed and installed as shown on the Record Plans.

7. Following construction of the Project, the Applicant shall provide an "as-built" site plan to the Planning Board, the Building Department and the Board of Assessors prior to the issuance of the final certificate of occupancy for buildings in the Project in accordance with applicable

regulations. These plans shall also be submitted in electronic format.

8. Prior to construction two additional test pits should be provided to the Planning Board, which are to be located within the limits of the infiltration basin, to confirm the subsurface soils and the seasonal high groundwater elevation. Should the infiltration rate or seasonal high groundwater elevation differ from the design values then the infiltration shall be redesigned.

Conditions Pertaining to the Construction Phase of the Project

9. During construction of the Project, the Applicant shall conform to all local, state and federal laws regarding noise, vibration, dust and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction of the Project shall not commence on any weekday before 7:00 a.m. and shall not continue beyond 6:00 p.m. except for certain operations such as concrete finishing and emergency repairs. Exterior construction shall not commence on Saturday before 8:00 a.m. and shall not continue beyond 5:00 p.m. 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.

10. After the completion of soil excavation for the infiltration basin, heavy vehicles shall not be operated within the limits of the basin to avoid over compaction of the soils.

11. The Applicant shall promptly pay the reasonable fees of the Board's consulting engineers and legal counsel for review of the plans or documents described herein or for inspections required by this Decision during the construction phase. The results of any inspections shall be provided to the Board in written format. The Board shall require the establishment of an escrow account to assure such payment pursuant to G.L. c.44, s. 53G, subject to replenishment. All work shall be subject to an agreed upon scope of services in advance specifying a "not to exceed" amount. Such amount shall not be exceeded without the Applicant's consent, which shall not be unreasonably withheld.

12. The Board or its agents may enter onto and view and inspect the Subject Property during regular business hours to ensure compliance with the terms of this Decision, subject to applicable safety requirements as established by the Applicant or its contractor, including signing in at the construction field office trailer.

13. Proposed dumpster should be screened.

RECORD OF VOTE

The following members of the Planning Board vote to approve the Project, grant the requested special permit for the Project and to grant site plan approval for the Project, subject to the above-stated conditions:

James M. Freer
James Freer, (Chair) Member

James M. Freer
W. L. Sorenson

W. L. Sorenson
Walter Sorenson, Member

Lisa Chandler
Lisa Chandler, Member

Lisa Chandler

Robert P. Arakelian
Robert Arakelian, Member

Robert P. Arakelian

Date: April 10, 2017

The following members of the Planning Board are in opposition to the grant of the requested permits for the Project and the grant of site plan approval for the Project:

None

Any person aggrieved by this decision shall be entitled to appeal therefrom to a court of competent jurisdiction within twenty (20) days following the Planning Board's filing of this decision with the Town Clerk pursuant to General Laws, Chapter 40A, Section 17.

Date: April 10, 2017

Filed with the Town Clerk of Groveland

Axne Brodie
Town Clerk

Copy of Decision Mailed to:
Fadi Issa

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:

ANFEH LLC (FADI)
Applicant's Name

924-931 Salm ST
Applicant's Street Address

File Number

Was filed in this office on: April 10, 2017 and that no notice of appeal was filed.

Attest: Anne Brodie
Anne Brodie

Date: MAY 15, 2017