

1 and 2 Monarch Drive – Consolidated Special Permit Decision

DATES OF HEARINGS: May 5, 2022; May 12, 2022; June 14, 2022; July 14, 2022; and August 15, 2022

MEMBERS PRESENT: Mark Montanari, Jeff Yates, Bartlett Harvey; Anna Hueston, and Delisa Laterzo

PUBLIC HEARINGS:

The Littleton Planning Board held a duly noticed public hearing on May 5, 2022, which was continued to May 12, June 14, July 14 and August 15, 2022. The Public Hearing was closed on August 15, 2022 on the motion of Mr. Yates, seconded by Ms. Laterzo, and the Board voted 5 to 0 to close the Public Hearing.

At the hearings, the Applicant and the Applicant's engineer Sue Carter of PLACES Associates, Inc. presented the Project, as well as other representatives. Topics covered included engineering and design, off-site traffic patterns, endangered species and the existing Conservation Restrictions, and operational issues. The Applicant and its representatives responded to questions posed by members of the Planning Board and Town Staff. Abutters and other members of the public in attendance asked a number of questions, all of which were taken under advisement.

The Board deliberated on August 15, 2022 to consider the application.

BACKGROUND:

The property, located on Monarch Drive, is comprised of three parcels located within an Industrial A District and within the Aquifer District:

- (1) 1 Monarch Drive is a 23.9-acre parcel with an existing office building. This office will be connected to a new septic system that serves the new warehouse building, Map R-10, Parcel 16.
- (2) 2 Monarch Drive consists of 2 undeveloped parcels totaling 20.07 acres; Map R-10, Parcels 16-A 8.97 acres and 16-B 11.1 acres

The Applicant submitted to the Planning Board the materials listed below (collectively, the "Plans"), which, together with the testimony provided at the referenced public hearings and the review and analysis of these materials provided by Green International Affiliates, Inc., consultants to the Town of Littleton, provide the information required by Sections 173-88, 173-62, 173-17 and 173-18 and are the basis of the Board's determinations and decision:

1. Site Plan Review & Application for Special Permits for Article XIV Aquifer and Water Resource District and Article XVIII Major Commercial or Industrial Use filed April 11, 2022, with later revisions and prepared by PLACES Associates, Inc. "Application Booklet".
2. Traffic Impact Assessment "Proposed Industrial Development Littleton, Massachusetts" on behalf of FMD Companies LLC dated March 29, 2022 and prepared by TEC The Engineering Corp., with revisions.
3. Stormwater Analysis Report Monarch Drive Littleton, Massachusetts Prepared for VMD Industries V LLC by PLACES Associates, Ind. dated April, 2022, and later revised, Part 1 and Part 2 Hydro cad and drainage maps.
4. Site and Special Permit Plans to Accompany Permit Documents prepared by PLACES Associates, Inc. and GMA Architects Original Issue Date April, 2022 and Last Revised July 28, 2022 with sheets prepared and revised as follows – to be further revised, if required by conditions outlined below:

1 and 2 Monarch Drive – Consolidated Special Permit Decision

SHEET NAME	SHEET NO.	PREPARED OR ISSUED	LAST REVISED
COVER SHEET	COVER	April 2022	July 28, 2022
NOTES AND LEGEND	C-1	April 2022	July 28, 2022
EXISTING CONDITIONS PLAN	C-2	April 2022	July 28, 2022
SITE PLAN	C-3	April 2022	July 28, 2022
LAYOUT AND MATERIALS PLAN	C-4	April 2022	July 28, 2022
GRADING PLAN	C-5	April 2022	July 28, 2022
DRAINAGE PLAN	C-6	April 2022	July 28, 2022
UTILITY PLAN	C-7	April 2022	July 28, 2022
DETAIL SHEET	C-8	April 2022	July 28, 2022
DETAIL SHEET	C-9	April 2022	July 28, 2022
DETAIL SHEET	C-10	April 2022	July 28, 2022
EROSION AND SEDIMENTATION CONTROL SITE PLAN	C-11	April 2022	July 28, 2022
EROSION & SEDIMENTATION CONTROL PLAN AND STORMWATER O & M	C-12	April 2022	July 28, 2022
LANDSCAPE PLAN	L-1	April 2022	July 28, 2022
LANDSCAPE PLAN	L-2	April 2022	July 28, 2022
ANR PLAN (DRAFT)	ANR1.1	April 2022	N/A

5. Responses to Peer Review Comments Form by PLACES Associates, Inc. dated June 28, 2022 and last revised July 28, 2022;
6. Cover Letter dated June 28, 2022 prepared by PLACES Associates, Inc. with CRWA Stormwater, Trees, and the Urban Environment Analysis; UNH Stormwater Center 2009 Biannual Report; Stormwater Equipment Manufacturers Association Tree Box Filters; updated Stormwater Analysis last Revised July 28, 2022;
7. Peer Review Comments Form last Updated by Green International Affiliates Inc. on August 8, 2022; and
8. VMD Letter dated August 10, 2022 regarding 2 Monarch Drive tenant and uses.

DETERMINATIONS: Following the Public Hearing, the Planning Board made the following determinations:

1. Pursuant to Section 173-87A, a major industrial use may be authorized only at locations where the type of use would, if not categorized “major”, be permitted by right or could be allowed by special permit. Unless otherwise prohibited or limited by Section 173-61, office, wholesaling, warehousing, distributions center, manufacturing, research and development, open storage and bulk storage, truck terminal (4 or fewer trucks on the premises) and public utilities are permitted non-major principal uses as set forth in Section 173-26A, subject to certain conditions in the notes following said section (collectively, the “Uses”).

1 and 2 Monarch Drive – Consolidated Special Permit Decision

2. The Board determines that the requirements for the issuance of a Major Commercial or Industrial Use Special Permit have been satisfied for the proposed tenant, specifically:
 - a) Roads, water and drainage facilities, as existing or as committed by the Applicant to be improved, will serve this proposal adequately and safely without material deterioration in service to other locations;
 - b) There is a high assurance that no planned or unplanned contingency will result in undue hazard or contamination of air, land, or water resources;
 - c) The proposal is visually compatible with the vicinity, including consideration of site arrangement, consistency in architectural scale, retention of existing site features, especially trees, and architectural character;
 - d) There is a minimal degree of threat to environmental resources, including loss of valuable trees and other vegetation, disturbance of habitats, and soil loss through erosion;
 - e) Buffering and screening from any nearby uses of different character is adequate.
3. As required by Section 173-62, the Board determines that the requirements for the issuance of an Aquifer and Water Resource Special Permit have been met for the proposed tenant, specifically:
 - a) The Planning Board has determined that at the boundaries of the premises the groundwater quality resulting from on-site waste disposal, other on-site operations, natural recharge and background water quality will not fall below the standards established by the Department of Environmental Protection in Drinking Water Standards of Massachusetts, as most recently revised, or, for parameters where no Department of Environmental Protection standard exists, below current Environmental Protection Agency criteria as published in the Federal Register or, where no such criteria exists, below standards established by the Board of Health in consultation with the Board of Water Commissioners. There has been no determination that existing groundwater quality is already below those standards.
 - b) No proposed uses are prohibited in the Aquifer and Water Resource District and the Project will meet the requirements of the Zoning Bylaw.
 - c) The Project includes 22.7% impervious surfaces, which the Board may allow by special permit in the Aquifer District (a special permit is required where a development proposes rendering impervious more than 15% of lot area or 2,500 square feet of any lot or parcel but less than 30% in the Aquifer Protection Overlay District). The Project plans call for recharge of stormwater runoff from impervious surfaces without degradation to groundwater. Such recharge includes infiltration through methods as outlined in the Town of Littleton Low Impact Design/Best Practices Manual (latest edition). Oil, grease, and sediment traps are specified where required. The Project does not include loading areas for toxic or hazardous materials. For the foregoing reasons, the proposed impervious surface of the Project, including a parking area with a capacity of 100 or more spaces, is hereby allowed.
4. The Board determines that the Project with the proposed tenant meets the requirements for approval of the site plan, including provision of adequate access, egress and internal circulation, screening of parking and lighting from adjacent uses, the minimization of major topographic changes or removal of existing trees, the provision of adequate access to each structure for fire and service equipment, and adequate stormwater, utilities and drainage. The Board further determines that the Project provides adequate and safe access, as access will continue through the existing Monarch Drive leading to Taylor Street, south of the Route 2/Taylor Street interchange. Based on the Traffic Study and knowledge of the proposed tenant, together with the Conditions set forth

1 and 2 Monarch Drive – Consolidated Special Permit Decision

herein, it is not likely that traffic whose destination is a location outside a particular residential district will impact streets serving any such residential districts.

5. As required by Section 173-7(C), the Board determines that, as conditioned below, no significant nuisance, hazard or congestion will be created and there will be no substantial harm to the neighborhood or derogation from the intent of this chapter.

CONDITIONS:

Based on the foregoing, Mr. Yates made a motion, seconded by Ms. Laterzo, that the Planning Board **grant** the Major Commercial or Industrial Use special permits under Article XVIII Major Commercial or Industrial Use; **grant** the Aquifer Protection Overlay District special permit; and **approve** the Site Plan under the Code of the Town of Littleton Zoning, subject to the following conditions. The following conditions shall be binding upon the Applicant, as the owner of the Project, and its successors and assigns. A final determination of the Building Inspector that the Applicant has failed to adhere to these conditions, following notice to the Applicant and a public hearing and other applicable requirements of the law, shall render this special permit null and void, without force and effect, and shall constitute grounds for the revocation of this special permit, and of any building permit issued hereunder. The Town of Littleton may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

- 1.. Site Plan and Stormwater Review: The Property shall be improved and operated in accordance with the approved Site Plan, submitted to the Planning Board and titled “Special Permit and Site Plan Review Plan VMD Industries V LLC Monarch Drive in Littleton, Massachusetts”, as referenced above, and the Stormwater Operations and Maintenance Plan – Longterm Pollution Prevention report including without limitation the following:
 - a. A storm water management system designed to protect ground water quality and quantity including stormwater inspection and maintenance logs provided to the Planning Department annually;
 - b. A new Title 5 septic system to serve 1 and 2 Monarch Drive;
 - c. Property owners are responsible for the operation and maintenance of the stormwater management system both during construction and in future operation in accordance with the Stormwater Operations and Maintenance Plan – Long-Term Pollution Prevention &M Plan;
 - d. A Stormwater Pollution Prevention Plans (SWPPP) shall be submitted to the Planning Department prior to commencement of construction activities at the site;
 - e. A signed Illicit Discharge statement is required prior to commencement of construction, before a building permit is issued;
 - f. Spill Prevention and response measures are outlined in the Stormwater O & M Plan and property owners are responsible for meeting these requirements; and
 - g. Remaining peer review comments from the Peer Review Comments Form last Updated by Green International Affiliates Inc. on August 8, 2022 must be addressed to the satisfaction of the Planning Board prior to issuance of a building permit;

1 and 2 Monarch Drive – Consolidated Special Permit Decision

- i. Property owner/applicant shall apply to the Conservation Commission prior to construction activity at the site for work within ConsCom jurisdictional areas.
 - ii. One soil sample for every 5,000 ft of stormwater basin area is required prior to issuance of a building permit. If results show the need for a redesign of the stormwater system, that shall be completed and peer reviewed prior to issuance of a building permit.
 - iii. Plans shall be updated to add modified Sediment Catch Basin structure with weir before the tree boxes, as shown in Figure 5, page 15 of the CRWA Stormwater, Trees, and the Urban Environment report.
2. Operational Considerations – Aquifer District: The Applicant shall:
 - a. Conduct semi-annual groundwater monitoring to help assess land use impacts from the site on local groundwater resources. The owner shall be responsible for all associated costs incurred including: the installation of new groundwater monitoring wells (to be located with the approval of the Littleton Water Department); maintenance and upkeep of existing groundwater wells; and sampling, analysis, and review performed by the Littleton Water Department. The sampling, location, testing frequency, and analytical requirements shall be drafted and modified by the Littleton Water Department and approved by the Littleton Planning Board contingent upon existing and future environmental site conditions.
 - b. This Special Permit does not contemplate the use, storage, generation, or disposal of toxic or hazardous materials in quantities that would require an Aquifer District Special Permit. Any use that would include these materials would require a separate Aquifer District Special Permit application to the Planning Board.
3. Operational Considerations – Traffic and Transportation Demand Management: The Applicant shall:
 - a. Left-hand Turn. Install and maintain at the site exit a sign alerting commercial drivers that they are to take left turns only, except for access to Foster Street or local deliveries;
 - b. The applicant shall perform traffic monitoring program following 12 months of full occupancy at the intersection of Monarch Drive and Taylor Street. A technical memorandum comparing the traffic volumes generated by the facility with the ITE trim generation estimates shall be submitted to the Planning Department;
 - c. Maps/Schedules. Provide public transportation schedules with transit maps for the MBTA Commuter Rail to each employee, and post schedules and maps in the employee break areas of the building;
 - d. Transportation Management Association (TMA). Coordinate with Cross Town Connect or other similar Transportation Management Agency within the Town of Littleton for membership and participation in a commuter shuttle route(s) to the site;

1 and 2 Monarch Drive – Consolidated Special Permit Decision

- e. **Bicycle Racks.** Provide secure bicycle racks that will accommodate a minimum 10 bicycles at the property.
 - f. **Preferential Parking Spaces.** Provide preferential parking spaces for carpools and provide reserved electric vehicle (EV) charging stations to service a minimum of 10 electric vehicles.
 - g. **Marketing of Transportation Options and Benefits.** A Transportation Options and Benefits welcome packet shall be distributed to all employees that includes information for all transportation related benefits, promotions, and local transportation options, including location of MBTA stops, transit schedules, EV and carpool parking locations, and any other emerging new mobility locations;
 - h. **Rideshare pick up/drop off location.** Locate a safe, efficient pick up/drop off location for rideshare services that is outside of any heavy truck traffic flow. Provision for efficient access to rideshare services to aid in the reduction of need for employee personal vehicles.
 - i. **On-site Amenities.** Provide a breakroom equipped with a microwave and refrigerator; consider offering access to the café at 1 Monarch Drive for employee breakfast and lunches ; offer direct deposit of paychecks; allow telecommuting or flexible work schedules and other similar measures to reduce the number of employee convenience trips by automobile;
4. The property owner/applicant shall submit an ANR to the Planning Board to reconfigure the lot lines generally as outlined in the draft ANR included with the Site and Special Permit Plans prior to issuance of an occupancy permit for the new building.
 5. This site is located in a Priority Habitat Area and is subject to the requirements of the Massachusetts Endangered Species Act (MESA). Mitigation measures to protect the species shall be implemented by a Conservation Management Plan (CMP) administered by the Natural Heritage and Endangered Species Program (NHESP). The development also requires a filing with the Littleton Conservation Commission.
 6. This Special Permit is issued to VMD Industries V LLC for use of this site by PODS ENTERPRISES, LLC with up to 35 employees; any other use will require approval by the Planning Board through either a minor modification of this decision if the use and/or impacts are similar or through an application to amend to this decision.
 7. This Special Permit is issued for a maximum of 202 parking spaces, substantially as shown on the Site Plan. The Planning Board prefers a phased approach to construction of the parking, with only that parking that is required by the tenant to be constructed initially, reducing the impervious cover to the extent practicable. This phasing is approved without prejudice, future parking expansion to the maximum shown on the plans is allowed with no further Planning Board review required.
 8. The validity of this permit is dependent on the Applicant recording this decision at the Middlesex Registry of Deeds. No building permit shall issue until the Applicant has filed with the Building Inspector and Planning Board a copy of this decision setting forth the recording information of the decision.
 9. This Special Permit will lapse 24 months following the grant thereof (except such time required to pursue or await the determination of an appeal referred to in M.G.L. c. 40A, Section 17) if a substantial use or construction has not sooner commenced, except for good cause. Commencement of construction of improvements to the building or substantial site

1 and 2 Monarch Drive – Consolidated Special Permit Decision

work in support of the construction approved hereby will constitute substantial use of this Special Permit.

VOTE:

The Board members voted as follows:

Mark Montanari	AYE
Jeff Yates	AYE
Bartlett Harvey	AYE
Delisa Laterzo	AYE
Anna Hueston	AYE

Appeals, if any, shall be made pursuant to Section 17 of Chapter 40A, Massachusetts G.L., and shall be filed within 20 days after the date this decision is filed with the Town Clerk.

Signed:



Bartlett Harvey, Clerk

Date Filed with Town Clerk: 08/18/2022



Town Clerk

TOWN CLERK CERTIFICATION:

To Whom It May Concern:

I, Diane Crory, Clerk of the Town of Littleton hereby certify that twenty days have elapsed since the filing of this decision by the Planning Board for this Special Permit and that no appeal concerning said decision has been filed, or that any appeal that has been filed has been dismissed or denied.

Date

Town Clerk Diane Crory

Littleton Mass.