



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

February 8, 2017

Kim Hopewell, Town Clerk
Municipal Offices
140 Worcester Street
West Boylston, MA 01583

Owner/Applicant: Big Daddy Realty Trust
Proposal: 16-Unit Residential Condominiums
Site: 90 Sterling 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 and issue a Special Permit for multi-family use with more than 4 units under Section 3.2 at the above-noted location with the conditions listed below at a duly called and properly posted meeting of said Planning Board, held on **February 8, 2017**. 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 'Permit Site Plan, Residential Redevelopment' and contains 11 sheets dated October 31, 2016 with revisions through February 3, 2017, prepared by Hancock Associates of Marlborough, MA. The Approved Site Plan is stamped by Joseph Peznola, P.E., Civil License #38117. The Site Plan was originally filed with the Planning Board on November 9, 2016, concerning the 8-building, 16-unit condominium complex. The public hearing was opened on December 14, 2016, continued to January 11, 2017, and closed on January 25, 2017.

Findings:

1. The owner and applicant, Big Daddy Realty Trust (hereinafter "Applicant") submitted the Approved Site Plan relative to the depicted site area.
2. The improvements presented by the Applicant were relative to the site area (hereinafter "Site Area") located at 90 Sterling Street, West Boylston, containing approximately 1.45 acres of land.
3. The location of the lot is in the General Residence Zoning District of the Town of West Boylston, where multifamily uses having greater than 4 units require a Special Permit from the Planning Board.
4. The existing parking facilities and north access into the site have been abandoned to use only the southern access to Route 12 and construct a dead end driveway into this site. The use requires

32 parking spaces, with 40 spaces proposed; this includes NO ADA accessible spaces or ADA accessible ramps.

5. Pursuant to the Planning Board's power as the Special Permit Granting Authority for a SP under Section 3.2.B.3, the Planning Board hereby makes the following findings:

a. The Site Plan described above includes sixteen (16) dwelling units, which does not conform with Section 4.3.A.1 of the town's zoning bylaws, is deemed to be compliant with town zoning bylaws per the written decision of the Zoning Board of Appeals, dated September 14, 2016;

b. The Site Plan described above includes eight (8) habitable buildings, which does not conform with Section 4.3.G of the town's zoning bylaws, is deemed to be compliant with town zoning bylaws per the written decision of the Zoning Board of Appeals, dated September 14, 2016, as interpreted at the public hearing by the Zoning Enforcement Officer and drafted in a letter to the Planning Board, dated January 23, 2017. Mr. Herget, the Zoning Enforcement Officer, that it is his interpretation that the relief granted by the aforementioned ZBA written decision is sufficient for compliance with Section 4.3.G, even though this was not specifically mentioned in the Special Permit or noted in the ZBA's minutes;

c. Under Section 6.2.E.4.b.i, the Site Plan provides for ingress and egress to the property and proposed structures, including automotive and pedestrian safety and convenience; off-street parking and loading areas where required; traffic flow and control; access in case of fire or catastrophe; and the capability of public roads to support the added traffic safely;

d. Under Section 6.2.E.4.b.ii, the proposed use will not create any danger of pollution to public or private water facilities and the methods of drainage of groundwater from the site shall not have an adverse effect on the surrounding environment, any waterways or wetlands;

e. Under Section 6.2.E.4.b.v, the Applicant stated that refuse storage containers will be stored within each unit and the Approved Site Plan provides for satisfactory arrangement of the private refuse disposal and any service areas with adequate screening from adjoining lots and public ways on collection days;

f. Under Section 6.2.E.4.b.vi, the Site Plan provides for the required setbacks, yards, and other open spaces; and

g. Under Section 6.2.E.4.b.vii, the proposed use will be in general compatibility and harmony with adjacent properties and other properties in the General Residence District.

6. The Planning Board notes that the two-buildings currently on the site were previously used as a motel, a use that is not conforming with zoning in the General Residence district. The Special Permit requested involves a proposed use that is allowed in the General Residence district. Such a proposed use would result in greater conformity with the Schedule of Use regulations under Section 3.2.B.3.

7. The Planning Board has determined that a grant of the requested Special Permit for multi-family use with more than 4 units will not be detrimental to the public health, safety, welfare, comfort or convenience of the community. Further, such grant will not be adverse to the town's economy and environment and is in harmony with the intent and purpose of the town's bylaws.

8. The ZBA's Special Permit only stipulates that there be 16 units allowed on the site. Though the ZBA minutes reflect only discussions of 2-bedroom units and a total of 40 bedrooms in the proposal for 24 units in 3 buildings, the Building Inspector stated at the Public Hearing that as the Zoning Enforcement Officer, his interpretation that the ZBA's Special Permit grants the Applicant the right to have more than 40 bedrooms in total and that all can be 3-bedroom units.

9. Though not shown on the Catch Basin Detail on Sheet 10, all catch basins shall be constructed with watertight hooded outlets and minimum 4' deep sumps.

10. The first of three soil tests at the infiltration area was submitted to the Planning Board and confirms the soil characteristics used for stormwater system design. Two additional soil tests will

be completed and the results submitted to the Planning Board and its review engineer to confirm soil conditions prior to the issuance of a Building Permit, other than for demolition.

11. Since this application includes 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.
12. Regular maintenance of the Stormwater Treatment system is required. The Operation and Maintenance Plan for the Stormwater Treatment system is documented on Sheet 9 of 11 of the Approved Site Plan, and has been included as part of the site manager's required operations and maintenance procedures. The Owners have committed to executing it.
13. This approval specifically notes all waivers that were granted by the Planning Board. No other reductions or changes are allowed.
14. The Water District submitted a comment letter noting that an engineering review of the water system connection must be completed before issuing a building permit.
15. The Police Department and the Fire Department approved this application with stipulations. All conditions noted in their letters must be addressed by the Applicant.

Waivers

The Applicant requested NO waivers and the West Boylston Planning Board has approved none.

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 abutting properties.
2. 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.
3. The Applicant shall comply with the requirements of the DCR Asian Longhorn Beetle eradication program when removing vegetation from the site.
4. All lighting at the site shall be directed down and be anti-glare in compliance with the Zoning Bylaws.
5. 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.
6. 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.
7. 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.
8. Construction is allowed only between the hours of 7:00 am and 6:00 pm Monday through Saturday. No construction is allowed on Sunday.

9. 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 Review Engineer to conduct regular inspections of the site. The inspections will be performed by its Review 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.
10. 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.
11. 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.
12. 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.
13. Certified "As-Built" Site Plans and a written certification stamped by a professional engineer registered in Massachusetts, noting 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 As Follows regarding Site Plan Review, Special Permit, and Stormwater Management Review:

Christopher E. Olson, Chair
Cheryl Carlson
Marc S. Frieden
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:



Christopher E. Olson, Chair



Cheryl Carlson



Marc S. Frieden

Barur R. Rajeshkumar



Vincent P. Vignaly

Filed with the Town Clerk on 2/14/17