



Town of Groveland Planning Board

183 Main Street
Groveland, MA 01834

Any appeal shall be
filed within (20) days
after the date of filing
this notice in the office
of the Town Clerk.

MEMORANDUM OF DECISION DEFINITIVE SUBDIVISION PLAN STORMWATER MANAGEMENT AND LAND DISTURBANCE PERMIT

PUBLIC HEARINGS: April 23, 2019, May 21, 2019,
July 16, 2019, October 15, 2019, November 5, 2019
DATE OF DECISION: November 5, 2019

Application of: Dehullu Homes
32 Benjamin Street
Groveland, MA 01834

Premises Affected: 733 Salem Street
Groveland, MA 01834 (Assessors Map 39, Parcel 68)

Referring to the above petition for Approval of a Definitive Subdivision Plan according to the requirements of the Groveland Subdivision Rules and Regulations and Article 14 of the Groveland General Bylaw: So as to construct a three-lot subdivision, including a proposed roadway, the installations of stormwater management infrastructure and the installation of underground utilities in the Residential 1 & 2 Zoning District.

After a public hearing given on the above dates, and upon a motion by Walter Sorenson and second by Robert Arakelian to APPROVE the Application for a Definitive Subdivision Plan and Stormwater Management and Land Disturbance Permit as amended and based upon the following conditions. The motion passed with 3 votes in favor, and 1 abstention (Robert Danforth).

On behalf of the Groveland Planning Board
Robert Danforth, Chair
Robert Arakelian
Lisa Chandler
Walter Sorenson

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TOWN OF GROVELAND

The Planning Board herein APPROVES the Application for a Definitive Subdivision to create three (3) lots including a proposed roadway, the installations of stormwater management infrastructure and the installation of underground utilities and associated Stormwater Management & Land Disturbance Permit. The site is located in the Residential 1 (R-1) and Residential 2 (R-2) Zoning Districts. The proposed subdivision is located at 733 Salem Street Groveland, MA 01834 (Assessors Map 39, Parcel 68).

The application was filed with the Planning Board on March 26, 2019. The Applicant submitted a complete application conforming to the requirements of the Regulations Governing the Subdivision of Land and Article 14 of the Groveland General Bylaw, which application was noticed on April 9, 2019 and April 16, 2019 in the Lawrence Eagle Tribune. The Applicant requested and received a continuance extending the time within which the Board shall take action to October 31, 2019. The public hearing on the above referenced application was opened on April 23, 2019 and closed on November 5, 2019. A quorum of Planning Board members was present.

The Planning Board makes the following findings as required by the Regulations Governing the Subdivision of Land and Article 14 of the Groveland General Bylaw:

FINDINGS OF FACT

- 1) The proposed Project as designed will protect and provide for the public health, safety, and general welfare of the Town of Groveland.
- 2) The proposed Project as designed will protect and conserve the value of land throughout the Town of Groveland and the value of buildings and improvements upon the land, and will minimize the conflicts among the uses of land and buildings.
- 3) The proposed Project will ensure that public facilities and services are available, concurrent with development, and will have a sufficient capacity to serve the proposed subdivision.
- 4) The proposed Project as designed will provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic.
- 5) On September 26, 2018 the Applicant filed a Preliminary Subdivision Plan for two (2), two (2) lot subdivisions labeled Maple and Oak Street, located at 733 Salem Street (Assessors Map 39, Parcel 68) located in the Residential 1 (R-1) and Residential 2 (R-2) Zoning Districts. At the December 18, 2018 Planning Board meeting the Applicant proposed a revised layout that reduced the number of lots to three, reduced the roadway ROW widths, eliminated the construction of Meadow Lane (formerly Oak) off Washington in favor of a permit to access lot from other than its frontage (off Oakland Terrace). The new layout minimized impact to wetland resource areas. The Groveland Planning Board approved the Preliminary Plan on January 8, 2019.
- 6) The proposed Project is the result of discussions with the Planning Board, Municipal Department staff and outside consultants with respect to site design, grading, landscaping and stormwater management. The resulting proposal limits impacts on neighboring residents.
- 7) The Peer Review Engineer, TEC, provided a final comment letter dated June 4, 2019. (See letter from Peter Ellison, Project Engineer.)

- 8) The Applicant filed a State Request for Determination of Applicability (RDA) and Local Notice of Intent (NOI) with the Groveland Conservation Commission.
- 9) Based on the proposed water main layouts, the Water and Sewer Commission recommended, and the Planning Board agreed, the Applicant should connect to the existing 8-inch dead end water main at the intersection of Benjamin Street and James Avenue. This route creates a loop with the water main on Benjamin Street and would result in water quality benefits to a larger number of water customers. Additionally, this route avoids construction within the 100-ft wetland buffer zone and minimizes the length of cross country main.
- 10) The Applicant decided the preferred water main layout is through Washington Street. A water main extension to Washington Street will require additional permitting through the Conservation Commission.
- 11) The house located at 735 Salem will relocate the driveway from Salem Street to Oakland Terrace and provide vehicular access on Oakland Terrace with legal frontage on Salem Street as depicted on the Plan.
- 12) Frontage for lot 68G to be determined by the Building Commissioner.

DECISION

After considering the required standards and factors set forth in the Groveland Subdivision Rules and Regulations and Article 14 of the Groveland General Bylaw, the Planning Board grants approval of the Application for a Definitive Subdivision to create three (3) lots including a proposed roadway, the installations of stormwater management infrastructure and the installation of underground utilities and associated Stormwater Management & Land Disturbance Permit for the Project as shown on the Record Plans, subject to the following conditions:

DEFINITIONS

- The “Locus” or “Site” refers to the 8.57 acres of land with land fronting on Salem Street as generally shown on Assessors Map 39, Parcel 68, as more particularly depicted on the “Plans” as defined below.
- The “Plans” refer to the plans prepared WGH Land Survey & Design, 83 West Main Street, Merrimac, MA titled, “Definitive Subdivision Plan Oakland Terrace (A Private Way –for two single family lots) Maple Meadow Lane (A Private way with access from other than frontage) and the Stormwater Management & Land Disturbance Bylaw”, sheets 1-11, dated March 16, 2019, and revision date of May 20, 2019.
- The “Project” refers to the construction of a three (3) lot subdivision including a proposed roadway, the installations of stormwater management infrastructure and the installation of underground utilities, located at 733 Salem Street. The property is shown on Assessors Map 39, Parcel 68 located in the Residential 1 & Residential 2 Zoning District.
- The “Applicant” refers to Dehullu Homes, the applicant for the Approval, its successors and assigns.
- The “Project Owner” refers to the person or entity holding the fee interest to the title to the Locus from time to time, which can include but is not limited to the applicant, developer, and owner.

SPECIAL CONDITIONS

- 13) The roadway, utilities, and stormwater management infrastructure will be constructed according to the Plans, with requested waivers granted. With respect to waivers concerning development standards, the Planning Board makes a finding, in accordance with Section 1.10.1 of the subdivision rules and regulations, that the waived requirements will not be detrimental to the public safety, health, or welfare or injurious to other property; the conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property; because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and the relief sought will not in any manner vary the provisions of the Zoning Bylaw, Master Plan, or Official Map, except that those documents may be amended in the manner prescribed by law. These waivers consist of:
- a. 4.3.9.3 – to reduce pavement width within the proposed Oakland Terrace to 16 feet. The Applicant has documented access to the site with a fire truck and has met with the Fire Department.
 - b. 4.3.9 – to allow for a reduced right-of-way width of 40-feet. The Board finds the reduced right-of-way width appears to be acceptable based on the proposed roadway improvements. The roadway will ultimately be a privately owned, and maintained, roadway.
 - c. 4.3.8.7 – to allow for a 20' long leveling area at the proposed intersection with Salem Street. Based on AASHTO Green Book Section 5.3.5, intersection approaches where vehicles are stored while waiting to enter the intersection should be designed with a relatively flat grade (2% or less where ice and snow may exist). A 20-foot level pad is acceptable in this case because the roadway will only serve 4 homes for access (level pad storage for 1 vehicle).
 - d. 4.3.10.2 - to allow a reduced K-value for the vertical curves. Design complies with AASHTO standards for rural and local roadways. The Board finds it is acceptable to reduce the K-values so long as the design complies with AASHTO standards.
 - e. 4.3.8.9 - to allow relief from the required right of way at the intersection with Salem Street. (Westerly side). It appears that adequate right-of-way exists for the proposed subdivision road.
 - f. 4.3.8.6 - to allow a reduction to the curb radii at the intersection with Salem Street from 30ft required to 25ft provided (both sides). The reduction conforms to the Massachusetts Fire Code 527 CMR 1.00 Ch. 18 which requires a minimum curb radius of 25'.
 - g. 4.3.11.2 & 4.3.11.5 - to allow for a "tee" turnaround rather than a traditional cul-de-sac. The Applicant reviewed the plans with the Fire Department, and the Department stated there were no objections to the tee turnaround.
 - h. 4.8 - to allow relief from installing sloped granite curbing (except at the intersection where vertical granite curbing will be used). The absence of curbing allows the Applicant to install LID infiltration trenches along the edge of all driveways/roadways for improved stormwater treatment. The Home Owner's Association will be responsible for maintaining the stormwater system.
 - i. 4.9 - to allow relief from installing sidewalks. For a small 3 lot subdivision, the Board finds it acceptable to waive this requirement.

- j. 3.4.2.22 - to allow relief to submit a technical memorandum prepared by a qualified traffic engineer, due to the small nature of the proposed subdivision and to maintain the appearance of a driveway consistent with the surrounding neighborhood. For a small subdivision, the Board finds it acceptable to waive the requirement of preparation of a traffic study.
 - k. 3.4.4 - to allow relief from the requirement to provide a Site Specific Soil Map. For a small subdivision, the Board finds it acceptable to waive the requirement of preparation of Site Specific Soil Map. The Applicant did provide USDA soil polygons.
 - l. A waiver to allow relief from the construction of Maple Meadow Lane, and to provide access to Lot 68G from other than its approved frontage. The design of the three lots with Lot 68G, having access other than from its approved frontage will provide less impact to the neighborhood and resource areas.
- 14) The Applicant shall connect to Town water, as required under Section 4.6.1 of the Subdivision Rules and Regulations, and shall work with the Water and Sewer Commission to obtain appropriate permits. Documentation of permits/approvals shall be provided to the Planning Department.
- 15) The Applicant shall provide for the long-term maintenance of the proposed stormwater infrastructure. Evidence of a long-term maintenance agreement must be provided to the Planning Department; either in the form of a Homeowner's Association Agreement, or other formal documentation, such that the funding, access, and preventative maintenance of the proposed stormwater infrastructure is assured for each lot within the subdivision.
- 16) In consideration of the approval of the Plan, there is to be no further division or subdivision of a part or portion of the parcels created through this Subdivision Plan. This restriction is to be documented in the respective deeds for each lot within this subdivision.
- 17) No additional mortgage(s) or lien(s) may be applied to any lots in the subdivision in which the Town of Groveland has a security interest.
- 18) In accordance with Section 4.1.5.2 of the Groveland Subdivision Rules and Regulations roadway monuments be constructed of granite with an embedded brass plug.
- 19) Vital access must be maintained at all times and is the sole responsibility of the Owner/Applicant/Developer. This access includes plowing, sanding and general up keep.
- 20) The subdivision is to remain a private roadway. Unless petitioned for roadway acceptance, there will be no Town services, such as trash pick-up, snow plowing, sanding and general roadway maintenance. This restriction is to be documented in the respective deeds for each lot within this subdivision.
- 21) Driveways must be accessible for emergency vehicles and approved by the Town's Fire and Police Chiefs.
- 22) Groveland Board of Health approval and a copy of their decision shall be filed with the Planning Department concerning each individual lot as to potable water and septic or sewer approval.

- 23) Violations of any terms of this Decision or covenants relating thereto shall be just cause for recession, modification or amendment pursuant to G.L. c.41 Section 81W.

PRIOR TO THE ENDORSEMENT OF THE PLAN

- 24) A Covenant (Form F) securing all lots within the subdivision for the construction of ways and municipal services must be submitted to the Planning Department. Said lots may be released from the covenant upon posting of security as required.
- 25) A Conveyance of Easements and Utilities (Form H) for all utilities and easements placed on the subdivision must be submitted to the Planning Department.
- 26) The Owner/Applicant/Developer shall obtain general liability insurance covering the development in the amount of Five Millions Dollars (\$5,000,000.00), and further that the Owner/Applicant/Developer shall indemnify and hold harmless the Town of Groveland from any and all claims which may arise from the development and construction relating thereto.
- 27) A development schedule must be submitted to the Town Planner.
- 28) The final plan set to be endorsed shall include the water main extension as permitted with the Water and Sewer Commission.
- 29) The final plan set to be endorsed shall include the information provided by the Groveland Municipal Light Department concerning the placement of street lights in the development per the sketch provided by the GMLD through American Electrical Testing dated July 19, 2019.
- 30) The Applicant must meet with the Town Planner in order to ensure that the final plans conform to this Memorandum of Decision. These plans must be submitted within ninety (90) days of this Memorandum of Decision.

PRIOR TO SITE WORK/CONSTRUCTION

- 31) A Performance Guarantee bond in the amount of \$115,500.00 shall be posted for the purposes of ensuring that the site is constructed in accordance with the approved plans and that a formal as-built plan is provided.
- 32) The Memorandum of Decision and accompanying plans must be recorded with the Southern Essex Registry of Deeds, and the list of approved waivers must appear on the Mylar plans. The Applicant shall provide the Planning Department with two copies of the recorded Memorandum of Decision and accompanying plans.
- 33) Each and every Form F, Form H, Form G-1, G-2, Covenant, easement document, Homeowner's Association Agreement, and other pertinent maintenance document must be recorded with the Southern Essex Registry of Deeds as noted in this decision. The Applicant shall provide the Planning Department with two copies of each document filed.

- 34) The Peer Review Engineer will perform construction monitoring; the Applicant is responsible for the reasonable cost of said services. The monitor will oversee the construction to ensure that the site is built according to plan. The monitor shall make weekly inspections of the project and file monthly reports to the Planning Department throughout the duration of the project. The frequency of inspections may be adjusted in coordination with the Town Planner based on the construction phase and weather conditions. The reports shall detail areas of non-compliance with the approved Plans, and any corrective-actions taken. Specifically, the Applicant shall notify the Planning Department at least two (2) working days before each of the following events:
- a. 14.10.2.1 Erosion and sediment control measures are in place and stabilized, and site clearing limits are clearly marked in the field.
 - b. 14.10.2.2 Site Clearing has been substantially completed
 - c. 14.10.2.3 Rough Grading has been substantially completed
 - d. 14.10.2.4 Final Grading has been substantially completed
 - e. 14.10.2.5 Close of the Construction Season; stabilization of the site.
 - f. 14.10.2.6 Final Landscaping (permanent stabilization) and project final completion.
- 35) Per Section 14.10.3, the monitor will also provide reports following heavy rain events (storm events greater than 0.5 inches). The monitor must also be available upon notice to inspect the site accompanying a Planning Department designated official.
- 36) A pre-construction meeting must be held with the developer, contractors, Planning Department, Applicant, and other applicable representatives to discuss scheduling of inspections and construction schedule.
- 37) Yellow "Caution" tape must be placed along the limit of clearing and grading as shown on the plan. The Planning Department must be contacted prior to any initial cutting and/or clearing on-site.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

- 38) All roads depicted on the plan must be constructed and stabilized.
- 39) A Plot Plan for the lot in question must be submitted to include:
- a. Location of the structure
 - b. Location of the driveway
 - c. Location of all water and sewer lines
 - d. Proposed grading
 - e. Location of drainage infrastructure
 - f. Identification of all easements
- 32) The lot in question shall be staked in the field; the location of any major departures from the plan must be shown.
- 33) Appropriate erosion control measures for the lot shall be in place.
- 34) Catch basins shall be adequately protected and maintained to prevent siltation into drainage structures.

- 35) Lot numbers, visible from the frontage, must be posted on lots.

DURING CONSTRUCTION

- 36) The construction contractor shall employ all available best-management-practices for the control of dust, including but not limited to watering, planting, stabilization, track-out shaker plates, and/or stockpile coverings.
- 37) It shall be the responsibility of the Applicant to assure that no erosion from the construction site shall occur which will cause deposition of soil or sediment upon adjacent properties or public ways, except as normally ancillary to off-site construction. Discovery of off-site erosion will be a basis for the Planning Board to make a finding that the project is not in compliance with the approved Plans. In the event off-site erosion is discovered as a result of construction activity, the Planning Board shall give the applicant written notice of any such finding with three (3) days to provide evidence of corrective-action.
- 38) In an effort to reduce noise levels, the Applicant or contractor shall keep in optimum working order, through regular maintenance, any and all equipment that shall emanate sounds from the structures or site.
- 39) Exterior construction of the Project shall not commence on any weekday before 7:00AM and shall not continue beyond 6:00PM except for emergency repairs. Exterior construction shall not commence on Saturday before 8AM shall not continue beyond 5PM with the same exceptions. The Building Commissioner may allow longer hours of construction in special circumstances, provided that such activity normally is requested in writing by the Applicant except for emergency circumstances, where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of construction operation shall be enforced by the Police Department.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

- 40) The Applicant must submit a letter from the architect and engineer of the project stating that the landscaping and site layout substantially complies with the Plans referenced in this Memorandum of Decision as endorsed by the Planning Board. Alternatively, the applicant may provide a bond, determined by the Planning Board, to cover the full amount of the landscaping materials and installation if weather conditions do not permit the completion of the landscaping prior to use of the building.
- 41) It shall be the Applicant's responsibility to assure the proper placement of driveways, regardless of whether individual lots are sold. The Planning Board requires any driveway to be moved at the owner's expense if such driveway is at a catch basin or stone bound position.
- 42) All slopes must be stabilized with regard to erosion and safety.
- 43) The lot must be raked, loamed, and seeded, sodded or mulched.
- 44) The Planning Board reserves the right to review the site after construction is complete and require additional site screening as it deems necessary and reasonable.

PRIOR TO THE RELEASE OF ALL SECURITY AND ESCROWED FUNDS

- 45) The Applicant shall submit an as-built plan stamped by a Registered Professional Engineer in Massachusetts that shows all construction, site design, including stormwater structures and other pertinent site features. One paper copy and one electronic copy (PDF) shall be submitted to the Town Planner. If over one (1) year has elapsed from the issuance of the Certificate of Occupancy, the Applicant must submit a second letter from the architect and engineer verifying that the landscaping and site layout substantially complies with the Plans referenced in this Memorandum of Decision as endorsed by the Planning Board.
- 46) The Planning Board must, by a majority vote, make a finding that the site is in conformance with the approved plan.
- 47) The Town Planner shall verify that all Planning, Conservation, Board of Health, and Highway Department requirements are satisfied and that construction was in compliance with all respective approved plans and conditions.

GENERAL CONDITIONS

- 48) Subject to the Conditions contained herein, the Project shall be substantially constructed in accordance with the Record Plans, which are on file with the Planning Board.
- 49) Any action taken by a Town Board, Commission or Department which requires changes in the plan or design of the buildings, as presented to the Planning Board, may be subject to modification by the Planning Board.
- 50) If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications to the Planning Board. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for site plan approval, aquifer protection district special permit and stormwater management and land disturbance permit shall be required by the Planning Board; provided, however, that the Planning Board may determine that a proposed modification is insubstantial and approve the same without the need for any further Planning Board approval or hearing. Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.
- 51) The endorsement of the plan approval by the Planning Board shall be valid for a period of three (3) years from the date of filing by the Planning Board of the approval with the Town Clerk. See section 3.4.7.3 of the Regulations Governing the Subdivision of Land
- 52) The provisions of this conditional approval shall apply and be binding upon the Applicant, its employees, and all successors and assigns in interest or control.
- 53) The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- 54) Gas, telephone, cable, and electric utilities shall be installed underground as specified by the respective utility companies.

55) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.

56) The following information shall be deemed part of the decision:

Plan titled: "Definitive Subdivision Plan Oakland Terrace (A Private Way –for two single family lots) Maple Meadow Lane (A Private way with access from other than frontage) and the Stormwater Management & Land Disturbance Bylaw"
Prepared for: Dehullu Homes, 32 Benjamin Street Groveland, MA 01834
Prepared by: WGH Land Survey & Design, 83 West Main Street, Merrimac, MA
Scale: 1" = 100'
Date: March 16, 2019, and revision date of May 20, 2019
Sheets: 1-11

Report: Drainage Analysis, Oakland Terrace
Prepared for: Dehullu Homes
Prepared by: WGH Land Survey & Design
Date: March 2019, revised May 15, 2019

Report: Soil Evaluation Reports, Oakland Terrace
Prepared for: Dehullu Homes
Prepared by: WGH Land Survey & Design
Date: May 15, 2019

cc:

Town Departments
Applicant
Abutters