

No 20 per
EW



BOXBOROUGH PLANNING BOARD
29 Middle Road, Boxborough, Massachusetts 01719
Phone: (978) 263-1116 x112 Fax: (978) 264-3127
www.town.boxborough.ma.us

Karen Metheny, Chairman Cliff Stockley, Clerk Owen Neville John Markiewicz Nancy Fillmore

Filed with the Town Clerk
October 7, 2008

**DECISION AND CERTIFICATE OF CONDITIONAL APPROVAL
HIGH QUALITY LANDSCAPING & CONSTRUCTION**

SITE PLAN APPROVAL

✓ 871 Massachusetts Avenue



2008 00165845

Bk: 51775 Pg: 262 Doc: DECIS
Page: 1 of 7 10/09/2008 11:13 AM

DECISION of the Planning Board (the Board) on the application of High Quality Landscaping (Applicant) for Site Plan Approval for a property located at 871 Massachusetts Avenue and known as Assessor's Parcel Number #6-3-152-1.0.

This decision is in response to an application filed under Section 8000 of the Boxborough Zoning Bylaw by the Applicant on May 7, 2008 to allow the construction of a 3,100 s.f. metal garage/storage building, drainage and other site improvements.

The duly noticed public hearing was held on June 2, 2008 and continued to June 16th, August 4th, August 18th, September 22nd, and October 6th. A site visit by the Board was conducted on June 16, 2008. The following members of the Planning Board were present throughout the proceedings: Karen Metheny, Owen Neville, and Cliff Stockley.

After due consideration of the application, the record before the Board, the Town Planner's reports dated May 20th and September 19, 2008, recommendations from the Town's consulting engineer and based upon the findings set forth herein, the Board voted 3 to 0 to **GRANT** conditional approval of the Site Plan on October 6, 2008

This Decision is granted subject to the conditions, limitations and restrictions outlined herein.

FINDINGS OF FACT & APPROVAL PURSUANT TO ZBL SECTION 8006

Site Plan Approval shall be granted upon determination by the Planning Board that new buildings or other site alterations have been designed in the following manner, after considering the qualities of the specific location, the proposed land use, the proposed building form, grading, egress points, and other aspects of the development.

1. The Building Inspector has determined the use of the site for a landscaping and tree service business is an allowed use within the Business Zone District.
2. The existing building on the site is the old Richardson Store and identified in the Town's Historic Resources Survey. The Historical Commission believes that nothing in the proposed plan, if executed as depicted, appears to jeopardize the historic building.
3. The Applicant is proposing to construct a 3,100 s.f. metal garage addition that will be 25 feet high, which is in compliance with the Zoning Bylaw

Daniel Campbell
Level Design Group
60 Main St Dr #12, Plainville MA 02762

Ref: Bk 50287 Pg 146

Owner of record: High Quality Landscape Construction, Inc.

Final Decision
High Quality Site Plan
871 Massachusetts Avenue
Page 2 of 7

4. The existing site will be graded to provide for a new paved parking lot and gravel storage area to the rear of the property.
5. Three retaining walls of varying height (1' to 14') are required to create the level area for the proposed garage, parking and storage areas. These retaining walls are located in compliance with the setback requirements pursuant to Section 5006 of the Zoning Bylaw.
6. The existing on-site sewage disposal system has failed and a new sewage disposal system is proposed. The Board of Health has found the soil test acceptable, but a final design has not yet been approved.
7. A dumpster and fuel storage tank will be located behind the proposed garage. The location of the fuel storage tank is in compliance with Fire Department setback requirements.
8. At the rear of the property, the applicant is proposing 3 concrete block storage bins (16' wide x 12' deep) for bark mulch, crushed stone, and sand. No retail sales of these materials are proposed.
9. The gravel area will be used to store large stones, as well as logs removed from other job sites and materials such as mulch and stones in the designated storage bins.
10. The application states that the parking area will be lit by 3 wall pack lights attached to the proposed garage. Lighting will be on from approximately 6 am to 9 pm, excluding snow events. The Applicant has stated that all exterior lighting will be in conformance with the Lighting Bylaw.
11. The site plan incorporates drainage measures to control the surface water runoff, minimize erosion and sedimentation, prevent changes in groundwater levels, and minimize potential for flooding.
12. Annual sampling and testing from the groundwater monitoring well will provide the Town with timely warning of any accidental contamination of ground water supplies, and verify that no prohibited materials are being discharged into the groundwater.
13. The applicant is proposing to reconstruct a single access driveway off Massachusetts Avenue and will be required to receive a permit from MassHighway.
14. The site has direct access onto Route 111 (Massachusetts Avenue) which is appropriate to accommodate vehicles entering and exiting the site. The plans indicated there is sufficient sight distance at the driveway entrance.
15. The architectural style of the proposed garage incorporates the use of a steel building with vertical siding. This style is consistent with the prevailing industrial and commercial character along this portion of Massachusetts Avenue.
16. The project as conditioned by the Board provides for the protection to abutting properties from excessive light, sight, sound, dust, noxious fumes and vibration.
17. Adequate facilities for water supply are provided on-site for a maximum of 24 people.
18. The Fire Department believes there is adequate access to and around the site for emergency vehicles.
19. The Applicant has stated that there will be no storage of chemical fertilizers at the site.

20. The Applicant has a valid permit from the Fire Department for the fuel storage tank, but will need to obtain a license from the Board of Selectmen and an annual certificate of registration from the Town Clerk.
21. The Applicant estimates 22 employees at the site. The project incorporates 22 parking employee parking spaces and a general commercial vehicle parking area outside and within the proposed garage. The Board finds the parking is sufficient to accommodate the number of employees at the site and commercial vehicles.
22. The Planning Board finds that reasonable conditions of approval, as specified within the Site Plan Decision, are necessary to ensure conformance with the Zoning Bylaw, including such conditions, safeguards, and limitations on time and use upon the applicant, developer, tenants and/or operator(s) of the site to assure harmony with the intent of the Zoning Bylaw.

CONDITIONS OF APPROVAL

1. Approval is based upon the following Plans prepared for High Quality Landscaping, as amended by Condition #2:
 - a. Existing Conditions Plan; Sheet C-1.0 dated May 5, 2008 and revised through August 15, 2008 by Level Design Group
 - b. Grading & Utilities Plan; Sheet C-2.0 dated May 5, 2008 and revised through August 15, 2008 by Level Design Group
 - c. Erosion Control Plan; Sheet C-2.1. dated May 5, 2008 and revised through August 15, 2008 by Level Design Group
 - d. Layout & Materials Plan; Sheet C-3.0 dated May 5, 2008 and revised through August 15, 2008 by Level Design Group
 - e. Landscape Plan; Sheet C-4.0 dated May 5, 2008 and revised through August 15, 2008 by Level Design Group
 - f. Typical Details Plans; Sheet C-5.0 & C-5.1 dated May 5, 2008 and revised through August 15, 2008 by Level Design Group
 - g. Exterior Elevations; Sheet A-1 dated June 2, 2008 by Dimensions Architecture/Design
2. **Prior to the issuance of any building permit**, the Applicant shall provide to the Town Planner for review and approval three sets of revised plans showing the following modifications:
 - a. Additional landscaping along the eastern property line between the end of the retaining wall and the ledge outcropping, as well as the northwestern property line.
 - b. Deletion of the rear northwest retaining wall.
 - c. Revision to the drainage from behind the proposed garage so it does not outfall above the adjacent property's sewage disposal field.
 - d. Location of underground utilities from Massachusetts Avenue and on-site sewage disposal system.
 - e. Note stating "Employee Parking" for spaces adjacent to the detention basin.

- f. Location of the groundwater monitoring well.
 - g. Relocation of proposed landscaping along driveway entrance to provide enough room for snow.
 - h. Additional spot elevations to define the berm and edge of curb elevations in front of the existing building and to give 1 foot freeboard on sediment forebay.
 - i. Location of natural gas gate valve discovered prior to soil testing.
 - j. Designation of an open commercial vehicle parking area within the paved area.
 - k. A bump at the transition point between the gravel and paved parking area to slow the flow of surface water.
 - l. Location of one handicapped parking space.
3. **No building permits shall be issued and no construction activity shall commence for the Project until the Town Planner has verified that the Final Site Plan is in conformance with this Decision and Condition #2. The approval of the Final Site Plan shall be deemed to be incorporated in, and made part of, this Decision.**
 4. **Prior to the issuance of any building permit, the Applicant shall record the Decision with the Middlesex South Registry of Deeds and provide verification of recording to the Town Planner and Building Inspector.**
 5. **Prior to the issuance of any building permit, the Applicant shall submit written confirmation to the Building Inspector from the Tax Collector that all taxes have been paid in full for the property.**
 6. **Prior to the issuance of any building permit, the Applicant shall provide to the Town's consulting engineer for review revised drainage calculations as noted in her letter dated September 22, 2008.**
 7. **Prior to the commencement of any site work, the Applicant shall apply for a Construction General Permit as specified by the Federal Clean Water Act National Pollution Discharge Elimination Systems (NPDES) and provide proof of filing and a copy of the Stormwater Pollution Prevention Plan to the Town Planner.**
 8. **Within 24 hours of any rainfall over 1 inch, the Applicant's construction site supervisor shall inspect, file and post a report in accordance with NPDES permit requirements and provide a copy to the Town Planner and the Town's Consulting Engineer.**
 9. **Prior to the issuance of a final certificate of occupancy, the Town Planner shall verify that all exterior light fixtures conform to the Lighting Bylaw.**
 10. **Prior to the issuance of a final certificate of occupancy, the Applicant shall provide to the Building Inspector final As Built plans showing the location of all buildings and structures, utilities, underground piping, and drainage facilities. The Town Planner shall also receive final As Built plans in electronic format compatible with the Town's Geographic Information System (ArcGIS 9.3).**
 11. **Prior to the issuance of a final certificate of occupancy, the applicant shall provide a copy of the DEP application for the underground holding tank.**

12. **Prior to the issuance of a final certificate of occupancy**, all landscaping shown on the approved Site Plan shall be installed. The Town Planner shall verify that all plantings shown on the approved plan have been installed. Any minor modification or substitutions shall be reviewed and approved by the Town Planner. However, if the applicant provides documentation to the Planning Board that it would be detrimental to plant prior to occupancy due to weather conditions, then a bond covering the cost of such work shall be submitted to and approved by the Planning Board and a temporary certificate of occupancy shall be issued until all landscaping is installed.
13. The Applicant will install the drainage system pursuant to the Final Site Plan. All work shall be performed and conducted in conformance with the regulations of the Town and/or DEP as may be applicable. All such work shall be performed in accordance with current engineering and construction standards. Department of Environmental Protection Stormwater Management Policy, in particular Volume 2 Best Management Practices shall be adhered to during construction of the stormwater management system and drainage system and such compliance shall be certified by the Applicant's engineer, subject to review and approval of the Town's Consulting Engineer.
14. The Applicant shall provide the Board of Health and the Nashoba Associated Boards of Health a biological and/or chemical analysis from the groundwater monitoring well each year. The sampling parameters shall include: Safe Drinking Water Act, heavy metals, volatile organic compounds, sodium, iron, manganese, calcium, potassium, chloride, sulfate, nitrate-N, and nitrite N, specific conductivity, pH, alkalinity, and hardness. The applicant shall contract with a qualified firm as approved by the Nashoba Associated Boards of Health or Littleton Water Department for the water sampling.
15. Site preparation, grading and operation of heavy machinery for the construction of the project shall be limited to 7:00 A.M. to 6:00 P.M., Monday through Saturday. No site preparation, grading or exterior construction shall be conducted on Sundays or Massachusetts legal holidays.
16. The washing of commercial vehicles outside of the garage is prohibited, unless approved by the Board of Health in compliance with the Town's Stormwater Management Bylaw.
17. The use and operation of heavy machinery, including equipment for chipping and grinding, shall be limited to 7 am to 8 pm, except operations needed during snow events.
18. No earth work operation shall be conducted, maintained, and/or left in a condition so as to alter the natural drainage flow beyond the property; or cause dust, silt, soil, or other materials to be deposited on adjacent properties; or to otherwise cause nuisances, hazards, or other objectionable conditions detrimental to health, safety, or property values in adjacent areas.
19. The Applicant shall at all times comply with 310 CMR 7.00, Air Pollution Regulations.
20. All existing and proposed landscaping shown on the plan shall be maintained in a healthy state. Any landscaping found by the Town Planner to be diseased or dying shall be replaced.
21. All buildings and structures shall be located in substantial conformance with the Final Site Plan. The style of the buildings shall be substantially as shown on the architectural drawings/elevation plans as noted in Condition #1.

22. The applicant/developer shall pay all fees and costs incurred by the Board for the employment of outside consultants, such as Town Counsel and Engineers, engaged by the Board for review of any project plans, documents and construction activity associated with this project. Funds received by the Board shall be deposited with the municipal treasurer who shall, pursuant to MGL Ch. 44, Sec. 53G, establish a special account for this purpose.
23. Violation of any of the conditions of this decision shall be grounds for revocation of this Decision, or of any building or occupancy permit granted hereunder. In case of any violation of the continuing obligations of this decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation and to enforce the conditions of this decision. The Town may enforce compliance with the conditions of this decision by any action of injunctive relief before any court of competent jurisdiction.

By recording this Decision and Plan with the Middlesex South Registry of Deeds, the Applicant, its successors and assigns agree to abide by the Conditions of Approval established herein and all notes contained on the Plan.

APPLICABILITY OF SITE PLAN APPROVAL: This Site Plan Approval applies only to the site which is the subject of this application. All construction to be conducted on the site shall be conducted in accordance with the terms of this decision and shall be limited to the improvements shown on the Plan.

OTHER PERMITS OR APPROVALS: This decision applies only to the requested Site Plan Approval. Other permits or approvals required by the Boxborough Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.

BYLAW COMPLIANCE: The foregoing conditions are stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Boxborough Zoning Bylaw.


AMENDMENT OF THIS DECISION: The Board hereby reserves its powers to modify or amend the terms and conditions of this decision upon its own motion with consent from the owner, or on the application of the owner. The Board further reserves its powers to amend this decision without a new public hearing provided that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw or with the terms of this decision.

LAPSE OF THIS DECISION: This Site Plan Approval shall lapse two years from the date this decision is filed with the Town Clerk unless a substantial use thereof has not sooner commenced except for good cause or if any construction has not begun by said date except for good cause. Any request for an extension of the time limitation set forth herein shall be made in writing to the Board at least 30 days prior to expiration and the Board reserves its rights and powers to grant or deny such request without a public hearing. The Board, however, shall not grant any extension herein provided unless it finds that the use of the property in question or construction on the site has not begun except for good cause.

**Final Decision
High Quality Site Plan
871 Massachusetts Avenue
Page 7 of 7**

The applicant by acceptance of this decision and recording thereof acknowledges the binding effect of the conditions of this decision.

ON BEHALF OF THE BOXBOROUGH PLANNING BOARD:

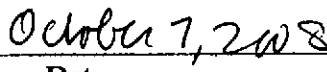


Elizabeth Hughes, Town Planner

Received:



Elizabeth A. Markiewicz, Town Clerk



Date

H:\elizabeth\My Documents\Applications\Site Plans\Decisions\871 Mass Ave Final Decision