



Town of Sudbury

Planning Board

TOWN CLERK
SUDBURY, MASS

2019 SEP 19 PM 1:47

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-443-0756

PlanningBoard@sudbury.ma.us

www.sudbury.ma.us/planning

September 11, 2019

WATER RESOURCE PROTECTION OVERLAY DISTRICT SPECIAL PERMIT DECISION

554 BPR, LLC
554 Boston Post Road

DECISION of the Planning Board of the Town of Sudbury, Massachusetts (Board) on the application of 554 BPR, LLC (Applicant) and Anne Stone (Owner) for a Water Resource Protection Overlay District Special Permit for the property at 554 Boston Post Road. The subject property is located in the Single Residence A-1 Zoning District and within Zone II of the Water Resource Protection Overlay District, and is known as Assessor's Map K06-0602.

This Decision is in response to an application filed under Sections 4242.q., 4243.b., and 4270 of the Town of Sudbury Zoning Bylaw for a Water Resource Protection Overlay District Special Permit by the Applicant on June 10, 2019 to demolish the existing buildings and construct a new self-storage building with associated parking, drainage, landscaping, and other improvements, which will disturb approximately 132,500 square feet of land, including approximately 7,800 square feet of land area on slopes exceeding 10%, with a proposed net increase in impervious area of approximately 47,800 square feet, on an approximately 3.1 acre parcel.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Applicant, Owner, abutters, and other parties in interest, as required by law, the public hearing was conducted on July 17, 2019, and continued to August 21, 2019 and September 11, 2019, when it was closed. The Board deliberated on the proceedings on September 11, 2019. The following members of the Board were present throughout the proceedings: Stephen Garvin, Charles Karustis, John Hincks, and Justin Finnicum. The record of the proceedings and submissions upon which this Decision is based may be referred to in the office of the Town Clerk or the Planning Board.

After due consideration of the application, the record, Planning staff's report, and based upon the findings set forth herein, the Board voted 4 to 0 to **GRANT** conditional approval of the Water Resource Protection Overlay District Special Permit on September 11, 2019 pursuant to the following findings and conditions:

COMPLIANCE WITH SECTION 4200 WATER RESOURCE PROTECTION OVERLAY DISTRICTS

Section 4275 of the Zoning Bylaw states that after notice and public hearing, and after due consideration of the reports and recommendations of the other Town boards or agencies, the

Special Permit Granting authority may grant such a Special Permit provided that it finds that the proposed use:

a. Will in no way during construction or any time thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Resource Protection Overlay District.

The proposed self-storage facility will allow people to store items within a contained space for the long or short term. While the proposed self-storage building is roughly 100,000 square feet, the Applicant has taken steps to address potential issues related to stormwater and groundwater. To manage stormwater and improve groundwater quality, the Applicant is proposing a stormwater management system which includes the collection of runoff from the paved driveway through two infiltration basins at the rear of the site. The basins have been designed to mitigate peak flow rates and volumes through the 100-year storm event. Roof runoff would be directed to a large drywell at the front of the building. The proposed system would infiltrate 100% of the stormwater generated on-site and this is considered an improvement over existing conditions for water quality as well as groundwater recharge. Additionally, the Applicant will be retaining significant vegetation along the front of the property and installing new vegetation on the north side to treat additional stormwater which might sheet flow off of the pavement and to provide additional screening of the new structure. Further, the proposed self-storage facility would use very minimal water compared to other potential uses for the property and potable water will be provided by the Sudbury Water District. Wastewater output from the proposed use will only generate a small number of gallons each day. Based on the above, the Board finds the proposed project will in no way during construction, or any time thereafter, adversely affect the existing or potential quality or quantity of water in the Water Resource Protection Overlay District.

b. Will not cause the groundwater quality to fall below the standards established in 314 CMR 6.00 Massachusetts Groundwater Quality Standards or for parameters where no standards exist, below standards established by the Board of Health and, where existing groundwater quality is already below those standards, upon determination that the proposed activity will result in no further degradation.

The proposed self-storage facility will have a minimal use of water as the primary activity for this use is the storage of personal items. The Stone Tavern building will be renovated to serve as office space and will only contain a small bathroom and break room. Wastewater output from the proposed use will only generate a small number of gallons each day. To manage stormwater and improve groundwater quality, the Applicant is proposing a stormwater management system which includes the collection of runoff from the paved driveway through two infiltration basins at the rear of the site. The basins have been designed to mitigate peak flow rates and volumes through the 100-year storm event. Roof runoff would be directed to a large drywell at the front of the building. The proposed system would infiltrate 100% of the stormwater generated on-site and this is considered an improvement over existing conditions for water quality as well as groundwater recharge. The Applicant has also submitted a Stormwater Operation and Maintenance Plan as part of their application materials to ensure this system continues to function properly into the future. Additionally, minimal vegetation will be removed as part of

this proposal and several new plantings will be installed along front portion of the property, which should further help to treat stormwater runoff on the site. Therefore, the Board finds the proposed project will not cause the groundwater quality to fall below the standards established in 314 CMR 6.00 Massachusetts Groundwater Quality Standards or below standards established by the Board of Health.

c. Is in harmony with the purpose and intent of the bylaw and will promote the purposes of the Water Resource Protection Overlay District.

The proposed use (a self-storage facility), while typically not permitted in the Single Residence A-1 Zoning District, has obtained Constructive Approval from the Zoning Board of Appeals. The use is also not completely out of character with the existing uses on either side of the subject property. To the east and north of the subject property are a Limited Industrial-1 Zoning District with a Mixed-Use Overlay District, which includes a Whole Foods Market, the South Sudbury Fire Station, several restaurants, a coffee shop, and a gym, as well as numerous residences in the Avalon Sudbury apartments, townhouses, and a memory care facility. Other development in close proximity to the subject property includes Pure Encapsulations (a manufacturer of dietary supplements); Connexion Systems Engineering; and the Sudbury Plaza with a Shaw's grocery store, a Starbucks, a CVS, a restaurant, and other businesses. To the immediate west of the subject property is another large commercial enterprise, J.P. Bartlett's Wholesale Greenhouse operation. To manage stormwater and improve groundwater quality, the Applicant is proposing a stormwater management system which includes the collection of runoff from the paved driveway through two infiltration basins at the rear of the site: The proposed system would infiltrate 100% of the stormwater generated on-site and this is considered an improvement over existing conditions for water quality as well as groundwater recharge. Little vegetation will need to be removed from the subject property as part of this proposal. Much of the vegetation along the front of the property is being retained and most of the vegetation at the rear of the site has already been removed as part of the previous uses related to the farm. Additionally, the proposed project is not proposing to displace any wetland vegetation. As such, the Board finds the proposed project is in harmony with the purpose and intent of the bylaw and will promote the purposes of the Water Resource Protection Overlay District.

d. Is appropriate to the natural topography, soils and other characteristics of the site to be developed, and is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water related natural characteristics of the site to be developed.

To establish the proposed self-storage facility the Applicant is proposing to remove a net 1,550 cubic yards of cut for the proposed project. As such, the Board has included a condition which requires the Applicant/Owner to obtain an Earth Removal Permit before any site work can commence on the property. A substantial portion of this cut is due to the creation of the infiltration basins at the rear of the property as well as for the self-storage facility itself. The infiltration basins allow the project to infiltrate 100% of the stormwater generated on-site, which is an improvement over existing conditions for water quality as well as groundwater recharge. Little vegetation will need to be removed from the subject property as part of this proposal. Much of the vegetation along the front of the property is being retained and most of the

vegetation at the rear of the site has already been removed as part of the previous uses related to the farm. Additionally, the proposed project is not proposing to displace any wetland vegetation. Based on the above, the Board finds the proposed project is appropriate for the natural topography, soils, and other characteristics of the site to be developed, and is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water related natural characteristics of the site.

e. Will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district.

The Applicant has identified a wetland located in the vicinity of the project site and has confirmed it is outside of the 100-foot buffer zone. The runoff discharging into the bordering vegetated wetland is treated and the discharge rate will not likely cause erosion to the wetland. Additionally, the Applicant is proposing a stormwater management system which includes the collection of runoff from the paved driveway through two infiltration basins at the rear of the site. The basins have been designed to mitigate peak flow rates and volumes through the 100-year storm event. Roof runoff would be directed to a large drywell at the front of the building. The proposed system would infiltrate 100% of the stormwater generated on-site and this is considered an improvement over existing conditions for water quality as well as groundwater recharge. Therefore, the Board finds the proposed project will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district.

f. Will not adversely affect an existing or potential water supply.

The proposed use will allow people to store items within a contained facility for the long or short term. While the proposed self-storage building is roughly 100,000 square feet, the Applicant has taken steps to address potential issues related to stormwater and groundwater. To manage stormwater and improve groundwater quality, the Applicant is proposing a stormwater management system which includes the collection of runoff from the paved driveway through two infiltration basins at the rear of the site. The basins have been designed to mitigate peak flow rates and volumes through the 100-year storm event. Roof runoff would be directed to a large drywell at the front of the building. The proposed system would infiltrate 100% of the stormwater generated on-site and this is considered an improvement over existing conditions for water quality as well as groundwater recharge. Therefore, the Board finds the proposed project will not adversely affect an existing or potential water supply.

FINDINGS

1. The subject property is currently developed as the Stone Tavern Farm with a single-family dwelling (the Stone Tavern building), the Stone Farm barn, a farm stand, and other barns/accessory buildings.
2. The subject property is entirely located in an aquifer recharge zone (Zone II) of the Water Resource Protection Overlay District.

3. The subject property contains approximately 26,485 square feet of impervious surface which represents approximately 19.6% of the property. The proposed project would create a net increase of 47,800 square feet (35.4% of the total property) of impervious surface. Stormwater management controls have been proposed which mitigate the expansion of impervious surface on the property and comply with the MassDEP Stormwater Management Policy.
4. The granting of approval for the proposed project as provided with the associated conditions is consistent with the intent of the Zoning Bylaw to limit adverse effects of the use and development of land on the surface and groundwater resources of the Town of Sudbury.

CONDITIONS OF APPROVAL

This Water Resource Protection Overlay District Special Permit Decision is subject to and with the benefits of the following restrictions:

1. Approval is based upon the following Plans and Documents:
 - a. Existing Conditions Plan, Proposed Site Plan, 554 Boston Post Road in Sudbury, MA prepared by Sullivan, Connors and Associates (Sheet 1 of 5) dated August 8, 2018 with a revision date through August 8, 2019 and a Planning Board date stamp of August 15, 2019.
 - b. Proposed Site Plan of 554 Boston Post Road in Sudbury, MA prepared by Sullivan, Connors and Associates (Sheet 2 of 5) dated August 8, 2018 with a revision date through August 20, 2019 and a Planning Board date stamp of September 10, 2019.
 - c. Erosion Control Plan of 554 Boston Post Road in Sudbury, MA prepared by Sullivan, Connors and Associates (Sheet 3 of 5) dated August 8, 2018 with a revision date through August 8, 2019 and a Planning Board date stamp of August 15, 2019.
 - d. Construction Details of 554 Boston Post Road in Sudbury, MA prepared by Sullivan, Connors and Associates (Sheet 4 of 5) dated August 8, 2018 with a revision date through August 8, 2019 and a Planning Board date stamp of August 15, 2019.
 - e. Construction Details of 554 Boston Post Road in Sudbury, MA prepared by Sullivan, Connors and Associates (Sheet 5 of 5) dated August 8, 2018 with a revision date through August 8, 2019 and a Planning Board date stamp of August 15, 2019.
 - f. Landscape Plan of 554 Boston Post Road in Sudbury, MA prepared by Schreiber Associates dated August 26, 2019 with a revision date through August 26, 2019 with a Planning Board date stamp of September 11, 2019.
 - g. Sudbury Self Storage Building Photometric Plan prepared by RENOVA Lighting Systems, Inc. dated September 11, 2019 with a Planning Board date stamp of September 11, 2019.
 - h. Self Storage Office, Stone Tavern, 554 Boston Post Road, Sudbury, Massachusetts Plan Set prepared by Dickinson Architects, LLC (Sheets A1 through A5) dated June 6, 2019 with Planning Board date stamps of June 10, 2019.
 - i. Exterior Renderings (North, South, East, and West) prepared by Boardwalk Storage Solutions dated September 5, 2019 with Planning Board date stamps of September 10, 2019.
 - j. Plant List with a Planning Board date stamp of August 15, 2019.

- k. New England Stone Source, New England Blend Sample with a Planning Board date stamp of August 15, 2019.
 - l. Standing Seam Metal Roofing Sample Sheet by MBCI with a Planning Board date stamp of August 15, 2019.
 - m. Ryttec Corporation Spiral High Performance Rigid Rolling Door Cut Sheet with a Planning Board date stamp of September 10, 2019.
 - n. DBCI Doors, Light Duty Roll-Up, 650 Series Cut Sheet with a Planning Board date stamp of September 10, 2019.
2. **Prior to the commencement of any site work**, the Applicant/Owner shall record the Decision with the Middlesex South Registry of Deeds and provide verification of recording to the Building Department and Planning and Community Development Department.
 3. **Prior to the commencement of any site work**, the Applicant/Owner shall obtain an Earth Removal Permit from the Earth Removal Board, if necessary.
 4. Conditions required under Section 4261 of the Zoning Bylaw pertaining to Earth Removal in the Water Resource Protection Overlay District:
 - a. Proper and reasonable surface drainage of the land shall be provided during and after construction, and all drainage provisions shall comply with the requirements of the Rules and Regulations for Special Permits in the Water Resource Protection Overlay District.
 - b. Areas that have been compacted by heavy machinery shall be scarified to a depth of at least twelve (12) inches before topsoil is replaced.
 - c. At the conclusion of the excavation operations, or of any substantial portion thereof, the whole area where excavation has taken place and which is not intended for a building footprint, other impervious surfaces, or the infiltration basins, shall be covered with not less than six (6) inches of top soil and seeded with a suitable cover crop, except where ledge rock is exposed, and that all large stones and boulders which protrude above the finished grade are to be removed or buried.
 - d. Activities ancillary to the excavation, including, but not limited to, equipment and vehicle maintenance and storage of lubricants, fuels, solvents and other chemicals associated with earth removal operations are prohibited in Zone II.
 - e. **Prior to the commencement of any site work**, the Applicant/Owner shall post a bond with the Treasurer of the Town in an amount determined by the Planning Board as sufficient to guarantee conformity with the provisions or conditions of the permit, the amount of the bond to be not less than \$5,000 per acre of land from which earth is to be removed.
 - f. Any fill material used in the Water Resource Protection Overlay District shall contain no solid waste, toxic or hazardous materials, or hazardous waste. Adequate documentation

shall be provided to the Planning Board to guarantee the chemical quality of the fill. The Planning Board may require testing by a certified laboratory at the Applicant's/Owner's expense.

5. **Prior to the issuance of a Building Permit**, the Applicant/Owner shall install rough asphalt around the building site to accommodate the Town's emergency services vehicles during construction. The Fire Department shall sign off on the installation of this asphalt prior to a Building Permit being issued.
6. **Prior to the issuance of a Building Permit**, the Applicant/Owner shall provide an easement on the subject property to the Town from Boston Post Road/Route 20 to the rear property which contains the Agricultural Preservation Restriction. The language of the easement shall be reviewed and approved by Town Counsel as to form and be recorded with the Middlesex South Registry of Deeds.
7. All utilities for the project shall be located underground.
8. **Prior to the issuance of a Certificate of Occupancy**, the Applicant/Owner shall install solar panels on the flat portion of the roof of the self-storage facility in all feasible locations.
9. Exterior storage of any kind (equipment, materials, products, etc.) on the subject property is prohibited. The only exception is one (1) rubbish bin/dumpster, which shall be enclosed/screened.
10. The storage of hazardous or toxic materials, or hazardous wastes, as defined in Section 7000. Definitions of the Zoning Bylaw, in quantities greater than household use, and the storage of vehicles or tires on the subject property is prohibited.
11. The operation of a business out of a self-storage facility unit(s) or people using a unit(s) within the self-storage facility as living space is prohibited.
12. As-Built drawings shall be submitted to the Building Department and Town Engineer, and the plans shall be certified by a Registered Professional Engineer or Registered Land Surveyor of record, who shall certify the work has been done in accordance with the approved Plan and this Decision, as well as verifying the drainage system has been built in accordance with the design and is in compliance with all applicable regulations.
13. Violation of any of the conditions of this Decision, as acknowledge by the permit holder or determined by a court of competent jurisdiction to have occurred, shall be grounds for enforcement of this Decision, or of any Building or Occupancy Permit granted hereunder. The Town may enforce compliance with the conditions of this Decision by any action of injunctive relief before any court of competent jurisdiction.

The authority granted to the Applicant/Owner by this Decision is limited as follows:

This Decision shall not take effect until a copy has been recorded with the Middlesex South Registry of Deeds and until a certified copy of the recorded document is submitted to the Board. The Applicant/Owner, by acceptance of this Decision and recording thereof, acknowledges the binding effects of the conditions of this Decision.

APPLICABILITY OF WATER RESOURCE PROTECTION OVERLAY DISTRICT SPECIAL PERMIT: This Water Resource Protection Overlay District Special Permit 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 plans. Any change of use shall require a new Permit from the Board.

OTHER PERMITS OR APPROVALS: This Decision applies only to the requested Water Resource Protection Overlay District Special Permit. Other permits or approvals required by the Sudbury 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 Sudbury Zoning Bylaw.

AMENDMENT OF THIS DECISION: Any changes to the physical condition of the site, including changes in the location or design of structures or systems, increase in intensity of use, or changes to the conditions of approval, following initial approval of the Permit will require approval of the Board.

LAPSE OF THIS DECISION: This Water Resource Protection Overlay District Special Permit approval shall lapse one (1) year from the date this Decision is recorded with the Town Clerk unless a substantial use thereof has commenced except for good cause or any construction has begun by said date except for good cause. Any request for an extension of the time limitation set forth herein must be made in writing to the Board at least thirty (30) days prior to said expiration date. The Board, however, shall not grant any extension as herein provided unless it finds that the use of the subject property or construction on the subject property has not begun except for good cause.

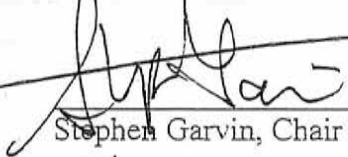
Appeals, if any, shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date of filing of the above-referenced Decision with the Town Clerk.

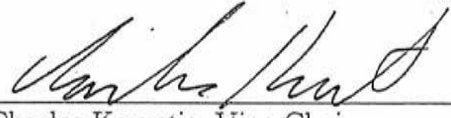
TOWN CLERK
SUDBURY, MASS

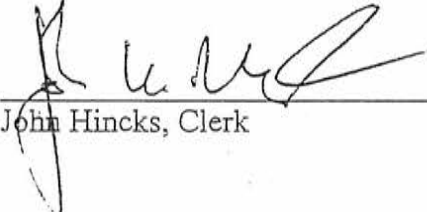
2019 SEP 19 PM 1:47

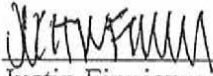
Witness our hands this 11th day of September, 2019.

SUDBURY PLANNING BOARD


Stephen Garvin, Chair


Charles Karustis, Vice Chair


John Hincks, Clerk


Justin Finnicum

Nancy Kilcoyne

- cc: Town Clerk
 Board of Health
 Department of Public Works
 Building Inspector
 Planning & Community Development Department
- Conservation Commission
 Sudbury Water District
 Board of Selectmen
 Fire Chief
 Applicant

TRUE COPY, ATTEST:

TOWN CLERK
