

COMMONWEALTH OF MASSACHUSETTS

TOWN OF MILTON

Site Plan Amendment Approval

Property Address: 193 Central Avenue

Property Owner: Verma Holdings, LLC

Applicant: Verma Holdings LLC, North Attleboro, MA

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Pursuant to Section III, Subsection 1 of Chapter 10 of the General Bylaws known as the Zoning Bylaws, after hearing, the Planning Board of Milton, duly constituted, subject to the terms and conditions hereinafter listed, hereby amends the site plan approval for commercial development, issued on July 23, 2020, as hereinafter specified, subject to certain terms and conditions set out herein.

Overview

The Applicant, Verma Holdings LLC c/o Guarav Sunny Verma (the "Applicant"), is a Massachusetts Limited Liability Corporation located at 21 Coach Road, North Attleboro, MA. The Applicant, which has a franchise agreement with the Goddard School, a national childcare provider, seeks an Amendment to the Site Plan Approval issued by the Milton Planning Board on July 23, 2020, to redevelop the existing building at 193 Central Avenue (the "Property") for use as a preschool/daycare. Title to 193 Central Avenue was conveyed to the Applicant on February 25, 2021, after the Applicant received a building permit for the renovation project. Work on the site was underway when on March 22, 2021, the building was destroyed by a fire.

On September 24, 2021, after the site was released by fire officials, the Applicant filed this application to amend the approved site plan with an application narrative, new conceptual building plan, building elevations plan, lighting plan, construction management plan and revised site plan dated 9.7.2021 on 12 pages. On October 14, 2021, the Planning Board opened the public hearing on the Application and Attorney Marion McEttrick presented on behalf of the Applicant.

On October 16, 2021, the Planning Board conducted a Site Walk at the property.

Prior to a continued hearing on October 28, 2021, the Applicant submitted additional documents: (a) a revised Site Plan dated October 19, 2021 and Memo from Project Engineer Jon Tilton dated October 21, 2021 with details showing revised landscaping and the design of the refuse storage enclosure, an added sidewalk between the edge of the parking lot exit and the neighbors lot line, a snow storage area, and on the detail page, a refuse enclosure design; (b) a rendering with dimensions of the stone safety wall dated October 22, 2015; (c) a letter from the Applicant's attorney dated October 22, 2021 responding to questions from the Board and the public; (d) responses to questions in a letter from neighbors dated October 14, 2021; and (e) two memoranda from the Applicant's attorney dated October 27, 2021 describing siding materials and providing a revised lighting plan with revised photometric plan and new specifications for a light pole, lighting pole fixture, and the individual dimmer control system for each light.

A TRUE COPY ATTEST

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Susan M. Halvin

TOWN CLERK

Also on file with the Planning Board is a letter dated October 28, 2021, from the Town Engineer stating that the Applicant's grading, sewer, and watershed plans have been approved.

All documents submitted for this application are on file with the Planning Board. All documents submitted for the Site Plan application approved on July 23, 2020, are incorporated in this application by reference.

At the October 28, 2021 public hearing after testimony from the Planning Board and the public, the Applicant agreed to make two more changes to the Site Plan: to further diversify shrubs planted along the edge of the stone wall facing Columbine Road and along the front of the property between the parking and the street, and to move the entrance driveway the width of one parking space away from Columbine Road and to eliminate one parking space at that end of the parking lot, enlarging the area for snow storage. The Applicant has submitted a further updated Site Plan, last updated on November 3, 2021, showing these changes.

The public hearing was closed on October 28, 2021, and the Application to Amend was approved subject to approval of conditions and a written Decision.

All changes made by the applicant to the Site plan are shown on the final revised Site Plan dated September 7, 2021, and last updated on November 3, 2021, on file with the Planning Board. In addition to the Site Plan changes, the Lighting Plan submitted with this application has been replaced with the revised lighting plan dated October 27, 2021, and a revised Construction Management Plan dated October 26, 2021.

Decision on the Application to Amend the Site Plan issued on July 23, 2020.

On October 28, 2021, the Milton Planning Board voted 4-0-0 (with one member absent) to grant the requested Amendments to the Site Plan in accordance with the updated revised Site Plan as updated November 3, 2021, the conceptual architectural plans for elevation and exterior dated August 2, 2021, and the Application to Amend and all documents submitted during the public hearing, subject to the following conditions. The Planning Board has considered the hearing testimony and all plans and documents submitted and finds that the Amendments to the Site Plan approved on July 23, 2020, satisfy the requirements of site plan approval in Section VIII.D of the Zoning Bylaw.

The following conditions are approved as changes to the July 23, 2020, Site Plan Decision. Other than the following changes, all conditions and specifications approved in the Site Plan Approval dated July 23, 2020, shall remain in effect. This includes Condition 6, requiring completion of a traffic assessment at the Applicant's expense, six months after an occupancy permit is issued, to measure actual traffic counts at the property and actual building occupancy data.

1. The location for the new building shall be as shown on the Site Plan dated September 7, 2021, and last updated November 3, 2021.

2. The building elevations and exterior appearance for the new building shall be substantially as shown on the conceptual building elevations plan by Joseph A. Walsh AIA, LEED BD +C, C+D of O'Sullivan Architects, 606 Main Street, Suite 30001, Reading, MA 01867 dated August 2, 2021.
3. A sample and specification sheet for the fiber cement shingles to be used on the new building shall be made available in the Office of the Town Planner and be approved by the Planning Board.
4. A new parking lot design, located between the building and Central Avenue, shall be as shown on the Site Plan dated September 7, 2021, and last updated on November 3, 2021, showing 30 parking spaces, two sidewalks entering the property, an entrance and an exit driveway, an area for snow storage, landscaping providing screening and the location of the refuse container.
5. Details for the design of the refuse enclosure shall be as shown on page C5.1, page 11, "Details" of the Site Plan as updated.
6. The design of the stone-faced safety wall shall be substantially as shown on the rendering dated October 22, 2021, on file with the Planning Board.
7. The following new landscaping elements shall be provided on the site: screening between the front parking area and the street including a strip of varied shrubbery, foundation plantings at the front of the building, additional River Birch trees at the front and rear left corners of the site, and a line of varied shrubbery between the stone wall and Columbine Road, all as shown on the updated Site Plan L1.0, page 13, "Landscaping".
8. The plantings shown on Sheet L1.0, page 13 of the Site Plan, may be revised subject to review and approval by the Town Planner.
9. If plants shown on this landscaping plan do not thrive, then other plants and shrubs safe for a preschool site may be planted instead.
10. Revised stormwater drainage structures as shown on the updated Site Plan C2.3, page 7.
11. Revised Utility Connections as shown on the updated Site Plan C3.1, page 9.
12. A revised grading plan as shown on the updated Site Plan C2.1, page 6.
13. The root ball of the 30" Oak tree on Columbine Road shall be protected from grade changes as recommended by a certified arborist and approved by the Town Planner.
14. Lighting shall be installed as shown in the updated lighting plan dated October 26, 2021, on file with the Planning Board, which includes revised photometrics for day-to day operation and fully lit fire alarm conditions, a new pole design, a new pole light design, with specifications provided for each as well as specifications for lighting controls allowing individual control of the parking lot lights.

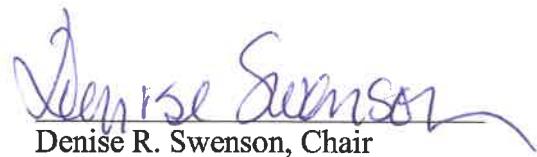
15. Fencing materials shall be consistent with the Site Plan dated September 7, 2021, as updated on November 3, 2021. No privacy fence shall be required along the lot line with 183 Central Avenue starting at the beginning of the side play yards to the rear lot line. Instead fencing there shall be similar to the fencing around the play areas, that is, wire fencing, and at the height required by the applicable regulations. The color of the rest of the privacy fencing shall be either natural wood color or dark green.
16. The Applicant shall comply with the Construction Management Plan as updated on October 26, 2021.
17. The Site Plan dated September 7, 2021, and last updated on November 3, 2021, on file with the Planning Board replaces the Site Plan approved by the Planning Board on July 23, 2020.

To a degree consistent with a reasonable use of the site for the permitted daycare and preschool purpose, the site plan previously approved and the amendments herein approved satisfy the Milton Site Plan Approval requirements in The Zoning Bylaw Section VIII.D. These are: protection of adjoining premises against detrimental or offensive uses on the site; convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, property, or improvements; adequate methods for disposal of sewage, refuse and other wastes and methods of drainage for surface water; adequate space for off-street loading and unloading of vehicles and materials incidental to normal operations for the use; proper use of the site with respect to unit density; and adequacy of lighting to maintain a safe level of illumination on the site while protecting adjacent properties.

This approval shall run with the land and shall be binding upon and inure to the benefit of the Applicant's successors and assigns. The Applicant shall duly record this approval at the Norfolk County Registry of Deeds or the Norfolk Registry District of the Land Court, as applicable, and provide proof of recording to the Planning Director within 30 days of the date of this approval.

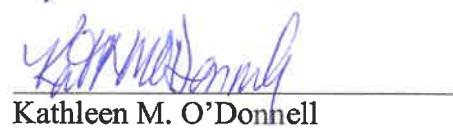
Executed at Milton, Massachusetts this 10 day of Dec., 2021, pursuant to a vote of the Planning Board on October 28, 2021, with 4 in favor and none opposed.

Planning Board of Milton


Denise R. Swenson, Chair

Richard J. Boehler, Secretary


Meredith M. Hall


Kathleen M. O'Donnell


Cheryl F. Tougias