



THE PLANNING BOARD OF WEST BOYLSTON

140 WORCESTER STREET
WEST BOYLSTON, MASSACHUSETTS 01583

CERTIFICATE OF SITE PLAN REVIEW APPROVAL AND STORMWATER MANAGEMENT APPROVAL

December 15, 2021

Elaine Novia, Town Clerk
Municipal Offices
140 Worcester Street
West Boylston, MA 01583

Applicant: D&S Realty, LLP
Proposal: New Manufacturing and Distribution Facility
Site: 101R Hartwell Street
Owner: D&S Realty, LLP

In conformance with the West Boylston Zoning Bylaws, Section 3.6, Site Plan Review, the Planning Board of West Boylston, Massachusetts hereby certifies that it voted to **APPROVE** the Site Plan Review Application for construction of a 101,200 square foot industrial office and warehouse building at the above-noted location with the conditions listed below at a duly called and properly posted meeting of said Planning Board, held on **December 15, 2021**. The Planning Board, acting as the Town of West Boylston's Stormwater Authority's designee, voted to **APPROVE** the Stormwater Management Plan at the same time.

The Approved Site Plan is entitled "Site Plan Approval Documents" and contains 16 sheets, including the Title Sheet, which are dated September 21, 2021 with revisions through December 9, 2021. The Approved Site Plan was prepared by McCarty Engineering, Inc. of Leominster, MA. The Approved Site Plan is stamped by Patrick J. McCarty, P.E., Civil License #46065. The Site Plan was originally filed with the Planning Board on September 22, 2021, concerning the proposed new building for Cogmedix. The public hearing was opened on November 10, 2021, continued to December 8, 2021 and closed on December 15, 2021.

Findings:

1. The owner and applicant, D&S Realty, LLP (hereinafter "Applicant"), submitted the Approved Site Plan relative to the depicted site area at 101R Hartwell Street.
2. The improvements presented by the Applicant were relative to the site area (hereinafter "Site Area") located at 101R Hartwell Street, West Boylston, containing approximately 29.3 acres of land.
3. The location of the lot is in the Industrial Zoning District of the Town of West Boylston. Manufacturing uses are allowed by right in this Zone.

4. The parking area proposed at the site depicts 185 proposed spaces, which is more than the zoning-required amount of 46 spaces. The proposal includes eight (8) truck bay loading spaces toward the west, with two garage spaces and two exterior spaces for compactor units, and a drive-through garage at the north end.
5. Since this application depicts new construction, the Applicant's engineer has submitted a stamped/signed and completed Stormwater Report to the Planning Board that was reviewed by its engineer, and it indicates that the project complies with the MassDEP Stormwater Standards and the West Boylston Stormwater Bylaw.
6. All catch basins and stormwater inlets will contain a watertight outlet hood and minimum 4' deep sump.
7. Regular maintenance of the Stormwater Treatment system is required. The Operation and Maintenance Plan for the Stormwater Treatment system is shown on Sheet 12 of the Approved Plan, is documented in the Stormwater System Analysis report, and shall be part of the site manager's required operations and maintenance procedures. The Owners have committed to executing it.
8. Comment letters/emails were received from the Fire Department, Police Department and Water District, recommending approval.

Waivers

The Applicant requested the following waivers from the West Boylston Planning Board and a decision was voted by said board on December 15, 2021:

1. 3.6.C.2.a- "An applicant for a Site Plan Review under this section shall file...the site plan drawn at a scale of 1"=20', or other approved scale..." The submitted plans were drawn at 1"=40' to accommodate the scope of work proposed on the site to be shown on a single sheet.

The following conditions shall apply to the development:

1. The construction phase alterations and final grading of the area shall control all runoff so that it will not worsen any existing drainage flow onto any abutting properties or the public way.
2. The Applicant shall provide proof to the Town that this Approval has been recorded at the Worcester Registry of Deeds before the issuance of any building permits.
3. A copy of the Stormwater Pollution Prevention Plan and the EPA National Pollution Discharge Elimination System Construction General Permit (CGP) shall be submitted to the Planning Board and Building Inspector before the start of construction. Weekly reports AND reports following storm events of greater than 0.25 inches, as required under the CGP, shall be transmitted electronically to the Planning Board within a week of their completion. Failure by the Applicant to comply with this condition may cause delays and/or the Board may require the Applicant attend a Planning Board meeting to explain the noncompliance.

4. No materials, equipment, or supplies shall be staged or stockpiled within 10' of the areas where the stormwater treatment systems are proposed to infiltrate into the ground. These areas shall not be used as temporary sediment storage areas during construction operations.
5. All lighting at the site shall be directed down and be anti-glare in compliance with the Zoning Bylaws.
6. The Applicant shall comply with the Water District's request to conduct an engineering review of the water system connection before a building permit is issued.
7. The Applicant shall comply with the Fire Department's and Water District's requirements before a building permit is issued.
8. All proposed parking shall be set back at least 10' from the property boundaries unless an executed agreement, approved by Town Counsel, is recorded with the deeds for the site property and the affected abutting property.
9. The shared parking and access agreement wording shall be submitted and approved by Town Counsel and the Planning Board prior to the issuance of an Occupancy Permit.
10. All proposed signage shall comply with the Signs and Billboards regulations in Section 5.6 of the West Boylston Zoning bylaws. Any additions or changes to the proposed exterior signage, other than signs required under the Building Code, must comply with zoning requirements, be submitted to the Building Inspector and Planning Board, and receive approval from both prior to installation.
11. No project/site signs have been proposed or approved by the Planning Board. Any sign(s) proposed in the future, other than signs required under the Building Code, shall require Planning Board review and approval prior to installation.
12. Prior to the release of this Approval, the Applicant shall reimburse the Town for all professional review fees in excess of the amount originally posted, and deposit the Construction Inspection fee of \$ 5,000.00 with the town.
13. The Applicant shall comply with the requirements of the DCR Asian Longhorn Beetle eradication program when removing vegetation from the site.
14. This approval specifically notes all waivers that were granted by the Planning Board. No other reductions or changes from the Zoning Bylaws are allowed.
15. The Owner is responsible for obtaining all other State and Federal permits necessary to conduct the proposed work.
16. Construction is allowed only between the hours of 7:00 am and 6:00 pm Monday through Saturday. No construction is allowed on Sundays or Federal Holidays.
17. Scheduling of deliveries, trash removal, and all commercial truck traffic is allowed only between the hours of 7:00 am and 7:00 pm.

18. One set of plans will be signed by the Planning Board at a meeting, once notice of no appeal is received from the Town Clerk. The applicant will be responsible for providing 7 paper copies along with an electronic copy sent to the Planning Board as well as one electronic copy to the Planning Board's review engineer within 10 days of signing. A Building Permit will not be issued until signed plan sets are received by the Building Commissioner and the Board.
19. The Applicant shall provide the Board with monthly written progress updates summarizing project and site activities during construction. The Applicant acknowledges that they will be responsible to reimburse the Town for the Planning Board's Engineer to conduct regular inspections of the site. The inspections will be performed by its Engineer at least once every month (or as agreed to by the Applicant and the Planning Board and determined based on the construction schedule for the site) to monitor the progress of site activities and stabilization. All utility and roadwork within the site shall be inspected and approved by the DPW/Planning Board's selected inspecting engineer/inspector. The Applicant shall notify all town Boards and Departments and schedule a pre-construction meeting prior to the start of site work. Prior to the pre-construction meeting or the start of work at the site, the applicant shall establish and maintain a Town account for Town inspections and peer reviews beginning with an initial deposit of \$5,000 for payment of inspections, said account to be administered in accordance with MGL c. 44, §53G. Failure by the Applicant to comply with this condition may cause delays and/or the Board may require the Applicant attend a Planning Board meeting to explain the noncompliance.
20. The Applicant and its successors and assigns shall give timely and adequate prior notice to the Planning Board inspectors and the DPW to permit adequate processes and to conduct all inspections. In the event work is completed and backfilled without the proper notice to allow the Planning Board's consultant to perform the required inspection, the Board reserves the right to allow its consultant to require excavation or third-party testing of the completed work so the required inspection can be performed to the satisfaction of the inspector. The construction observed shall include, but not necessarily be limited to, the construction of all site work, grading, drainage and Stormwater management measures, dust control measures, erosion control measures, minimization of adverse impacts to the residential abutters, and general adherence to the Approved Site Plan. Job site safety is specifically excluded from the scope of these construction observations. Inspections by the Town, include but may not be limited to:
 - a) Site Clearing and sedimentation control (silt fence, entrance, silt sacks)
 - b) Drainage, water, sewer and other utility construction (first day to confirm correct installation procedures and then periodic inspections to monitor installation)
 - c) Grading (random visits to assure correct drainage patterns)
 - d) Sub-base material for roadway, parking lots and sidewalk areas (periodic visits) (compaction tests, proctor number and gradation tests required for Town-owned roadway and sidewalks)
 - e) Detention Basin/Infiltration System construction (bottom area and periodic visits)
 - f) Paving operations (first day to confirm correct methods then periodic inspections to monitor construction)
 - g) Pavement Markings, if applicable (periodic visits)
 - h) Sidewalks/Wheelchair Ramps, if applicable (periodic visits)
 - i) Soil Stabilization, if applicable (periodic visits)
 - j) Lighting and landscaping (periodic visits)

- k) Construction of Structural walls or other Structural items if applicable (as needed)
- l) Utility testing (if required)

21. The Planning Board may require the Applicant to replenish the inspection fund in the event construction continues longer or is more involved than originally anticipated, and more observation and/or inspection time is required.
22. Construction shall conform to the Approved Site Plan and specifications submitted to the Planning Board and be in conformance with good industry practices. The Approved Site Plan shall not be changed, amended or modified without advance approval of the Planning Board. Any significant changes to the Approved Site Plan shall require a formal re-submittal of the proposed changes to the Board prior to implementation. Failure to abide by this requirement may result in the Board rescinding its Site Plan Review Approval and/or the Town will not issue a Certificate of Occupancy.
23. Construction must be started within one (1) year from the date of this Certificate of Site Plan Review Approval. This approval may be extended for up to one year if an acceptable reason and written request is received by the Board at a meeting before the end of the approval period. Construction must be completed within three (3) years from the date of this approval. If the Applicant fails to meet either of these conditions, this Certificate of Site Plan Approval shall become null and void without further action of this Board and an Amended Site Plan Review application will be required to be approved before a permanent occupancy permit may be issued.
24. Certified "As-Built" Site Plans and a written certification by a professional engineer noting any discrepancies between the actual construction and the approved plans or the conditions listed herein, shall be stamped by the engineer. These Certifications that construction was completed in accordance with the Approved Site Plan and approval conditions shall be submitted to the Planning Board for review and approval before a Certificate of Completion may be issued. **In accordance with Section 3.6.1.7 of the Zoning By-laws, a Certificate of Completion is required before a permanent occupancy permit may be issued by the Building Inspector.** The Applicant shall reimburse the Board for engineering and consulting services to review and verify that the As-Built Plans conform to the Approved Site Plan. Failure by the Applicant to comply with this condition may cause delays and/or the Board may require the Applicant attend a Planning Board meeting to explain the noncompliance.

VOTED regarding requested waiver as follows:

Paul R. Anderson, Chair
Marc S. Frieden
Sarah K. Miles
Barur R. Rajeshkumar
Vincent P. Vignaly

yes
YES
yes
yes.
yes

VOTED As Follows regarding Site Plan Review, Special Permit and Stormwater Management Review (waivers notwithstanding):

Paul R. Anderson, Chair

yes


Marc S. Frieden
Sarah K. Miles
Barur R. Rajeshkumar
Vincent P. Vignaly

yes
yes
yes
yes

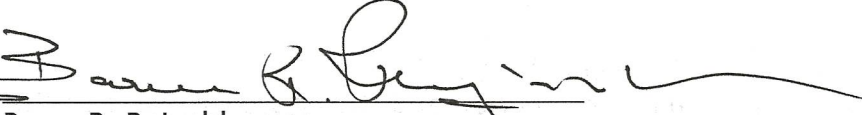
No permit to build or alter any building or structure or change of use requiring a Site Plan Review shall be issued by the Building Inspector without a Certificate of Site Plan Review Approval. No changes to the Approved Site Plan may be made without Planning Board approval.

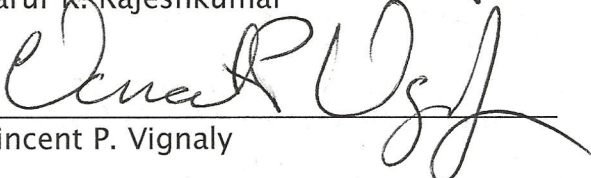
Consented to by the West Boylston Planning Board:


Paul R. Anderson, Chair


Marc S. Frieden


Sarah K. Miles


Barur R. Rajeshkumar


Vincent P. Vignaly

Filed with the Town Clerk on 12/15/21