
PLANNING DIRECTOR QUESTIONS, COMMENTS AND RECOMMENDATIONS

PROPOSED DEVELOPMENT:	0 & 301 Bartlett Street, Parcel H
APPLICANT:	The Gutierrez Company
ZONING DISTRICT:	Industrial District
	Groundwater Protection Overlay Areas 1 & 3
APPLICATION SUBMITTED:	N/A
PUBLIC HEARING SCHEDULED:	February 7, 2023

PROJECT DESCRIPTION: This application constitutes a remand of the Planning Board's denial of Site Plan Approval and Groundwater Protection Overlay Special Permits in accordance with the Final Judgement entered by the Massachusetts Land Court on November 9, 2022. The proposed project involves construction of a building containing 150,900± square feet with 33 loading docks, 150 parking spaces and associated improvements. The site will be served by municipal water and sewer. This is a spec project- the future occupant of the facility is not known at this time.

ISSUES/COMMENTS/RECOMMENDATIONS:

Note that the comments dated February 21, 2023 are based on the site plan last revised February 16, 2023 and associated submittals.

1. In accordance with Planning Board Rules and Regulations, Section 7.2(c)(9), the Applicant should identify the location of existing trees that are 10" in diameter at breast height within the construction envelope or submit a written waiver request for Planning Board consideration.

February 21st Comment: In a letter from Mark Donahue, Fletcher Tilton Attorneys at Law, dated February 7, 2023, the Applicant submitted a written waiver request for Planning Board consideration.

2. The site plan should be revised to depict the number, location and screening of dumpsters in conformance with Zoning Bylaws, Section 7-09-020(C)(5)(d).

February 21st Comment: This comment is addressed on the revised plan set. A trash compactor unit will be located at the loading bay location adjacent to the building.

3. Zoning Bylaws, Section 7-09-030(C)(5)(a) requires parking facilities with more than 30 spaces to have interior landscaping containing at least 10% of the paved area. The Applicant should demonstrate compliance with this requirement.

February 21st Comment: This comment is addressed on the revised plan set. The parking lot layout was reconfigured to include interior islands. This reconfiguration included shifting 7

parking spaces to the side of the building where tractor trailers will be making deliveries and pickups. For safety reasons, I strongly recommend installation of a sidewalk from this new parking lot to the building entrance.

4. Zoning Bylaws, Section 7-09-030(F)(1) requires bicycle parking at the rate of 1 bicycle parking space for every 10 vehicular parking spaces up to 50 spaces and 1 bicycle parking space for every 20 vehicle spaces thereafter. The Applicant should either modify the site plan to comply with this requirement or submit a written waiver request for Planning Board consideration.

February 21st Comment: This comment is addressed on the revised plan set. A minimum of 5 back racks are shown on Sheet C-102A that will accommodate up to 10 bikes.

5. Zoning Bylaws, Section 7-09-030(C)(5)(b) specifies that at least one tree shall be provided for every 10 parking stalls in a parking facility. The proposed development includes a total of 150 parking spaces and 8 trees around the perimeter and within the parking lot. The landscape plan should be modified to include at least 7 additional shade trees abutting parking spaces or the Applicant should submit a written waiver request for Planning Board consideration.

February 21st Comment: This comment is addressed on the revised plan set. Additional trees and associated plantings were added to both the parking lot area and the access driveway.

6. I recommend installing electric charging stations within the parking lot. Also, the Applicant should consider installing rooftop solar panels to reduce energy costs and the project's carbon footprint.

February 21st Comment: This comment is partially addressed. The Site Plan was modified to depict the location of 3 electric charging station "stalls". To clarify, I recommend inclusion of a Condition of Approval requiring installation of three electric charging "stations" at the designated locations. In a letter from Fletcher Tilton Attorneys at Law dated February 7, 2023, the Applicant did not commit to installing rooftop solar panels but will consider it.

7. Given the proximity of the project site to a residential neighborhood, I recommend a Condition of Approval that would restrict trailer connects and disconnects during nighttime hours (i.e. 10 PM to 6 AM).

February 21st Comment: In a letter from Fletcher Tilton Attorneys at Law dated February 7, 2023, the Applicant expressed that they are not agreeable to a condition limiting trailer connects and disconnects. I defer this draft condition to the Planning Board.

8. I recommend a Condition of Approval requiring the installation of signage that prohibits commercial truck traffic from turning right onto Bartlett Street in accordance with the VHB Memorandum dated December 5, 2019, updated August 17, 2020.

February 21st Comment: This comment is addressed on the revised plan set. The recommended signage is depicted on Sheets C-102B and C-502. This should also be included as a Condition of Approval to underscore its importance.

9. A number of distribution facilities exist within the area of this proposed development. It is not unusual for truck drivers to rest along public roads and within the parking lots of unrelated commercial and industrial facilities to the ire of residents and private commercial property owners. What provisions will the Applicant make on-site to accommodate drowsy/resting truck drivers?

February 21st Comment: In a letter from Fletcher Tilton Attorneys at Law dated February 7, 2023, the Applicant expressed that they will neither encourage nor promote idling vehicles for sleeping drivers on the property. This does not address the problem of where truck drivers can go when complying with their federally-mandated rest time.

10. I recommend a Condition of Approval requiring, prior to issuance of an occupancy permit, a copy of a recorded Conservation Restriction for the 13.21± acre area identified as “Proposed Area 6” that is referenced in the letter from the Division of Fisheries & Wildlife dated February 25, 2020.

February 21st Comment: The Applicant is amenable to this Condition of Approval.

11. The Definitive Subdivision Plan, previously denied and currently under appeal, appears to place the cul-de-sac and a large drainage easement with associated basin within the area of the proposed driveway and parking lot. In addition to the property’s access, this will likely impact the site layout, grading, drainage, landscaping, and area designated for permanent protection via the Conservation Restriction (Area 6). Note that, if ultimately approved, the Applicant will have to apply for a major modification of the site plan/groundwater protection special permit and submit revised plans and associated documents.

February 21st Comment: The Applicant acknowledges this fact. I recommend inclusion of the following Condition of Approval: “Any proposed material change or substantial modification to the use, intensity, size, configuration or footprint of the Project and/or site improvements serving the Project (excluding in all events the reduction in the total footprint of the building and a corresponding reduction in the paved areas of the Project) shall require application for and approval of an amendment of this decision, this approval having been based on a review of the proposed Project and site design as presented to the Board per the record documents, plans and testimony. Any application for amendment shall be subject to the same submittal, review and hearing procedures as the original filing.”

February 21st Comments:

12. Note that sheet C-102A of the Site Plan shows that the number of loading bays will be reduced from 33 to 28 bays.