



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 PLAN STORMWATER MANAGEMENT AND LAND DISTURBANCE PERMIT

PUBLIC HEARINGS: October 1, 2019, October 15, 2019

DATE OF DECISION: November 19, 2019

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

Premises Affected: 32 Benjamin Salem Street
Groveland, MA 01834 (Assessors Map 46, Parcel 18)

TOWN OF GROVELAND
2019 NOV 20 PM 3:16
TOWN CLERK
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Referring to the above petition for Approval of a Definitive 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 roadway, the installation of stormwater management infrastructure and the installation of underground utilities for the construction of a single family dwelling in the Residential I Zoning District.

After a public hearing given on the above dates, and upon a motion by Walter Sorenson and second by Brad Ligols to APPROVE the Application for a Definitive Plan as amended and based upon the following conditions. The motion passed with 4 votes in favor, and 1 abstention (Robert Danforth).

On behalf of the Groveland Planning Board
Robert Danforth, Chair
Lisa Chandler
Walter Sorenson
Jim Bogiages
Brad Ligols, Associate Member

The Planning Board herein APPROVES the Application for a Definitive Plan to construct a roadway, the installation of stormwater management infrastructure and the installation of underground utilities for the construction of a single family dwelling. The site is located in the Residential 1 (R-1) Zoning District. The proposed subdivision is located at 32 Benjamin Street Groveland, MA 01834 (Assessors Map 46, Parcel 18).

The application was filed with the Planning Board on September 9, 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 September 17, 2019 and September 24, 2019 in the Lawrence Eagle Tribune. The public hearing on the above referenced application was opened on October 1, 2019 and closed on November 19, 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 January 22, 2019 the Planning Board endorsed a Form A plan showing the division of Map 46 Parcel 18 into two lots Map 46 Lot 18A with frontage on Benjamin and Map 46 Lot 18B labeled 'not a building lot'. Recorded at the Southern Essex Registry of Deeds as Plan Book 469 Plan 92
- 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 November 15, 2019. (See letter from Peter Ellison, Project Engineer.)
- 8) The Applicant filed a Notice of Intent (NOI) with the Groveland Conservation Commission. The Commission issued an Order of Conditions.
- 9) The single family dwelling will have a private well and on-site septic.

- 10) The road constructed will be 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.
- 11) The Fire Department reviewed the submitted plans and the turn analysis and the Department accepted the design subject to Massachusetts General Laws and Code of Massachusetts Regulations (CMR). (See email from Interim Chief Joseph Santapaola dated October 15, 2019.)

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 Plan to construct a roadway, the installation of stormwater management infrastructure and the installation of underground utilities for the construction of a single family dwelling 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 1.47 acres of land with land fronting on Benjamin Street as generally shown on Assessors Map 46, Parcel 18, 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 Benjamin Street Extension (A Private Way – for one single family lot) and the Stormwater Management & Land Disturbance Bylaw”, sheets C-1, S-2, S-3, S-4, S-5, S-6, D-1, D-2 dated August 19, 2019 and a final revision date of November 4, 2019.
- The “Project” refers to the construction of a roadway, the installation of stormwater management infrastructure and the installation of underground utilities for the construction of a single family dwelling The property is shown on Assessors Map 46, Parcel 18 located in the Residential 1 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

- 12) 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. A waiver from 4.3.9.3 to the standard roadway cross section. Adequate access is provided with 16 feet pavement width and 4' gravel shoulder on either side for a total of 20' accessible width.
 - b. A waiver from Section 4.3.10.1 which requires the maximum allowable slope for minor streets be 10%. The Applicant proposes a 12% slope in order to accommodate emergency vehicles as an alternative to a cul-de-sac.
 - c. A waiver from Section 4.3.9 to allow relief from the required 50' wide R.O.W. and allow a 35' wide R.O.W. The design will promote LID methods and is consistent with the current width of all the right of ways in the area. This is an extension of the existing 35-foot Benjamin Street right-of-way.
 - d. A waiver to Section 4.3.8.7 to allow for a 20' long leveling area at the proposed intersection. The 20-foot leveling pad is adequate space for one car to brake before entering the Benjamin Street/Belle Street intersection.
 - e. A waiver to Section 4.3.10.2 to allow a reduced k-value for the vertical curves. Design complies with AASHTO standards for rural and local roadways.
 - f. A waiver to Section 4.3.8.9 to allow relief from the required right of way rounding at the intersection with Belle Street (westerly side). Adequate room for pavement radius is available.
 - g. A waiver to Section 4.3.8.6 to allow a reduction to the curb radii at the intersection with Belle Street from 30' required to 25' provided (one side). Design meets Massachusetts Fire Code (527 CMR 1.00 sect 18.2.3.4.1.1 and NFPA 1 requirements).
 - h. A waiver to Section 4.3.11.2 and 4.3.11.5 to allow for a "tee" turnaround of sufficient length to accommodate emergency vehicles.
 - i. A waiver to Section 4.8 to allow relief from installing sloped granite curbing.
 - j. A waiver to Section 4.9 to allow relief from installing sidewalks. The project is limited to two new homes and there are currently no sidewalks along Benjamin Street.
 - k. A waiver to Section 4.3.5 to allow relief from the requirements for the street lighting.
 - l. A waiver of Section 3.4.2.22 to allow relief from the requirement to submit a technical memorandum by a qualified traffic engineer.
 - m. Waiver of Section 3.4.4 to allow relief from the requirement of a site specific soil map, SCS soil mapping shown on the Plans
- 13) 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.
- 14) 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.
- 15) 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.

- 16) 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.
- 17) 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.
- 18) 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. Roadway acceptance is contingent upon approval of the Highway Superintendent in regards to roadway construction standards. This restriction is to be documented in the respective deeds for each lot within this subdivision.
- 19) Driveways must be accessible for emergency vehicles and approved by the Town's Fire and Police Chiefs.
- 20) 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.
- 21) 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

- 22) 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.
- 23) A Conveyance of Easements and Utilities (Form H) for all utilities and easements placed on the subdivision must be submitted to the Planning Department.
- 24) 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.
- 25) A development schedule must be submitted to the Town Planner.
- 26) 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

- 27) A Performance Guarantee bond in the amount of \$190,000 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.

- 28) 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.
- 29) 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.
- 30) 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.
- 31) 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.
- 32) 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.
- 33) 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

- 34) All roads depicted on the plan must be constructed and stabilized.
- 35) 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 Benjamin Street Extension (A Private Way –for one single family lot) 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: August 19, 2019 and a final revision date of November 4, 2019.
Sheets: C-1, S-2, S-3, S-4, S-5, S-6, D-1, D-2

Report: Drainage Analysis 38 Benjamin Street Extension
Prepared for: Dehullu Homes
Prepared by: WGH Land Survey & Design
Date: August 2019, revised November 4, 2019

cc:

Town Departments
Applicant
Abutters

