



COMMUNITY AND ECONOMIC DEVELOPMENT

BEFORE THE NATICK PLANNING BOARD

BUILDING

PLANNING

ZONING

CONSERVATION

In Re Application of:
Middlesex Path Dog Park
111 West Central Street
Natick, MA 01760

Decision: 19-18

Parcel: Assessors' Maps 42, Lot 45B
Map 42 Lot 36
Map 42 Lot 37

SPECIAL PERMIT - AQUIFER PROTECTION DISTRICT

Statement of Facts:

This decision relates to the renovations to the park at the Middlesex Path for a proposed Dog Park, including the creation of a dog park area, walking paths, and additional parking. A site plan was prepared by Waterman Design Group, 31 East Main St Westborough, MA and consists of the following drawings:

<u>Sheet</u>	<u>Title</u>	<u>Last Revision Date</u>
C1.01	Existing Conditions Plan	March 7, 2018
C2.01	Layout, Materials and Planting Plan	March 7, 2018
C3.01	Grading, Drainage and Utilities Plan	March 7, 2018
C4.01	Details	March 7, 2018
C4.02	Details	March 7, 2018
C4.03	Details	March 7, 2018
C4.04	Details	March 7, 2018
C4.05	Details	March 7, 2018
C4.06	Details	March 7, 2018

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Statement of Facts of Public Hearing:

Notice of the Public Hearing by the Board on the matter of Aquifer Protection District was published in the MetroWest Daily News on February 13, 2018, and then again on February 20, 2018. Notice of the hearing was also sent to all "parties of interest" as certified by the Boards of Assessors of the Town of Natick and posted in the Town Hall as required by Chapter 40A, Section 11, Massachusetts General Laws.

The Public Hearing by the Board on the matter of Aquifer Protection District was held on February 28, 2018, continued to March 7, 2018 and March 14, 2018, when the Board voted to close the Public Hearing.

At the public hearings, the Applicant presented testimony on behalf of the Application and comments were received from the public and Town Departments.

Reports of Town Agencies:

Board received final reports from Health Department Director, Jim White, dated December 4, 2017. Victoria Parsons, Conservation Agent and General Planner received comments via e-mail from the Town Engineer, William McDowell, on October 19, 2017. Board received reports from Victoria Parsons, Conservation Agent and General Planner, dated December 6, 2017 and January 10, 2018. A memo from Dave Gusmini was received on January 2, 2018. Such reports are retained in the files of the Board.

Findings:

After considering all of the information and materials that it has received, including the Plans, reports of the Applicant's consultants, correspondence it has received and comments made at the Public Hearing, the Board makes the following findings relative to the Applicant's compliance with the requirements of Development in the Aquifer Protection District.

A. Aquifer Protection District Section III-A.5

The purpose and intent of the Aquifer Protection District (hereinafter referred to as "APD") is to protect, preserve and maintain the existing and potential groundwater supply and recharge areas within the Town of Natick by the imposition of conditions, when necessary, for use of the underlying land.

Section III-A.5 (4) sets forth the Permitted Uses within the APD. The section states that unless prohibited by other sections of the Zoning Bylaw, the uses permitted by the underlying district, either as a matter of right or pursuant to a special permit shall continue to be permitted uses in the APD.

The parcel is located in the Residential Single A (RSA) Zoning District the Applicant has proposed to install a dog park (an Institutional/Allowed Use) and as such the proposed use is a Permitted Use under Section III-A.5 (4).

Section III-A.5 (5) sets forth the Prohibited Uses within the APD. This section provides the specific uses that are prohibited from occurring within the APD. The Board finds that the project is not considered a "Prohibited Use" under Section III-A.5 (5).

The Board specifically finds that the project is not considered to include the "disposal of liquid or leachable waste" per Section III-A.5 (5b) of the Natick Zoning Bylaws. The Board determined that:

- The project does not include an act of "disposal" (i.e. the bringing of liquid or leachable waste to the site from offsite.)
- There is no overt act to transfer, alienate, or direct the ownership of property or substance(s).
- There is no prior collection or concentration of material or substance that is brought to the site.
- There are no collection points or engineered systems by which liquid or leachable waste is being disposed of on site as part of the project.

Board finds that the sole incursion to a level below 5 feet above the existing approximate spring high water level is a specifically designed infiltration component of site drainage.

Section III-A.5 (7) sets forth the Special Procedures for the issuance of a Special Permit in the APD. The site lies within the Aquifer Protection District (APD). The APD regulation (Section III-A.5 (7), Special Procedures Regarding the Issuance of Special Permits in the APD District) requires: "...a design to maintain aquifer recharge at pre-permit amounts where the impervious surface will exceed 20% of the lot area, and a design to cleanse and filter the runoff from such impervious surfaces recharged to the aquifer...." The Board finds the design 1) does not create a condition where 20% of impervious surface area is exceeded, and 2) the design conforms to the intent of the APD.

Pursuant to Section III-A.5 (7) (d), the Board makes the following findings relative to the Applicant's proposal:

1. The parcel is located in the Residential Single A (RSA) Zoning District and the Aquifer Protection District and the proposed use is consistent with the purpose and intent of the RSA District and the APD.
2. The proposed use is appropriate to the natural topography, soils and other characteristics of the site.
3. The Applicant's proposal includes a variety of environmental remediation steps, including the installation of a groundwater monitoring well for pre-use and future testing as deemed necessary, which will benefit (and ensure no negative impact to) the Aquifer.
4. The proposed use will not have a detrimental impact on the Aquifer water supply during construction or thereafter, and such impact will be confirmed through the installation of a groundwater monitoring well for pre-use and future testing as deemed necessary.

Decision:

After deliberation and consideration of all of the foregoing, and after making the specific findings as set forth herein, the Planning Board, at its meeting on March 14, 2018, voted to **approve** the grant of a Special Permit pursuant to Section III-A.5 of the Natick Zoning By-Laws, subject to the following condition:

- The applicant shall install a groundwater monitoring well proximate to the proposed use. An initial test of the groundwater shall occur prior to the use of the site as a dog park. The monitoring well shall remain functional for future testing, as deemed necessary by the Conservation Commission or Planning Board.
- The site is subject to the Operation and Maintenance Plan approved by the Conservation Commission, dated December 2017 and which is incorporated into this Decision by reference.

NATICK PLANNING BOARD

<u>John Meyer</u>	<u>Yes</u>	<u>Joe West</u>	<u>yes</u>
<u>John Meyer</u>	<u>Yes</u>	<u>Emilia</u>	<u>YES</u>

Date: March 14, 2018

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