



Town of Groveland Planning Board

183 Main Street
Groveland, MA 01834

APPROVED June 2, 2020
MOTION: Walter Sorenson made a motion to approve the May 19, 2020 meeting minutes. Brad Ligols seconded the motion. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Robert Danforth, aye. Jim Bogiages, aye. Motion approved.

Board/Committee Name: PLANNING BOARD
Date: TUESDAY MAY 19, 2020
Time of Meeting: 7:00PM
Location: REMOTE VIA ZOOM VIDEO CONFERENCE

Present: Robert Danforth, Walter Sorenson, Jim Bogiages, Brad Ligols

Absent:

Staff Present: Rebecca Oldham

Robert Danforth, Chairman: The Planning Board meeting for Tuesday, May 19, 2020 was called to order at 7:04PM.

Town Planner:

This Open Meeting of the Groveland Planning Board is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus." In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely. For this meeting, the Groveland Planning Board is convening by video conference via Zoom as posted on the Town's Website identifying how the public may join. Please note that this meeting is being recorded, and that some attendees are participating by video conference. All supporting materials are available on the Town's website.

Pentucket Regional School District, Brad Dore with Dore and Whittier: minor site plan approval pursuant to Section 13 of the Town of Groveland Zoning Bylaws. The Applicant is proposing to demolish the existing middle school building and construct a new multipurpose artificial turf athletic field with ADA compliant bleachers for approximately 800 spectators, infrastructure for future field lights and a 2-story, 6,847SF stadium support building.

R. Danforth: I am an employee of the Pentucket School District and will recuse myself and Walter Sorenson will now run the meeting.

Town Planner: The Planning Board at the meeting on August 20, 2019 voted to have the Applicant file a minor site plan which would not require a public hearing, advertisement in the local newspaper or abutter notification. The Pentucket Regional School District Project site is located in the Towns of West Newbury and Groveland. The new academic building, its parking areas and an artificial turf athletic field are designed to be located on the West Newbury side. The Athletic Stadium and related parking areas will be located on both Groveland and West Newbury. The project proposed in its entirety is being reviewed by the West Newbury Planning Board for Site Plan Approval and the West Newbury Conservation Commission for a Notice of Intent (NOI). The Applicant has also filed a Notice of Intent (NOI) with the Groveland Conservation Commission. Of the entire project, the limit of disturbance in Groveland is 158,629SF (3.64 acres) and West Newbury will be 1,059,656SF (24.32 acre).

Maria Fernández-Donovan, Project Team Member: The West Newbury Planning Board reviewed everything and Meridian did the peer review and we responded to all of the comments and suggested design changes. We did receive approval from the West Newbury Planning Board and West Newbury Conservation Commission. Then we plan to finalize with the Groveland Conservation Commission.



Town of Groveland Planning Board

183 Main Street
Groveland, MA 01834

MOTION: Brad Ligols made a motion to approve the minor Site Plan as discussed at the meeting on May 19, 2020 and approve the decision as drafted. Jim Bogiages seconded the motion. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Motion approved

DISCUSSION AND POSSIBLE VOTE

Oakland Terrace, 733 Salem Street, Dehullu Homes: Vote for endorsement of approved Plan.

R. Danforth: I will recuse myself.

Town Planner: The Applicant has submitted the development schedule, the Form F and Form H and has also updated the plans to reflect the Water and Sewer Commission vote concerning the hydrant and the water connection and loop. The only issue is how we are going to get the plans endorsed since Town Hall is still closed to the public. So, we need to iron out these details and should make a formal vote for endorsement, if the Board agrees.

Walter Sorenson: Was there not 5 acres given to Veasy that was coordinated with Conservation Commission? That was part of the plan we approved. Funding was approved by the Town for that parcel as well.

Dena Dehullu: No, we did discuss the additional open space with Mike Dempsey but decided to wait on that discussion until this was all approved. We never agreed and accepted the funds set aside and approved at Town Meeting. Mike Dempsey should be a part of this conversation.

W. Sorenson: We should really get this sorted out before endorsing the Plan. So, we should put this on the next meeting agenda. We have an approved Town Meeting article.

Dena Dehullu: We did not agree to anything with Mike Dempsey. I believe he did this to get the funds ready for negotiating. I don't understand why this has to hold up the endorsement of the plans.

W. Sorenson: We don't write articles to just write articles. So, let's push this to the next meeting on June 2nd and have Mike Dempsey join the conversation.

Jim Bogiages connection failed at 7:34PM and back online 7:37PM

Dena Dehullu: This was never discussed as part of the Subdivision approval.

W. Sorenson: Town Planner will get the article that was approved and then also communicate with Mike Dempsey.

MOTION: Jim Bogiages made a motion to push this item to June 2, 2020. Brad Ligols seconded the motion. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Motion approved

37 Wood Street, Jay Ogden: Informal discussion for a FORM A filing or a Conservation Subdivision Design (CSD) filing.

Jay Ogden: I am looking to get a common driveway. Although, it appears that that may not be allowed unless under a CSD.

W. Sorenson: I don't quite understand what you are trying to do. We eliminated common driveways in the past. I think the CSD is doable. I don't think the ANR works. So, it's either a CDS or a Definitive Plan. We eliminated common drives with the Marion Drive Subdivision. There was a lot of issues and even a few court cases.

R. Danforth: I put in a few common driveways and they just need to be done the right way.

Brad Ligols: We are getting off track and I think Jay is looking for some guidance.

J. Ogden: I would need to work with the plan but I think I can make a CSD work. Although, it would work very similarly to what you are seeing here on the screen. I would like to have access to Lot R over the crossing on Wood Street and then have driveway to Lot Q and Lot P on the other side of Wood Street. The driveways would be about 500 feet long. I do not want to do the multiple crossings, so I would rather work out another way to go about this, as others developers have done in Town.



Town of Groveland Planning Board

183 Main Street
Groveland, MA 01834

BOARD: Those driveways appear a lot longer than 500 feet, there is also a lot of wetland issues. This is a very difficult piece of land; it is unlike other developments that you have referenced.

W. Sorenson: Why don't you do a smaller roadway and do a cul-de-sac. You are trying to get out of a couple regulations. Seems like you are throwing us a fast one. What is wrong with a conventional subdivision and leave the back section out? You have enough land to do just about everything, and you will still have one wetland crossing.

J. Ogden: If I get an ANR for the one lot, Lot R, would that be amenable to the Board and then we can see how that could connect in the future to a definitive filing? There are financial issues involved.

BOARD: We need a comprehensive plan. We are not going to design your plan for you. It doesn't work like that. Unfortunately, your financial issues are not a reason to put forward development that will negatively impact the Town. Put together a subdivision plan or CSD that we can review.

PUBLIC HEARINGS

NEW: Benjamin Street Extension Modification, Dehullu Homes: requesting a modification to the approved Benjamin Street Extension Definitive Subdivision approved by the Planning Board on November 19, 2019 - endorsed Definitive Subdivision Plan of Land entitled "Definitive Subdivision Plan Benjamin Street Extension (A Private Way –for one single family lot) and the Stormwater Management & Land Disturbance Bylaw", August 19, 2019 and a final revision date of November 4, 2019 prepared by WGH Land Survey & Design. The modification entails design revisions to the roadway, specifically changing the grade, slope and adding a retaining wall and guardrail. The site is located in the Residential 1 (R-1) Zoning District at 38 Benjamin Street Groveland, MA 01834 (Assessors Map 46, Parcel 18B).

R. Danforth: I will need to recuse myself. Wally will take over

W. Sorenson: No objections to the notice as presented in the Eagle Tribune? Hearing none let's open the Public Hearing.

MOTION: Brad Ligols made a motion to OPEN the Public Hearing. Jim Bogiages seconded the motion. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Motion approved

Town Planner: A cease and desist was issued on April 2, 2020 when the monitoring engineer identified a slope on the side of the roadway which is not shown on the endorsed Definitive Subdivision Plan. The Planning Board therefore required all work to cease until the design can be confirmed and reviewed properly. On April 21, 2020 the Board reviewed the plan and the revised plan. It was found there was an issue with the survey and there was encroachment on the abutter property and the topography was not adequately shown on the approved plan and the road would sit higher than proposed and would require additional stabilization as shown. The approved plan also showed a 12% sloped section of roadway that was 50-feet in length. The revised plan has extended the 12% sloped section to be 146-feet in length. The Planning Board therefore decided a modification must be filed. The revised plan was shared with the Highway Superintendent and Fire Department. I also worked with the abutter whose land was impacted, Nancy Sweetser at 9 Belle Street, to make sure she was able to be on the call.

William Holt: Project Manager: It was evident the existing grade of the roadway was constructed approximately 2 to 2.5 feet too high. In addition, it was noted that the grade to the right of the roadway dropped off faster than shown on our original design plans beyond station 1+50 to station 2+25. I have prepared a revised existing and proposed grading plan. The proposed roadway pavement was shifted slightly left within the ROW from Station 1+50 to Station 2+25, to increase the distance from the edge of pavement to the ROW line. The roadway was super-elevated toward the right side, rather than the left side as originally proposed to lower the right side of roadway as much as possible.



Town of Groveland Planning Board

183 Main Street
Groveland, MA 01834

A proposed retaining wall will need to be constructed along the right side for approximately 75 feet. The maximum height of the wall is 3 feet for approximately half of its length, tapering to zero height on either end. A proposed wood guardrail will be constructed along the top of the wall. The 12% grade was lengthened in order to meet existing drive grade at the existing drive to the garage on the Sweetser property and the drive to the existing dwelling at #34 Benjamin, as well as to lower grades to roadway Station 2+50. The roadway paved width and gravel shoulders did not change. The overall drainage flow pattern, and runoff rate is maintained, unchanged from the original design. The drainage basin and catch basins perform in the same manner as originally proposed. Access to the Sweetser property is provided both at the existing garage and off the “spur” tee turnaround and is depicted on the design plans. We revised the owner’s names of both #32 and #34 Benjamin Street. We added the location and area of encroachment that inadvertently occurred on the Sweetser property as a result of errant grading, and noted that it will be removed, and the area restored. The curb cut and driveway apron to the garage on the Sweetser property have been noted on the plan.

Peter Ellison with TEC, Peer Review Engineer: WGH prepared a revised plan including adjustments to the existing topography and the proposed grades on the roadway. The topography has changed in some areas by up to 6 feet vertically. At the end of the constructed portion of Park Street, the existing grade was previously shown as elevation 86, and has now been updated to elevation 80. The revised plan shows a retaining wall, approximately 75-feet in length, from STA 1+75 to STA 2+50. A wood guard rail is now proposed at the top of the retaining wall. The Plan provides two points of access to the property at 9 Belle Street. One entrance to Benjamin Street, and one entrance to Park Street. The roadway profile has changed slightly. The approved plan showed a 12% sloped section of roadway that was 50-feet in length. The revised plan has extended the 12% sloped section to be 146-feet in length. The cross slope of the driveway was reversed so that the pavement pitches toward the retaining wall. A bituminous berm is proposed to channel stormwater to the catch basins. The locations of the drainage structures has been changed based on revised roadway grading. The overall drainage system should function the same as on the approved Plan. The elevation of the infiltration basin was lowered by 2-feet, however it still meets the state standard for separation to groundwater. TEC recommends a berm to divert water past the Sweetser driveway connection to Benjamin Street Extension. Overall, the stormwater system will function in the same manner as in the original approved project. Section 4.3.3 of the Regulations states that in regards to Topography and Arrangement: Grades of streets shall conform as closely as possible to the original topography. Section 4.3.10.1 of the Regulations state that the maximum centerline grade for streets shall be as follows: Minor street, low density area = 10% maximum grade. During the initial review, a waiver was granted to allow a 12% grade for 50-feet. The Town of Groveland Fire Department has provided a comment that the access road grade should not exceed 10% due to concerns about access in a fire apparatus during winter months. AASHTO’s Policy on Geometric Design of Highways and Streets. Section 3.4.2.2.1 states that “For a design speed of 30 mph, maximum grades generally are on the range of 7 to 12 percent, depending on terrain”. Table 5-1 defines “Minimum Design Speeds for Local Roads in Rural Areas” based on terrain and traffic volumes. For the Benjamin Street project, well under 50 vehicles per day are expected to drive on the roadway, and therefore a minimum design speed of 20 mph should be used in the design. Table 5-2 defines “Maximum Grades for Local Roads in Rural Areas” based on terrain and design speed. Table 5-2 shows that for a design speed of 20 mph, a maximum grade of 11% should be used for “rolling” terrain, and a maximum grade of 16% should be used for “mountainous” terrain. In mountainous terrain, longitudinal and transverse changes in the elevation of the ground with respect to the road or street are abrupt, and benching and side hill excavation are frequently needed to obtain acceptable horizontal and vertical alignment. Atlantic Survey staked out the property corners at 9 Belle



Town of Groveland Planning Board

183 Main Street
Groveland, MA 01834

Street and provided a plan showing two areas of “encroachment”. The WGH Plan should be revised to show the second area of encroachment near the intersection of Benjamin Street and Belle Street. The WGH Plan identifies an area of encroachment near the intersection of Benjamin Street and Park Street. This area is called out “to be removed and restored”. Further detail is needed to describe the restoration. The owner of 9 Belle Street should be involved in the development of a “restoration plan” to ensure that all parties fully understand and are pleased with the result.

BOARD: Let’s here from the abutter.

Nancy Sweetser, 9 Belle Street: I have had unfretted access to the land and now there is going to be the ‘Great Wall of China’ back there. I am having a hard time comprehending how this is happening. Steve has the right to build a house on that land but at how much of my expense.

Jim Bogiages: How can we limit the impact to Nancy?

BOARD: The wall and the guardrail will be a 6ft obstruction. We have the encroachment issue and we need a fix to that. We understand taking the grade down to 10% and elongating the stretch to get it lower but esthetically at the end of the day the mechanics of getting the road to meet the regulations. We understand the area is not typical but we also can’t make it worse. Would shrubbery be a help?

Nancy Sweetser: It could, but it all depends. I will no longer have access on Benjamin Street pass my garage?

W. Holt: No, you will have two access ways to the property, one on Benjamin and one on Park.

Nancy Sweetser: I also want those trees hanging over the roadway removed along Benjamin Street. They have been de-rooted with the work already completed and will certainly fall over.

Dena Dehullu: We can remove the trees that are leaning.

W. Sorenson: We need to see some landscaping; can you get together a landscaping plan?

W. Holt: We don’t usually landscape along the ROW.

BOARD: What about the other area of encroachment?

W. Holt: We would re-loam and re-seed and it will be restored.

Nancy Sweetser: Where Benjamin and Belle meet, it was over a foot higher as the buffer originally. Is that going to be returned to the height it was?

W. Holt: This is the gravel grade. So, it will be higher, about 9 and half inches, so by the time we are done regrading it will be higher than what it is now and it will be reseeded and re-loamed. It will be the same grade if not very close.

Nancy Sweetser: My driveway is pretty low in the back to my garage, how am I going to access that?

W. Holt: The whole road currently is two feet too high. The contractor put too much fill in and it should be removed and leveled.

Nancy Sweetser: Last year I came to all the meeting and was diligent about needing access to the garage. And for the last two years I have not had access. Now they left a gravel pile too high and too large for me to move. When will this be resolved?

BOARD: Once the cease and desist is lifted they can correct that and hand rake the gravel to improve access. TEC needs to get out there and we need to get some revisions based on the comments issued. Pete will go out to the field and meet with Nancy and also Steve Dehullu.

PUBLIC COMMENT

Steve Brown, 32 Benjamin: Is this a private way?

Town Planner: It is a little unclear. The warrant article to accept Benjamin Street in did not state the length of roadway to be accepted. It only said Benjamin Street. But the length approved under the state for our Chapter 90 funding was only the paved portion which ended at Belle Street. But Benjamin



Town of Groveland Planning Board

183 Main Street
Groveland, MA 01834

Extension and Park, Park should be renamed as Benjamin Extension, and would be private unless petitioned for acceptance. The Highway Superintendent is on the call this evening.

Renny Carroll, Highway Superintendent: At a 12% grade it is impossible to maintain and it becomes taxing on us and is also a safety issue. This was allowed but it is becoming impossible for us to keep up. I think this particular situation there are other things we could do in order to mitigate the slope for this roadway. Maybe grading on Nancy's land. If she is amenable to that.

Dena Dehullu: I am still confused as to how this is being deemed a private roadway.

BOARD: Street acceptance, per chapter 90, was accepted to the end of the pavement at 32 Benjamin and then you are proposing improvement so it is partially public and then the extension and Park Street will be private unless petitioned for acceptance.

MOTION: Brad Ligols made a motion to have Dehullu's rake the berm in front of 9 Belle to provide access to the garage. Jim Bogiages seconded the motion. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Motion approved.

W. Holt: If Nancy would be amenable to regrade the land on her private property to eliminate the visual impediment, we could discuss that design option as well. We can discuss that with her and Pete at the meeting on site.

MOTION: Brad Ligols made a motion to CONTINUE the public hearing to the June 2, 2020. Jim Bogiages seconded the motion. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Motion approved.

CONTINUED: 106 King Street, King Meadow Development c/o Kevin Cunniff: *Meeting was continued to June 2, 2020 – no action or discussion will take place.*

CONTINUED: Groveland Zoning Recodification – Town Meeting Warrant Article: to consider proposed amendments to the Groveland Zoning Bylaws. The subject matter of the proposed amendments is recodification of the Zoning Bylaws and non-substantive corrective amendments thereto.

MOTION: Walter Sorenson made a motion to OPEN the Public Hearing for Zoning Bylaw recodification. The motion was seconded by Brad Ligols. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Robert Danforth, aye. Motion approved.

Town Planner: As discussed in previous meetings we had discussed the Town moving forward with eCode 360 platform to help enhance the overall use and accessibility of the bylaw and Subdivision Rules and Regulations. We have worked with the company and they have recodified the bylaw and Subdivision Rules and Regulations and have also done a legal analysis identifying some conflicts, spelling errors and areas that need to be updated to reflect updated state regulations, etc. In your packet you received a change list for each document which shows those changes. These are non-substantive changes and once this process is completed, we can start to get into greater detail on areas we want to improve. This is the first step. This is mostly a formality in terms of format. The Planning Board must hold a Public Hearing and make a recommendation for the Zoning Bylaw change, which will then go to Town Meeting for a vote. For the Subdivision Rules and Regulations, the Planning Board just needs to have a Public Hearing and vote to approve in order for the change to be accepted. It does not require a Town Meeting vote.

BOARD: So there are no changes to context and/or intent. It is just to form and to clean up errors, etc.

MOTION: Walter Sorenson made a motion to CLOSE the public Hearing for Zoning Bylaw recodification. The motion was seconded by Brad Ligols. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Robert Danforth, aye. Motion approved.



Town of Groveland Planning Board

183 Main Street
Groveland, MA 01834

MOTION: Walter Sorenson made a motion to approve and make a positive recommendation for adoption at Town Meeting of the changes as listed in the document provided for the Zoning Bylaw. The motion was seconded by Brad Ligols. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Robert Danforth, aye. Motion approved.

MOTION: Walter Sorenson made a motion to approve and make a positive recommendation for adoption at Town Meeting for the Zoning Bylaw recodification. Brad Ligols seconded the motion. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Robert Danforth, aye. Motion approved.

CONTINUED: Groveland Subdivision Rules and Regulations Recodification: to consider proposed amendments to the Groveland Subdivision Rules and Regulations. The subject matter of the proposed amendments is recodification of the Rules and Regulations and non-substantive corrective amendments thereto.

MOTION: Walter Sorenson made a motion to OPEN the Public Hearing for Subdivision Rules and Regulations. The motion was seconded by Brad Ligols. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Jim Bogiages, aye. Brad Ligols, aye. Robert Danforth, aye. Motion approved.
See notes above regarding eCode.

MOTION: Walter Sorenson made a motion to CLOSE the Public Hearing for Subdivision Rules and Regulations. The motion was seconded by Brad Ligols. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Jim Bogiages, aye. Brad Ligols, aye. Robert Danforth, aye. Motion approved.

MOTION: Walter Sorenson made a motion to approve the changes for the as listed in the document for the Subdivision Rules and Regulation. The motion was seconded by Brad Ligols. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Robert Danforth, aye. Motion approved.

MOTION: Walter Sorenson made a motion to approve the Subdivision Rules and Regulations recodification. Brad Ligols seconded the motion. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Robert Danforth, aye. Motion approved.

MEETING MINUTES: Approval of May 5, 2020 meeting minutes.

MOTION: Walter Sorenson made a motion to approve the May 5, 2020 meeting minutes. Brad Ligols seconded the motion. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Robert Danforth, aye. Jim Bogiages, aye. Motion approved.

INVOICES: Approval of outstanding invoices.

Town Planner: I had missed an invoice back in December.

DESCRIPTION	AMOUNT
TEC – 245 Center (142 King)	\$390.00

MOTION: Walter Sorenson made a motion to approve the outstanding invoices for 245 Center Street. Brad Ligols seconded the motion. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Robert Danforth, aye. Motion approved.

ADJOURNMENT

MOTION: Jim Bogiages made a motion to adjourn the meeting. The motion was seconded by Brad Ligols. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Jim Bogiages, aye. Brad Ligols, aye. Robert Danforth, aye. Motion approved. Meeting adjourned at 9:52PM.