



Town of Groveland
Economic Development
Planning & Conservation Department
Planning Board
 183 Main Street
 Groveland, MA 01834

Brad Ligols, Chair
Walter Sorenson, Vice Chair
Jim Bogiages
John Stokes III
DJ McNulty
Chris Goodwin, Associate Member
Jason Naves, Associate Member

MEMORANDUM OF DECISION
SITE PLAN REVIEW APPROVAL
AQUIFER PROTECTION OVERLAY
SPECIAL PERMIT
STORMWATER MANAGEMENT & LAND DISTURBANCE
SPECIAL PERMIT

TOWN OF GROVELAND
 RECEIVED/POSTED
 TOWN CLERK
 MAY 10 AM 9:54

PROPERTY: 833 SALEM STREET
ASSESSORS MAP 47 LOT 34 & 32A

APPLICANT: 833 Salem Street Groveland **DATE:** May 9, 2023
 Self-Storage, LLC
 16 Evergreen Lane
 Groveland, MA

ADDRESS: 833 Salem Street **MEETING:** February 21, 2023, March
 Groveland MA 01834 7, 2023, April 4, 2023

YOU ARE HEREBY notified of the Decision of the Planning Board on the application made by 833 Salem Street Groveland Self-Storage, LLC (the "Applicant") for property located at 833 Salem Street, Groveland, Massachusetts, Assessor's Map 47 Lot 34 & 32A, 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 Review approval, an Aquifer Protection Overlay Special Permit, and a Stormwater Management & Land Disturbance Special Permit to construct and operate a self-storage facility.

The application was filed on January 11, 2023. The hearing was advertised in the Lawrence Eagle-Tribune on January 25, 2023, and February 1, 2023. All abutters were notified via Certified Mail Return Receipt. The public hearings were conducted on February 21, 2023, March 7, 2023, and April 4, 2023, when the Board voted to APPROVE the Site Plan Review, Aquifer Protection Overlay Special Permit, and Stormwater Management & Land Disturbance Special Permit applications.

The following members were present: Walter Sorenson, Jim Bogiages, DJ McNulty, and Jason Naves. Chris Goodwin was present at the first two public hearings.

FINDINGS OF FACT

The proposed Project will not adversely impact the natural 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 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 is the result of discussion with the Planning Board, Municipal Department Staff, and outside consultants with respect to site design, grading, and landscaping. The resulting proposal limits impacts on neighboring residents.

The Applicant is required to place a Conservation Restriction on a portion of the Property due to the mapped presence of endangered habitat, jurisdiction of the Natural Heritage on Endangered Species Program. The Applicant will have the Groveland Conservation Commission hold the Conservation Restriction.

The approval of the use of the facility is in accordance with the Special Permit issued by the Groveland Board of Appeals, application number #2023-3, recorded at the South Essex Registry of Deeds Book 41528 Page 207.

The Peer Review Engineer, TEC, provided final comments dated March 7, 2023 (see letter from Peter Ellison, Project Engineer).

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

The Applicant requested four (4) waivers, they are as follows:

Waiver #1: Massachusetts Stormwater Management Standards: Standard 4 – 44% pre-treatment required for rapid infiltration. The Applicant was able to rescind this waiver request by working with the peer-review engineer to meet the standard.

Waiver #2: Section 50-9.3(E) of the Town of Groveland Zoning Bylaw – No parking shall be allowed in the front setback. The Applicant requests parking 10 feet from the right of way, stating that this is an improvement to the existing conditions which have a dwelling situated 6 feet from the right of way.

Waiver #3: Section 50-6.2(H)(3) of the Town of Groveland Zoning Bylaw – For all non-residential uses that render a property more than 15% impervious, all infiltration basins shall be preceded by oil, grease, and sediment traps. Given the use of the site, the Applicant requests a reduction of this requirement, as grease hoods are proposed in all catch basins, due to the fact the site is within the Aquifer Protection Zone which heavily restricts materials on site.

Waiver #4: Section 50-9.3(F) of the Town of Groveland Zoning Bylaw – Parking shall be a minimum of 10 feet from side or rear lot lines. The proposed project includes cross-

access between Lots 34 and 32A, with separate ownerships but easements allowing for access, maintenance, and utilities, and will therefore function as one site.

The Applicant also applied for a Special Permit in accordance with Section 50-6.2(H)(3) Aquifer Protection Overlay District, as the proposed project renders more than 15% or 2,500 sqft of the lot impervious.

The Applicant also applied for a Special Permit in accordance with the Stormwater Bylaw and Regulations of the Town of Groveland as the proposed project will include clearing, grading, and excavation, that will result in disturbance greater than 20,000 sqft of area.

DECISIONS

Upon a motion by Walter Sorenson, seconded by DJ McNulty, the Planning Board APPROVES the application for Site Plan Approval on the condition that sight line photos are to be added to the record on April 4, 2023. A vote was taken. Voting aye: Walter Sorenson, aye. Jim Bogiages, aye. DJ McNulty, aye Jason Naves, aye. Motion approved.

Upon a motion by DJ McNulty, seconded by Jason Naves, the Planning Board APPROVES the application for a Special Permit for an increase in impervious cover under the Aquifer Protection Overlay District, Section 50-6.2 of the Groveland Zoning Bylaw, as well as a Special Permit for the Stormwater Management and Land Disturbance in accordance with Chapter 14 Section 8 of the Stormwater Management Bylaw and Regulations of the Town of Groveland on April 4, 2023. A vote was taken. Voting aye: Walter Sorenson, aye. Jim Bogiages, aye. DJ McNulty, aye Jason Naves, aye. Motion approved.

The site, utilities, and stormwater management infrastructure will be constructed according to the Plans, with requested waivers granted. With respect to the waivers concerning development standards, the Planning Board makes a finding that the waived requirements will not be detrimental to the neighborhood or the town; the conditions upon which the requests are based are unique to the property for which the relief is sought and are not applicable generally to other property; because of the 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.

Upon a motion by Chris Goodwin, seconded by DJ McNulty, the Planning Board GRANTS Waiver #2 regarding Section 50-9.3(E) of the Groveland Zoning Bylaw on March 7, 2023. A vote was taken. Voting aye: Walter Sorenson, aye. Jim Bogiages, aye. DJ McNulty, aye Jason Naves, aye. Chris Goodwin, aye. Motion approved.

Upon a motion by DJ McNulty, seconded by Jim Bogiages, the Planning Board GRANTS Waiver #3 regarding Section 50-6.2(H)(3) of the Groveland Zoning Bylaw and Waiver #4 regarding Section 50-9.3(F) of the Groveland Zoning Bylaw on April 4, 2023. A vote was taken.

Voting aye: Walter Sorenson, aye. Jim Bogiages, aye. DJ McNulty, aye Jason Naves, 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.
- 3) Any change or expansion in use shall require the Owner to present a proposal to the Planning Board to determine if the modification will require further Site Plan Approval.
- 4) Any signage shall be approved by the Building Commissioner as required under Section 11 of the Groveland Zoning Bylaw and shall adhere to all conditions within said Section 11.
- 5) The project site is located in Zone 2 of the Aquifer Protection Overlay District. All items listed under Section 50-6.2(G)(1) and Section 50-6.2(G)(2). This information must be communicated to those who rent space at the property through the lease.
- 6) The Applicant shall provide for the long-term maintenance of the proposed stormwater infrastructure. Evidence of a long-term maintenance agreement must be provided to the Planning Department; in the form of formal documentation, such that the funding access, and preventative maintenance of the proposed infrastructure is assured for the property.

PRIOR TO ANY SITE WORK & ISSUANCE OF A BUILDING PERMIT

- 7) 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, digitally and hard copy,
- 8) A Performance Guarantee bond in the amount of \$50,000 shall be posted for the purpose of ensuring that the site is constructed in accordance with the approved plans, including land restoration if necessary, and that a formal as-built plan is provided.
- 9) Any permits required by the Board of Health shall be obtained, and documentation shall be provided to the Planning Department.

- 10) 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.
- 11) A pre-construction site meeting shall be held with the Applicant, contractor, Town Planner, Building Commissioner, Conservation Agent, Water & Sewer Superintendent, Fire Chief, Groveland Municipal Light General Manager, Highway Superintendent, and construction monitor.
- 12) The Peer Review Engineer will perform construction monitoring. The monitoring will oversee the construction to ensure that the site is built according to plan. The monitor shall make inspections of the project and file weekly 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 per Chapter 14 Section 13(C) of the Stormwater Bylaw and Regulations:
 - (1) Erosion and sediment control measures are in place and stabilized, and site clearing limits are clearly marked in the field.
 - (2) Site clearing has been substantially completed.
 - (3) Rough grading has been substantially completed.
 - (4) Final grading has been substantially completed.
 - (5) Close of the construction season; stabilization of the site.
 - (6) Final landscaping (permanent stabilization) and project final completion.
- 13) Per Chapter 14 Section 13(D) of the Stormwater Bylaw and Regulations, the monitor shall make weekly inspections of the project, provide weekly reports to the Planning Department, and detail any areas of non-compliance and corrective actions taken. The monitor will also provide reports following heavy rain events (storm events greater than 0.5 inches).

DURING CONSTRUCTION

- 14) The construction contractor shall employ all available best-management-practices for the control of dust, run-off, and general construction nuisances, including but not limited to watering, planting, stabilization, track-out shaker plates, and/or stockpile coverings.
- 15) Catch basins shall be adequately protected and maintained to prevent siltation into drainage structures.

- 16) Any laydown area must be shown on a plan and reviewed by the Planning Department. Stockpiles must be appropriately stabilized and/or covered.
- 17) It shall be the responsibility of the Applicant to ensure 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 such finding within 48 hours to provide evidence of correction action.
- 18) 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

- 19) 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 buildings.
- 20) The fire hydrant must be installed per the approved plans and specifications of the Groveland Water & Sewer Department and operational prior to the use of any of the buildings.

PRIOR OT THE RELEASE OF ALL SECURITY AND ESCROW FUNDS

- 21) The Applicant shall submit an as-built plan stamped by a Registered Professional Engineer in Massachusetts that shows all construction, site design, utilities, 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.

- 22) The Planning Board must, by a majority vote, make a finding that the site is in conformance with the approved plan and to release all security and escrow funds.
- 23) 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.

GENERAL CONDITIONS

- 24) 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.
- 25) The Planner or members of the Planning Board and Peer Reviewer shall have the right to enter and inspect the area subject to this Decision at reasonable hours to evaluate the compliance with the conditions stated in this Decision.
- 26) Any action taken by a Town Board, Commission, or Department which required changes in the plan or design of the buildings, as presented to the Planning Board, may be subject to modification by the Planning Board.
- 27) 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 the 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.
- 28) The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- 29) Gas, telephone, cable, and electric utilities shall be installed underground or as specified by the respective utility companies.
- 30) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
- 31) Exterior construction of the Project shall not commence on any weekday before 7:00 AM and shall not continue beyond 6:00 PM except for emergency repairs. Exterior construction shall not commence on Saturday before 8:00 AM and shall not continue beyond 5:00 PM 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.

32) This Site Plan Approval shall be deemed to have lapsed after April 4, 2024 (one year from the date granted), exclusive of the time required to pursue or await determination of an appeal, unless substantial use or construction has commenced within said one-year period or for good cause as determined by the Planning Board.

33) The Stormwater Management and Land Disturbance Permit shall be deemed to have lapsed after April 4, 2026 (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.

34) The Applicant is hereby notified that should the Applicant disagree with this decision, the Applicant has the right under MGL c40A Section 17, to appeal this decision within twenty (20) days after this decision has been filed with the town Clerk.

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

Plan titled: Proposed Storage Facility
833 Salem Street, Groveland, MA
Prepared for: 833 Salem Street Groveland Self-Storage, LLC
16 Evergreen Lane, Groveland, MA 01834
Prepared by: Jones & Beach Engineers, Inc.
85 Portsmouth Ave
PO Box 219
Stratham, NH 03885
Scale: 1"=40'
Date: January 21, 2023 revised to March 20, 2023
Sheet: CS, Lot Line Adjustment dated 7/20/2021, C1, C2, C3,
C4, L1, D1, D2, D3, D4, E1, E2, ESC

Plan titled: Drainage Analysis, Erosion and Sediment Control Plan
Proposed Storage Facility Tax Map 47, Lot 34 Salem
Steet Groveland, MA
Prepared for: 833 Salem Street Groveland Self-Storage, LLC
c/o Brad Ligols, Trustee

Memorandum of Decision
Site Plan Approval, Aquifer Protection Overlay
Special Permit & Stormwater Management & Land Disturbance
Special Permit
833 Salem Street
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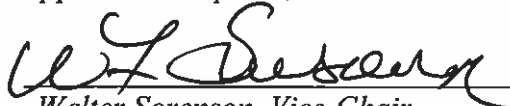
Prepared by: 16 Evergreen Lane, Groveland, MA 01834
Jones & Beach Engineers, Inc.
85 Portsmouth Ave
PO Box 219
Stratham, NH 03885

Date: January 11, 2023 revised to March 13, 2023

The Planning Board APPROVES the application for Site Plan Review, Aquifer Protection Overlay Special Permit, and Stormwater Management and Land Disturbance Special Permit.

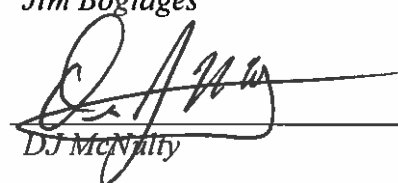
Board signatures on following page.

PLANNING BOARD
Approved on April 4, 2023.



Walter Sorenson, Vice-Chair

Jim Bogiages



DJ McNulty

Memorandum of Decision
Site Plan Approval, Aquifer Protection Overlay
Special Permit & Stormwater Management & Land Disturbance
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John Stokes III



Chris Goodwin, Associate



Jason Naves, Associate