



THE PLANNING BOARD OF WEST BOYLSTON

140 WORCESTER STREET
WEST BOYLSTON, MASSACHUSETTS 01583

CERTIFICATE OF SITE PLAN REVIEW APPROVAL AND STORMWATER MANAGEMENT APPROVAL

May 27, 2020

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

Applicant/Owner: John and Sally Smalanskas
Proposal: Two Commercial Units below Two Apartments
Site: 249 West Boylston Street

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 building and associated parking & services at the above-noted location for two apartments over two commercial units, with the conditions listed below at a duly called and properly posted meeting of said Planning Board, held on **May 27, 2020**. The Planning Board, acting as the Town of West Boylston Stormwater Authority's designee, voted to **APPROVE** the Stormwater Management Plan for this site on May 27, 2020.

The Approved Site Plan is entitled '249 West Boylston Street Site Plan' and contains 12 sheets dated April 20, 2020 with no revisions noted, prepared by Joseph Graham, PE of Tewksbury, MA. The Approved Site Plan is stamped by Joseph Graham, P.E., Civil License #53706. The Site Plan was originally filed with the Planning Board on September 11, 2019, for new non-residential construction at 249 West Boylston Street. The public hearing was opened on October 23, 2019, then continued to November 13, 2019, December 11, 2019, January 22, 2020, February 26, 2020, March 25, 2020, and finally closed on April 22, 2020.

Findings:

1. The Owner/Applicant is John and Sally Smalanskas, of 14 Oak Circle, Holden, MA 01520 (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 the lot depicted as the site area (hereinafter "Site Area") located on 249 West Boylston Street, West Boylston, containing approximately 0.4 acres of land.
3. The location of the proposed building with associated site improvements is at 249 West Boylston Street is located in the Business Zoning District of the Town of West Boylston.
4. The Owners received a Special Permit from the West Boylston Zoning Board of Appeals on January 17, 2019, under the Zoning Bylaws, Section 1.4.B, for the construction of a multi-use building on a non-conforming lot; with the conditions that each apartment contain no more than two bedrooms, the business uses comply with Section 3.2.F.2, and the total footprint of the building be no more than 4,000 square feet in area.
5. The parking area proposed at the site depicts 20 spaces, including two accessible spaces, which is more than the zoning-required amount of 19 spaces.

6. Since this application depicts new construction, the Applicant's engineer has submitted a stamped/signed and completed Stormwater Report to the Planning Board and the West Boylston Conservation Commission 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 sumps.
8. Regular maintenance of the Stormwater Treatment system is required. The Operation and Maintenance Plan for the Stormwater Treatment system is shown on Sheet 11 of the Approved Plan, is documented in the Stormwater System Analysis report, and is part of the 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 Fire Department, Police Department and Water District, and all recommended approval.

Waivers

The Applicant requested the following waivers from the West Boylston Planning Board and a decision was voted by said board on May 27, 2020:

1. 3.6.D.1.m-The location, flow, volume, and timing patterns for existing and proposed traffic shall be provided.
The proposed uses are so small, they will not impact traffic on Route 12. Graham Engineering stated that this will not result in a significant increase in traffic.
2. 3.6.D.2.c-Applicant should provide traffic/pedestrian flow and vehicle trip information.
The proposed uses are so small, they will not impact traffic on Route 12. Graham Engineering stated that this will not result in a significant increase in traffic.

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.
2. Copies of the architectural and structural plans for the building shall be provided to the Board prior to construction of the building.
3. 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 with the town.
4. The Applicant shall comply with the requirements of the DCR Asian Longhorn Beetle eradication program when removing vegetation from the site.
5. All lighting at the site shall be directed down and be anti-glare in compliance with the Zoning Bylaws.
6. 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.

7. No materials, equipment, or supplies shall be staged or stockpiled within 10' of the areas where the stormwater treatment system is proposed to infiltrate into the ground. This area shall not be used as a temporary sediment storage area during construction.
8. All proposed signage shall comply with the Signs and Billboards regulations in Section 5.6 of the West Boylston Zoning bylaws. No standing sign was requested or approved for this site. 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.
9. The Owner is responsible for obtaining all other State and Federal permits necessary to conduct the proposed work. Permits from the MA Department of Transportation, District III, are needed for work on all State highways, Route 12 included.
10. Construction is allowed only between the hours of 7:00 am and 6:00 pm Monday through Saturday. No construction is allowed on Sunday.
11. Scheduling of deliveries, trash removal, and all commercial truck traffic is allowed only between the hours of 7:00 am and 7:00 pm.
12. One set of plans will be signed by the Planning Board at a meeting, once notice that no appeal has been 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 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.
13. 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 inspection fees, said account is administered in accordance with MGL c. 44, §53G.
14. 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)

15. 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.
16. 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.
17. 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.
18. 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 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 regarding requested waivers as follows:

Sarah Miles, Chair
Marc S. Frieden
Paul R. Anderson
Barur R. Rajeshkumar

yes
yes
yes
yes

Vincent P. Vignaly

yes

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

Sarah Miles, Chair

yes

Marc S. Frieden

yes

Paul R. Anderson

yes

Barur R. Rajeshkumar

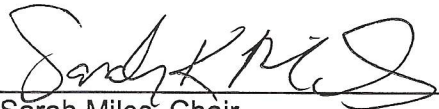
yes

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.

Consented to by the West Boylston Planning Board:



Sarah Miles, Chair

Marc S. Frieden

Paul R. Anderson

Barur R. Rajeshkumar

Vincent P. Vignaly

Filed with the Town Clerk on

