



THE PLANNING BOARD OF WEST BOYLSTON

140 WORCESTER STREET
WEST BOYLSTON, MASSACHUSETTS 01583

CERTIFICATE OF SITE PLAN REVIEW APPROVAL, SPECIAL PERMIT, AND STORMWATER MANAGEMENT APPROVAL

September 8, 2021

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

Applicant/Owner: Paul Lenkarski, SAL LLC
Proposal: Eight-Unit Condominium Building and Site Development
Site: 20 Holt Street

DECISION FOLLOWING REMAND

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 an eight-unit condominium building and associated parking & services at the above-noted location with the conditions listed below at a duly called and properly posted meeting of said Planning Board, held on **November 10, 2020**. The Planning Board, acting as the Town of West Boylston's Special Permit Granting Authority, voted to **GRANT** the Special Permit requested under Section 3.2.B.3 of the Zoning Bylaws for a Multifamily Residential Use (more than four units) on **November 10, 2020**. The Planning Board, acting as the Town of West Boylston's Stormwater Authority's designee, voted to **APPROVE** the Stormwater Management Plan for these lots at the same time.

The Approved Site Plan contains the site plans and architectural plans. The site plan set is entitled 'Proposed Site Development Plan at 20 Holt Street' and contains 10 numbered sheets and a title sheet, dated May 26, 2020 with revisions through October 19, 2020; prepared by Whitman and Bingham Associates, LLC. of Leominster, MA. The Approved Site Plan is stamped by Brian F. Milisci, P.E., Civil License #38102. The architectural drawings were prepared by Philpot Corporation, submitted on November 10, 2020, and are stamped by Douglas E. Best, Mechanical Engineer PE#29045 on August 10, 2020.

The Site Plan Review application was originally filed with the Planning Board on May 27, 2020 and the Special Permit application was filed on August 19, 2020. The public hearing for the Site Plan Review was opened on June 24, 2020, continued to July 22, 2020, and August 26, and closed on September 23, 2020. The Special Permit public hearing was opened on September 23, 2020 and closed the same date. On September 8, 2021, the Planning Board held a remand hearing as ordered by the Land Court (Vhay, J.) in the matter Cappabianca, et al. v. West Boylston Planning Board, et al., 20MISC000553 (Mass. Land Ct. 2020).

Findings:

1. The Owner/Applicant is Paul Lenkarski, of SAL, LLC, 45 Sterling Street, West Boylston, Massachusetts (hereinafter "Applicant"), or (hereinafter "Owner") submitted the Approved Site Plan relative to the depicted site area.
2. The improvements presented by the Applicant are relative to a lot depicted as the site area (hereinafter "Site Area") located on 20 Holt Street, West Boylston, containing approximately 2.05 acres of land.
3. The location of the proposed eight-unit building with associated site improvements at 20 Holt Street is considered a Multifamily Residential use and is located in the Business Zoning District of the Town of West Boylston. The proposed use requires the Planning Board to grant a Special Permit.
4. The parking area proposed at the site depicts 32 spaces, which is more than the zoning-required amount of 16 spaces. The proposal includes two garage spaces and two exterior spaces for each unit.
5. The Building Commissioner, George Tignor, made a determination, supported by Town Counsel interpretation that it was "not unreasonable", that the Zoning Bylaw, 4.3.G, requirement of one habitable dwelling per lot is met when a single complete foundation is constructed to create a single 'building envelope' around what appear from the surface to be two separate buildings.
6. Since this application depicts new construction, the Applicant's engineer has submitted a stamped/signed and completed Stormwater Report to the Planning Board that indicates that the project complies with the MassDEP Stormwater Standards and the West Boylston Stormwater Bylaw.
7. All catch basins and stormwater inlets will contain a watertight outlet hood and minimum 4' deep sump.
8. Regular maintenance of the Stormwater Treatment system is required. The Operation and Maintenance Plan for the Stormwater Treatment system is shown on Sheet 10 of 10 of the Approved Plan, is documented in the Stormwater System Analysis report, and is part of the

Homeowners Association and site manager's required operations and maintenance procedures. The Owners have committed to executing it.

9. This approval specifically notes all waivers that were granted by the Planning Board. No other reductions or changes are allowed.
10. Comment letters/emails were received from the Building Department, Fire Department, Police Department and Water District, and have no issues at this time.

Supplemental Findings Following Remand

1. The Applicant duly submitted a site plan, a drainage analysis, and a traffic report. It further submitted sprinkler designs to the fire department and to the building department. In addition, the application was duly submitted to the police department and the water district as well. The police department, building department, fire department, and water district submitted comments. The Board received no objections to the application from other Town departments.

2. The general purpose of the West Boylston Zoning Bylaw is to promote the health, safety, convenience, and welfare of the inhabitants of the Town. West Boylston Zoning Bylaw §1.2. The proposed project will increase the supply of housing in the Town. Since the project consists of eight condominium units, it will increase the tax base available to the Town, and put little burden on its services. The property is required to provide private solid waste disposal. Therefore, the project will promote the convenience and welfare of the Town. It will not have a negative effect upon the health or safety of the Town. The Board finds that the proposed project is in harmony with the general purpose and intent of the Zoning by-law.

3. Prior to the proposed project, the land was occupied by a single-family residence in need of substantial repairs. The proposed project is new construction. It consists of eight condominium units. The units are to be owner-occupied. The Board thus finds that the public good would be served by the proposed project.

4. The Board finds that the proposed use will not adversely impact any surrounding uses in the Business Zoning District nor are any uses near the project noxious to a multi-family use.

5. As is more fully detailed in the above findings, the Board finds that the proposed development is not detrimental to the public health, safety, welfare, comfort or convenience of the community. Indeed, the Board finds that the proposed project will benefit the community. The Board further finds that the proposed project will benefit the Town's economy by increasing the tax base and providing needed additional housing and is therefore in harmony with the intent and purpose of the Zoning Bylaw.

6. Pursuant to Section 6.2(E)(4)(b) of the Bylaw, the Board makes the following findings:

- i. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience is adequate. Off-street parking is adequate.

The project will not cause adverse traffic impacts. The project provides adequate access for emergency responders.

ii. The proposed project will not create any danger of pollution to public or private water facilities and the methods of drainage of groundwater from the site will not adversely affect the surrounding environment.

iii. Approval of sewage disposal system has been obtained from the Board of Health.

iv. No excessive noise, vibration, glare, dust, smoke, heat, or odor shall will be observable at the lot lines of the property.

v. Satisfactory arrangement of the refuse disposal and service areas with adequate screening from adjoining lots and public ways is to be provided and paid for privately by the property owners.

vi. The project complies with required setbacks, yards and other open space requirements of the Bylaw.

vii. The project is in general compatibility and harmony with adjacent properties and other properties in the district.

viii. The project otherwise complies with all applicable requirements of the Bylaw.

Waivers

The Applicant requested NO waivers from the West Boylston Planning Board and NO waivers were granted.

The following conditions shall apply to the development:

1. The final grading of the area shall not worsen any existing drainage flow or drainage patterns onto any abutting properties or the public way.
2. The Condominium Document wording shall include stormwater system maintenance, limitations/conditions for the area within the foundation having no structure above it, and refuse disposal requirements; and shall be submitted to and approved by Town Counsel and the Planning Board prior to the issuance of any Certificate of Occupancy.
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 a building permit is issued. 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.

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. Copies of the final stamped architectural and structural plans for each building shall be provided to the Board prior to construction of that building.
6. All lighting at the site shall be directed down and be anti-glare in compliance with the Zoning Bylaws.
7. The Applicant shall have all Rubbish and Recycling picked up from the site by a private refuse hauler. No Town Trash and Recycling pick will service this site. The hauler will pick up from within the site at the individual residential driveways or in a common area that is screened from abutting land and the public ways. Rubbish/solid waste shall not be stored nor picked up within 50' of Holt Street.
8. All proposed work shall be within the property boundaries unless an executed agreement, in a form acceptable to Town Counsel, is recorded with the deeds for the site property and the affected abutting property.
9. 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.
10. 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.
11. 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 \$ 3,500.00 with the town.
12. The Applicant shall comply with the requirements of the DCR Asian Longhorn Beetle eradication program when removing vegetation from the site.
13. This approval specifically notes that no waivers were granted by the Planning Board. No other reductions or changes are allowed.
14. The Applicant shall provide proof that this Special Permit, along with the complete set of the approved and signed Site Plans, have been recorded at the Worcester Registry of Deeds before the issuance of any building permits.

15. This Special Permit, pursuant to Section 6.2.G, shall lapse after one (1) year, not including such time required to pursue or await the determination of an appeal from a grant thereof, if construction has not begun by such date.
16. No more than six (6) temporary Certificates of Occupancy may be issued for this property before the Final As-Built Plan and Engineer's Certification are approved by the Planning Board.
17. The Owner is responsible for obtaining all other State and Federal permits necessary to conduct the proposed work. Permits from the Massachusetts Department of Transportation, District III, are needed for work on all State highways.
18. 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.
19. Scheduling of deliveries, trash removal, and all commercial truck traffic is allowed only between the hours of 7:00 am and 7:00 pm.
20. 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.
21. 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. Prior to both the first inspection and to Planning Board endorsement of the Site Plan, the applicant shall establish and maintain a Town account for Town inspections and peer reviews beginning with an initial deposit of \$3,500 for payment of inspections, said account to be administered in accordance with MGL c. 44, §53G.
22. 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)

23. 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.
24. 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.
25. 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.
26. Certified "As-Built" Site Plans and a written certification by a professional engineer noting any discrepancies between the actual construction and the approved plans shall be stamped by the engineer. These Certifications that construction was completed in accordance with the Approved Site Plan 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.I.7 of the Zoning By-laws, a Certificate of Completion is required before a permanent occupancy permit may be issued**

Paul Lenkarski (SAL LLC)

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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.

VOTED As Follows regarding Site Plan Review, Special Permit and Stormwater Management Review (No waivers were requested):

Paul R. Anderson, Chair

yes

Marc S. Frieden

yes

Sarah K. Miles

yes

Barur R. Rajeshkumar

yes

Vincent P. Vignaly

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.

Paul Lenkarski (SAL LLC)

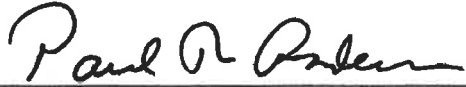
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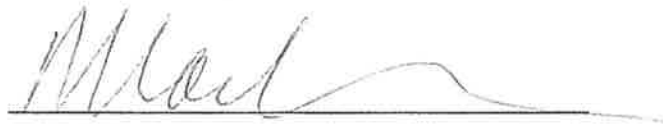
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Consented to by the West Boylston Planning Board:



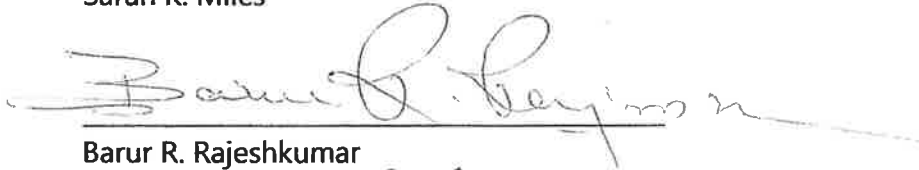
Paul R. Anderson, Chair



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Vincent P. Vignaly

Filed with the Town Clerk on 9/10/21.