



## **TOWN OF BERKLEY**

### **PLANNING BOARD**

**1 No. Main Street  
Berkley, Massachusetts 02779**

### **FINDINGS AND DECISION**

**RE: Application of MP Properties IV LLC for Special Permit and Site Plan Review**

**Property Address: 107 Myricks Street, Berkley, MA, Assessor's ID 027/23.0-0022-0003.0**

**111 Myricks street, Berkley, MA, Assessor's ID 027/23.0-0022-0002.0**

**(together, the "Subject Property")**

**Owner: 107 Myricks Street: Bonnie Souza, same address**

**111 Myricks Street: The Abbott Realty Trust, Nancy Skaliotis, Trustee**

**170 Haverhill street, Andover, MA 01810**

**DATE: July 17, 2023**

### **PROCEDURAL HISTORY**

1. In October 2022, MP Properties IV LLC, 260 Franklin Street, Suite 620, Boston, MA 02110 (hereinafter, the Applicant), applied for a special permit and site plan approval for two (2) warehouses or distribution facilities in the General Business (GB) District, as required by Section 4.B(2).7 of the Zoning Bylaw.

2. During the public hearing, the Town Meeting amended the Zoning Bylaw. The provision requiring a special permit is now Section 3.2.F.1. The amendment did not affect the Applicant's ability to prosecute the pending special permit or site plan approval applications.

3. A duly advertised public hearing for the special permit applications and site plan approval was opened on October 20, 2022, and continued from time to time to May 11, 2023.

The hearing was closed on May 11, 2023. On July 17, 2023, the Planning Board, acting as Special Permit Granting Authority (SPGA) voted to grant the special permit for two (2) warehouses/ distribution facilities in the GB District, and to approve the related site plan.

4. The following documents and exhibits were received during the public hearing:
  - a. "Site Development Plans for 107 and 111 Myricks Street, Berkley MA," prepared by Kelly Engineering Group, dated July 22, 2022, no revision date (the "Site Plan");
  - b. Traffic Impact Assessment (the "TIA") dated June 16, 2022, prepared by MDM Transportation Consultants, Inc.
  - c. Sound Study, dated November 18, 2022, prepared by Tech Environmental (the "Sound Study");
  - d. "Landscape Permit Submission Set," prepared by Hawk Design, Inc, dated July 21, 2022 (the "Landscape Plan");
  - e. Architectural floor plans, roof plans, elevations, and concept renderings for both Building A and Building B, prepared by GMA Architects, dated July 15, 2022 (the "Architectural Plans");
  - f. Photometric plan, prepared by Apex Lighting Solutions, LLC, dated July 14, 2022 (the "Photometric Plan").
  - g. Peer review memoranda dated October 1, 2022, from the Planning Board's consulting civil engineer, Existing Grade, Inc.;
  - h. Peer review memoranda dated December 2, 2022; December 19, 2022; and January 18, 2023, from the Planning Board's consulting traffic engineer, Bayside Engineering, Inc.;
  - i. Peer review memoranda dated November 23, 2022; January 12, 2023; and January 18, 2023, from the Planning Board's consulting acoustical engineer, HMMH;
  - J- Response to peer review memoranda by the Applicant's team, dated November 3, 2022 (civil), November 7, 2022 (civil); and
  - k. Waiver Requests from the Applicant with regard to the Board's Regulations for Special permits in the GB District, dated March 7, 2023;
  - l. Memorandum from Department of Fire and Rescue, dated October 17, 2022;

- m. Proposed conditions submitted by concerned neighbors, dated January 27, 2023;
- n. Draft list of proposed Planning Board conditions, dated February 14, 2023, with Applicant's responses, dated March 20, 2023.

## **FINDINGS**

1. The Subject Property is mostly vacant land located off Myricks Street in Berkley. There is a small existing building located at 107 Myricks Street that will be razed. The Subject Property contains approximately 57.65 acres (2,511,234 sf).
2. The Applicant proposed to divide the Subject Property into Lot A and Lot B. Lot A will contain 1,454,420 sf of area and serve as the locus for Proposed Building A, to contain 154,500 sf with 152 parking spaces, 34 loading docks and 42 trailer parking spaces.
3. Lot B will contain 1,113,192 sf of area and serve as the locus for Proposed Building B, to contain 162,500 sf with 150 parking spaces, 37 loading docks and 38 trailer parking spaces. Together, Proposed Buildings A and B will be called the "Project."
4. As set forth in the Zoning Legends for Lot A (Sheet 4A) and Lot B (Sheet 4B) in the Site Plan, the Project comply with all applicable dimensional, parking, and loading requirements of the Zoning Bylaw.
5. The south sides of Lot A and Lot B are within the jurisdiction of the Wetlands Protection Act and the Berkley Wetlands Bylaw, but are not proposed for development.
6. The Applicant submitted a traffic impact assessment (TIA) dated June 16, 2022, prepared by MDM Transportation Consultants, Inc. The Planning Board retained the services of Bayside Engineering, Inc. to conduct a peer review of the TIA.
7. The Applicant submitted a Sound Study, dated November 18, 2022, prepared by Tech Environmental. The Planning Board retained the services of HMMH to conduct a peer review of the Sound Study. For the purposes of this Decision, the Sound Study shall constitute a component of the Site Plan.
8. The Applicant submitted a "Landscape Permit Submission Set," prepared by Hawk Design, Inc, dated July 21, 2022 (the "Landscape Plan"). The Planning Board retained the services of Existing Grade, Inc. to provide a review of the landscaping and civil engineering shown on the Plan. For the purposes of this Decision, the Landscape Plan shall constitute a component of the Site Plan.

9. The Applicant submitted a series of architectural floor plans, roof plans, elevations, and concept renderings for both Building A and Building B, prepared by GMA Architects, dated July 15, 2022 (the "Architectural Plans"). For the purposes of this Decision, the Architectural Plans shall constitute a component of the site Plan.

10. Section 7.C.2 (new Section 10.5) establishes the criteria for the grant of a special permit. The Section states:

Criteria. Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this ByLaw, the determination shall include consideration of each of the following:

- a) Social, economic, or community needs which are served by the proposal;
- b) Traffic flow and safety, including parking and loading;
- c) Adequacy of utilities and other public services;
- d) Neighborhood character and social structures;
- e) Impacts on the natural environment; and
- f) Potential fiscal impact, including impact on town services, tax base, and employment.

11. The Board makes the following findings regarding the criteria set forth in Section 7.C.2 (new Section 10.5):

**a) Social, economic, or community needs which are served by the proposal:**

The proposed warehouse/distribution facilities will expand the Town's nonresidential tax base and provide needed revenue. The proposed facilities are to be located close to Route 140 that takes advantage of the four-lane access provided thereby.

**b) Traffic flow and safety, including parking and loading:**

The TIA prepared by MDM indicated that proposed operations will require a Highway Access Permit from MassDOT. Based on the information provided by the Applicant, trip generation will not result in a LOS decrease. The nearby intersections have an LOS of B today, and will have a LOS C under the No Build scenario in 2029.

The TIA findings were confirmed by Bayside, the Board's peer reviewer in its memorandum of December 19, 2023. Bayside concurred with MDM's revised findings with regard to LOS, intersection geometry, traffic volume adjustment,

speed study, sight distance, crash data, growth rate used in the TIA, choice of ITE Land Use Code, trip generation, trip distribution, and autoTURN analyses.

Parking and loading conform with the requirements of the Zoning Bylaw.

**c) Adequacy of utilities and other public services:**

Water lines will be extended to the Subject Property from Taunton. Lots A and B will each be served by a septic tank and leaching field in compliance with Title V. Subsurface stormwater management systems will treat and recharge stormwater in compliance with the DEP's Stormwater Management Policy. Proposed and adequate hydrants have been located on the Plans.

**d) Neighborhood character and social structures:**

The Planning Board finds the proposed Landscape Plan to be comprehensive and appropriate; however, the Applicant shall submit a final Landscape Plan for Board approval, as conditioned, below.

The Applicant submitted a photometric plan, prepared by Apex Lighting Solutions, LLC, dated July 14, 2022 (the "Photometric Plan"). The Photometric Plan demonstrates that the proposed facilities' lighting will not cause offsite glare or light intrusion.

The Applicant's Sound Study, as modified by the Applicant, and as conditioned by the Board in accordance with the recommendations of its peer reviewer, HMMH, show that sounds will be below the level mandated by the DEP's Noise Policy, 310 CMR 7.10.

The site is zoned GB, not Residential. Building massing and scale, color, and design, as shown in the Architectural Plans, have been prepared in accordance with the Board's Regulations for Special Permits in the GB District, to the extent such Regulations apply.

**e) Impacts on the natural environment:**

Noise should be attenuated by the revised berm project suggested by the Applicant and required by the conditions. Wetland buffer areas will not be directly affected. Stormwater management will comply with the DEP's SWM Policy.

**f) Potential fiscal impact, including impact on town services, tax base, and employment:**

The proposed facilities will provide the Town with much needed property tax and motor vehicle excise tax revenue. In addition, the Applicant has agreed to

provide a one-time payment of \$400,000 at the issuance of the first building permit and an additional payment of \$200,000 at the issuance of the 2<sup>nd</sup> building permit.

12. Section 7.D.8 (new Section 10.6) establishes the following criteria for approval of a site plan:

Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and storm water drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

- a) Maximize pedestrian and vehicular safety both on the site and egressing from it;
- b) Minimize obstruction of scenic views from publicly accessible locations;
- c) Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- d) Minimize glare from headlights and lighting intrusion;
- e) Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.
- f) Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substance;
- g) Ensure compliance with the provisions of this Zoning By-Law, including parking and landscaping.

13. The Board makes the following findings regarding the site plan approval of the project and buildings, applying the criteria set forth in Section 7.D.8 (new section 10.6):

**a) Maximize pedestrian and vehicular safety both on the site and egressing from it:**

See paragraph 11, item (b), above.

**b) Minimize obstruction of scenic views from publicly accessible locations:**

Not applicable.

**c) Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned:**

The proposed location of parking facilities, mainly to the front and rear of the building, will accomplish this goal. In addition, the Landscape Plan shows sufficient landscaping to protect against visible parking areas, waste storage areas, and equipment storage areas.

**d) Minimize glare from headlights and lighting intrusion:**

The Photometric Plan demonstrates that light intrusion should not be an issue. Vehicle parking areas are either located, or screened, so as to prevent glare from headlights.

**e) Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places:**

As shown in the Architectural Plans, the proposed facilities are obviously much larger than existing homes in the area. However, the Board has tried to make materials, colors, and height of the buildings in keeping with the area, as viewed from public ways and spaces.

**f) Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substance:**

The on-site wastewater disposal system will comply with Title V. The Board has imposed a condition that no hazardous substances will be present on the Subject Property in quantities greater than those associated with normal cleaning operations.

**g) Ensure compliance with the provisions of this Zoning By-Law, including parking and landscaping:**

The proposed parking and facilities comply with the Zoning Bylaw.

14. The Planning Board finds that the Site Plan substantially conforms with the Board's Rules & Regulations Governing the Issuance of Special Permits in the General Business and Special Business Overlay District. To the extent waivers are required from said Rules & Regulations under Section VIII, the Board has voted to grant such waivers as set forth, below:

Section	Topic
4.4	Large trees to be shown on Site Plan
4.6	Off-site topography to be shown on Site Plan
4.20	Signage
5.1.5	Parking landscaping
5.2.3	Light fixture height
5.2.4	Wall pack lighting height
5.3.2.8	150% volume stormwater management
5.3.2.11	Headwalls
5.3.2.12	Test pits
5.4	Parking lot location
5.6.2	Curbing
5.9.1	Architectural consistency
5.9.2	Massing consistency
6.1.1	Neighborhood character
6.2.1	Neighborhood design
6.3.5	LOS mitigation

## **DECISION**

Pursuant to Section 7.C.2 (new Section 10.5) and Section 7.D.8 (new Section 10.6) of the Berkley Zoning Bylaw, the Planning Board of Berkley, after public hearing and findings of fact, hereby

GRANTS to the Applicant (1) a special permit for (two) warehouses/distribution facilities, and APPROVES the site for the development of the Project, with parking and other features, all as shown on the Site Plan, subject to the following conditions.

### **Conditions**

#### **A. General Conditions**

1. The term "Applicant" as set forth herein shall mean the Applicant, its heirs, successors, assigns, tenants, or subtenants.
2. All construction and site alterations shall be substantially consistent with the work shown on the Plan, as modified by this Decision. In the event the Applicant proposes to make changes to the Plan, the Applicant will notify the Board in writing prior to making such changes, and the Board will decide at a regular meeting, by a majority vote, whether such proposed change is substantial or insubstantial. Any substantial change shall require a new public hearing after notice in accordance with G.L. c. 40A, s. 11, followed by a supermajority vote to



approve. Insubstantial changes may be approved at a regular meeting of the Board by a majority of the Board.

3. Applicant shall record this Decision with the Bristol County Registry of Deeds prior to commencement of construction (as defined herein) and shall submit proof of recording to the Planning Board.
4. This Decision does not relieve the Applicant or its agents from any responsibility to obtain, pay for, and comply with all other required Federal, State, and Town permits.
5. A copy of this Decision and the approved Site Plan shall be kept at the Project site and incorporated by reference into all construction contracts and subcontracts.
6. Within thirty (30) days of the filing of this decision with the Town Clerk, the Applicant shall deposit sufficient funds with the Town Treasurer to pay for all costs of peer review and legal services provided to the Board to the date of said filing.
7. The operation of the Project shall comply with all applicable regulations of the Board of Health in effect at the time of the application.
8. The Applicant is advised that this Project may require compliance with the regulations of the Berkley Soil Board. A copy of this Decision will be transmitted to said Board.
9. The Applicant shall prepare a final "as built" plan for the review of the Building Commissioner in a format acceptable to the Commissioner.

**B. Construction Conditions**

1. Prior to the commencement of construction, herein defined as grubbing and clearing, the Applicant will provide a Construction Management Plan to the Building Commissioner and the Planning Board. The Construction Management Plan shall provide a schedule of anticipated work, the identity of the Applicant's supervisor for each stage of the scheduled work with 24 hour contact information, a list of other Federal, State, and Town permits that may be required for the work, a dust control plan, a fencing plan around the site during the course of construction to limit debris impacting the surrounding areas, and any other information required by the Building Commissioner and the Planning Board. Prior to the commencement of construction, the Applicant and its representatives and agents shall meet with the Building Commissioner and his consultants, if any, to review and approve the Construction Management Plan. The Planning Board shall receive advance notice of this meeting and may send a representative thereto.

2. The Applicant will provide a performance guarantee for a period of five (5) years to ensure that all landscaping shown on the final Site Plan is installed and any dead or damaged landscaping is replaced in a timely manner.
3. The final Architectural Plans will be presented to the Board prior to application for a building permit to ensure the buildings have a mutually agreeable color scheme for the exterior facade of the building.
4. The Applicant shall modify the final Architectural Plan to show one (1) loading dock door per 4,000 sf of building area. (80 docks total)
5. The Applicant shall modify the final Plan to show one (1) trailer storage spot per 2,500 sf of building area (127 total)
6. Exterior lighting to be reduced to a minimum amount for security to lessen the light pollution for the residents in the surrounding area. The final photometric plan shall demonstrate that the Project will not result in light overspill or glare on any adjacent property.
7. Trees that border a direct abutter to the Subject Property shall remain, to the extent feasible.
8. Applicant shall provide a construction pad for exiting vehicles to limit mud on streets
9. Per the request of the Deputy Fire Chief, the proposed buildings shall be connected to the fire department's municipal radio box notification system which provide for the fastest possible notification in the case of an emergency.
10. Electrical service outlets shall be shown on the final Site Plan sufficient to serve refrigerator trucks and eliminate idling time.
11. After submittal of any plan which requires further approval, the Applicant shall provide funding pursuant to G.L. c. 44, s. 530 for the review of said plans and/or construction work in the field by the consultants to the Building Commissioner and/or Planning Board, including architectural, civil, traffic and landscaping plans and improvements, necessary legal documents, and the like. All funds shall be expended in accordance with a mutually agreeable scope of work on a "not to exceed" basis.

**C. Conditions as to Operations**

1. The Project may be operated every day of the year without any restriction as to days or hours.
2. The Applicant shall promote and encourage the use of white noise backup alarms, to the extent permitted by law.

3. The Applicant shall not store or maintain hazardous materials on the site other than in quantities associated with necessary cleaning and sanitary operations.
4. No fueling shall be provided on site.
5. The final Site Plans shall show adequate area(s) for snow storage.
6. During evening hours, site lighting shall be regulated to minimize light intrusion onto neighboring properties, while still providing for site safety.
7. To the extent practical, all vehicles operating at the Project site shall be registered in Berkley so that the Town benefits from motor vehicle excise taxes.

**D. Conditions as to Noise**

1. All aspects of the Project shall be operated in compliance with the MassDEP Noise Policy, 310 CMR 7.10. The applicant shall install rooftop equipment that produces sound power levels no higher than the total dBA values shown in the Sound Study table in Appendix A for the types of equipment listed. The Applicant shall provide evidence to the Building Commissioner that such equipment was installed, if legal and practical.
2. In order to have a design margin of at least 3 dBA at all nearby residential locations to account for potential variation in sound levels, the Applicant shall modify the Plans to include a four foot solid barrier wall on top of the berm or a berm with a 10 foot height to the south of the southern-most driveway. This feature increases the effectiveness of the berm and reduces the impacts of truck traffic to the southwest. It is approximately 300 feet long.
3. The Plans shall also be modified to relocate the pair of exhaust fans that were previously located on the southern edge of the southern warehouse. These two (2) exhaust fans (i.e., EF-3 & EF-4) shall be relocated approximately 160 feet, and near to the loading dock area. This relocation increases the distance between the exhaust fans and the nearest homes and allows the building to assist with "shielding" them from the nearest homes.
4. The Applicant shall prepare a noise-compliance plan which shall govern the conduct of tenants and subtenants in accordance with the noise conditions of this Decision and all Federal, State, and Town noise requirements. The noise-compliance plan shall designate a person responsible for such compliance and any violations shall be reported to the Planning Board.

5. The Applicant shall post signage on the Subject Property and all leases shall require tenants and subtenants to enforce the MassDEP Anti-idling laws and work to reduce allowed idling vehicles sound emissions whenever possible.
6. The Applicant shall promote and encourage the use of white noise backup alarms, to the extent permitted by law.
7. Final Architectural Plans shall be modified to provide an on-site break room to minimize vehicle trips and provide a lounge area for drivers.
8. The Applicant shall require as a condition in any lease that dock doors and exterior doors are to be closed when not in use to minimize any interior noise from exiting the building.
9. The Applicant shall require as a condition in any lease that tenants and subtenants shall provide training to managers and employees on efficient scheduling and load management to eliminate queuing and idling of trucks.
10. The Applicant shall require tenants and subtenants to educate drivers on approved truck delivery routes to the nearest highway system and clearly designate site entrance and exit points to prevent any truck traffic through residential streets.
11. There shall be no parking of any vehicles on Myricks Street.
12. No tenant or subtenant shall install any speed bumps on the Subject Property.
13. The use of engine braking or "Jake Brakes" on Myricks Street or anywhere in the Project shall be prohibited, except when required for life safety.
14. The buildings on Lot A and Lot B shall not be altered to locate any additional dock doors on the Myricks .Street sides of the buildings.
15. The use of any exterior public address systems that are audible at the property lines are prohibited.

**E. Conditions as to Traffic**

1. The Applicant anticipates that the buildings will be used as ITE Land Use Code 150 (Warehousing); if the proposed or actual use will have a 20% increase above the traffic impact report, " the Applicant must apply to the Board for a modified special permit, which approval may be denied or granted subject to additional conditions and/or mitigation measures by the Applicant.
2. Prior to issuance of a building permit, the final driveway alignment, widths, and curb radii shall be modified on the Plans to achieve (a) approximate perpendicular

orientation with Myricks Street; and (b) curb radii as required to accommodate Town emergency vehicles and delivery/loading design vehicles for the Site. In all cases, final driveway grading and orientation should meet or exceed the minimum recommended stopping sight distance presented in the Traffic Impact Assessment (TIA). The conceptual layout for the driveways is shown in Figure 12 of the TIA with Auto Tum provided in the Attachments for the ladder truck (fire) and articulated trailer trucks (WB-67).

3. Prior to issuance of a certificate of occupancy, a STOP sign (RI-I) and STOP line pavement marking shall be installed on the Site Driveway approaches to Myricks Street. The sign and pavement markings shall conform to Manual on Uniform Traffic Control Devices (MUTCD) standards.
4. As part of the Construction Management Plan, the Applicant shall include maintenance of the sight lines for the Site Driveway approaches to Myricks Street. As necessary, these areas should be cleared as part of the construction of the Site. Any new plantings (shrubs, bushes) or physical landscape features to be located within the sight lines should also be maintained at a height of 2 feet or less above the adjacent roadway grade to ensure unobstructed lines of sight.
5. The final Plans shall incorporate sidewalks that connect the proposed building entrances with the proposed parking areas.
6. All trailers shall be parked within the designated parking areas shown on the Plan.
7. Signage shall be installed along the access drive prohibiting the use of engine compression release brakes.
8. All on-site line painting and signage shall be maintained by the Applicant pursuant to a painting/signage operation and maintenance plan approved by the Board.
9. The Applicant agrees to install 'NO JAKE BREAK' signage on Myricks Street as permitted by the Town.
10. Right hand turns only for truck traffic exiting the site. Construction vehicles and private haulers shall enter and exit from the North.
11. Applicant shall provide a plan for staging truck departures from the site so as not to allow for caravanning of trucks or delivery vans on Myricks Street.
12. Applicant shall incorporate secure and weather-protected bicycle racks to encourage and facilitate this mode of transportation to/from the Project by employees.

13. The Applicant will install video cameras to operate 24/7 to monitor traffic activities on the site, including right turn only movements.
14. Prior to issuance of a certificate of occupancy, the Applicant will establish a Transportation Demand Management (TDM) Plan, which may include some or all of the following program elements:
  - \* On-Site Transportation Coordinator;
  - \* Preferential Parking for Carpools, Vanpools;
  - \* Electric Vehicle Charging Stations;
  - \* Preferential Parking for Low-Emission Vehicles;
  - \* Workforce Transportation Program
  - \* Off-Peak Shift Changes;
  - \* Automatic Employee Payroll Reduction
  - \* Commuter Assistance Programs
  - \* Guaranteed Ride Home
  - \* Pedestrian Infrastructure
  - \* On-Site Support Services/Amenities/showers

**F. Project Mitigation**

1. The Applicant shall make available an easement at no cost to the Town to install a sidewalk or walking path along the frontage of the Subject Property from end to end.
2. Prior to the issuance of a building permit for the first building, the Applicant shall provide the sum of \$400,000.00 to the Town as mitigation for the impacts of the Project.
3. Prior to the issuance of a building permit for the second building, the Applicant shall provide the sum of \$200,000.00 to the Town as mitigation for the impacts of the Project.
4. After the issuance of the certificate of occupancy for the first building, the Applicant shall annually pay all property taxes for the assessed value of the property. If in any year the property taxes are less than \$325,000.00, the Applicant shall contribute additional funds within 90 days of the property tax payment to the Town bringing the total of the property taxes and the contribution to \$325,000.00.
5. After the issuance of the certificate of occupancy for the second building, the Applicant shall annually pay all property taxes for the assessed value of the property. If in any year the property taxes are less than \$650,000.00 for both buildings, Applicant shall contribute additional funds within 90 days of the property tax payment to the Town bringing the total of the property taxes and the contribution to \$650,000.00.

### **RECORD OF VOTE**

On July 17, 2023, the Planning Board voted 4-1 to GRANT a special permit the Project and to APPROVE the Site Plan for the Project subject to the above-stated terms and conditions. The Planning also authorized the Chairman to sign for the Board.

  
Chairman

Filed with the Town Clerk on July 19, 2023.

Any person aggrieved by this decision of the Planning Board may appeal in accordance with G.L. c. 40A, s. 17. Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within twenty days of the date of filing.