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Town of Groveland

Office of the
Town Clerk

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TOWN OF GROVELAND

2020 SEP 17 PM 2:57

TOWN CLERK
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TOWN OF GROVELAND NOTICE OF APPEAL OR NOT CERTIFICATION OF DECISION MADE BY GROVELAND PLANNING BOARD

I, the Town Clerk of the Town of Groveland, Massachusetts, do hereby certify that copy of a decision of the Groveland Planning Board of the Town of Groveland related to the application of:

Stephen and Dena Rehulla

Applicant's Name

Property 38 Benjamin Street Assoc's Map 46 Parcel 18 B

Applicant's Street Address

File #

Was filed in this office on: June 19, 2020
and that no notice of appeal was filed during the TWENTY (20) DAYS NEXT, after that date.

Attest: Elizabeth Cunniff
Elizabeth Cunniff, Groveland Town Clerk

9/17/2020
Date

DECISION HAS BEEN PICKED UP BY THE APPLICANT, AND OR HIS/HER AGENT,
FROM THE TOWN CLERK OF GROVELAND.

Rebecca Okham
Signature of person receiving document

9/17/2020
Date

Elizabeth Cunniff
Town Clerk's Signature

9/17/2020
Date



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.

NOTICE OF DECISION DEFINITIVE SUBDIVISION MODIFICATION

**PROPERTY: 38 BENJAMIN STREET
ASSESSORS MAP 46 PARCEL 18B**

PETITIONER:	Stephen & Dena Dehullu Dehullu Homes	DATE:	June 16, 2020
ADDRESS:	38 Wood Street Groveland, MA 01834	MEETING:	May 19, 2020, June 2, 2020

TOWN OF GROVELAND
JUN 19 4:11:23
REGISTERED

YOU ARE HEREBY notified of the Decision of the Planning Board on the application made by Dehullu Homes (the "Applicant") for property located at 38 Benjamin Street Groveland Massachusetts, Assessor's Map 46 Parcel 18B in Groveland, MA. located in the Residential 1 (R-1) District (the "Property").

As set forth in the application filed with the Board and testimony, the Applicant sought a modification to the approved Definitive Subdivision in accordance with Massachusetts General Laws, Chapter 41, Section 81W and the Town of Groveland Rules and Regulations Governing the Subdivision of Land in Groveland. The Applicant is proposing to modify 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 including changes to the grade, slope and location of the roadway, and the addition of grading on private property (9 Belle Street).

On April 2, 2020 the construction monitor working on behalf of the Planning Board noted that an approximately 6-foot drop in elevation, and ~2:1 side slope had been constructed on the western side of the roadway. This side slope was inconsistent with the design plans, which show a maximum 1-foot drop along the edge of the roadway. A representative of Davco Construction onsite acknowledged that the design plans do not show a ~6-foot side slope. It appeared that the side slope was constructed at a 2H:1V slope, and the slope appeared to be completely within the right-of-way. It was found there was an error with the original survey grades and the Planning Board issued a cease and desist. At the next meeting on April 21, 2020 it was confirmed that the existing grade of the roadway was constructed approximately 2 to 2.5 feet too high. It was also noted that the grade to the right of the roadway dropped off faster than shown on the original design plans beyond station 1+50 to station 2+25. Additionally, it was determined that there had been a direct encroachment in two locations on the abutting property. Therefore, the Planning Board determined the Applicant must file a modification plan to the original approved Definitive Subdivision Plan.

The application was filed on May 2, 2020 and the hearing was advertised in the Lawrence Eagle-Tribune on May 5, 2020 and May 12, 2020. All abutters were notified via Certified Mail Return Receipt. The Groveland Planning Board held public hearings remotely via Zoom video conference on Tuesday, May 19, 2020 at 7PM and Tuesday, June 2, 2020 at 7PM. The public hearing was closed on June 2, 2020. Remote meetings were held due to Governor Baker's Executive Order of March 12, 2020, and 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, municipalities 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.

The following members were present: Walter Sorenson, Jim Bogiages and Brad Ligols. Robert Danforth recused himself due to a personal relationship with the Applicant.

FACTS

On November 19, 2019, the Planning Board approved 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). Both the decision and plans were recorded at the Southern Essex Registry of Deeds: Book 38240, Page 457 and Book 475, Plan 84.

On February 4, 2020 the Planning Board issued an Insubstantial Change to clarify the Memorandum of Decision issued on November 19, 2019 in relation to Map 46 Lot 18, Map 46 Lot 18A and Map 46 Lot 18B located along Benjamin Street and Benjamin Street Extension. Lot 18 had an existing single family dwelling and Lot 18A met the dimensional requirements under the Zoning Bylaw and was issued a building permit to build a single family dwelling.

On April 2, 2020 the Planning Board issued a cease and desist due to inconsistencies between construction and the design approved.

On April 19, 2020, the Planning Board determined a modification to the approved Definitive Subdivision was required before lifting the cease and desist.

The Fire Department issued comments on the new design and stated that the road should not be constructed at more than a 10% grade due to concerns for emergency access. (See email from Chief Robert Valentine and Lieutenant Brian Belfore dated May 18, 2020).

The Highway Superintendent reviewed the design and noted that the proposed grade of 12% for over 140 feet of roadway was inadequate for access and roadway design and proposed the Applicant work with the abutting property owner. (See letter from Renny Carroll, Highway Superintendent dated May 19, 2020.)

A site visit was held on May 28, 2020 with the Applicant, William Holt the Applicant's Project Manager, Peter Ellison with TEC and the Peer Review Engineer, Highway Superintendent, Town Planner and the abutting property owner, Nancy Sweetser of 9 Belle Street. It was noted that a preferred plan would not include a 12% grade, retaining wall and guard rail. The abutter would be willing to provide a temporary construction easement in order for the Applicant to adjust the grades and bring the slope down to 10%. This option will not require a retaining wall, which would cause a visual impact to the abutter and limit access to the road located behind the lot.

Per the memo dated May 29, 2020, submitted by William Holt, the overall area of impervious cover will be reduced by 229SF, which will generate less runoff than the approved design, therefore the drainage flow pattern, and runoff rate has been maintained and or slightly reduced, and the design is unchanged from that originally propose.

FINDINGS

The proposed Project as designed will protect and provide for the public health, safety, and general welfare of the Town of Groveland.

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.

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.

The proposed Project as designed will provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic.

The Groveland Fire Department reviewed the revised plans and approve the design that shows the access road at a 10% slope or less. (See email from Lt. Brian Belfore dated June 10, 2020.)

TEC, the peer review engineer, reviewed the revised plans and submitted a final comment letter on June 15, 2020. (See letter from Peter Ellison.)

As established in the Memorandum of Decision on November 19, 2019 (Book 38240, Page 457), TEC will continue to provide construction monitoring services of the project. Monitoring will occur weekly and following heavy rain events (storm events greater than 0.5 inches). Reports will be provided to the Planning Department monthly.

For the reasons set forth above, the Board finds that the project as proposed is in compliance with the Town of Groveland Rules and Regulations Governing the Subdivision of Land in Groveland

DECISION

After the meeting on the above dates, and upon a motion by Brad Ligols, seconded by Jim Bogiages, the Planning Board APPROVES the application for a Definitive Subdivision Modification with conditions. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Motion approved.

CONDITIONS

- 1) All conditions as outlined in the November 19, 2019 approved Memorandum of Decision (Book 38240, Page 457) shall remain in full effect.
- 2) This Memorandum of Decision and Definitive Subdivision Modification Plan shall be recorded at the Southern Essex Registry of Deeds. A copy of the recorded Memorandum of Decision and Plan shall be delivered to the Planning Department.
- 3) Prior to any site work, the Applicant shall obtain written approval from the Conservation Commission that the modification is consistent with the existing Order of Conditions and does not require additional approvals. A copy shall be provided to the Planning Department.
- 4) Prior to any site work on the roadway, the Applicant shall obtain a temporary construction easement with the property owner at 9 Belle Street for proposed grading and construction of the roadway. An executed agreement shall be provided to the Planning Department.
- 5) The Plan identifies 9 total trees to be removed as part of the project. At least 5 of those trees are within the construction easement on 9 Belle Street. The Applicant shall cut the trees and provide the wood to the owner of 9 Belle Street.
- 6) Encroachment Area A is currently called out to be planted with residential lawn seed mix. Based on feedback from the landowner at 9 Belle Street, this area should be planted with some type of ground covering.

- 7) The Planning Board will review the site prior to an occupancy permit being issued by the Building Commissioner. Any screening as may be reasonably required by the Planning Board will be added at the Project Owner's expense.
- 8) The Highway Superintendent shall approve all roadway signage.
- 9) 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
- 10) The following information shall be deemed part of the decision:

Plan titled: Definitive Subdivision Modification Plan Benjamin Street Extension – 38 Benjamin Street
Prepared for: Dehullu Homes, 38 Wood Street Groveland, MA 01834
Prepared by: WGH Land Survey & Design, 83 West Main Street, Merrimac, MA
Scale: 1" = 40'
Date: May 30, 2020 and revised June 10, 2020
Sheet: Landscape Plan Revised Grading, LS-1

Plan titled: Definitive Subdivision Modification Plan Benjamin Street Extension – 38 Benjamin Street
Prepared for: Dehullu Homes, 38 Wood Street Groveland, MA 01834
Prepared by: WGH Land Survey & Design, 83 West Main Street, Merrimac, MA
Scale: 1" = 40'
Date: April 10, 2020 and revised June 10, 2020
Sheet: Roadway Profile Revised Grading, S6-R2

Plan titled: Definitive Subdivision Modification Plan Benjamin Street Extension – 38 Benjamin Street
Prepared for: Dehullu Homes, 38 Wood Street Groveland, MA 01834
Prepared by: WGH Land Survey & Design, 83 West Main Street, Merrimac, MA
Scale: 1" = 40'
Date: April 19, 2020 and revised June 10, 2020
Sheet: Display

Report: Drainage Analysis Memo, 38 Benjamin Street Extension Modification
Prepared for: Dehullu Homes
Prepared by: WGH Land Survey & Design
Date: May 29, 2020

The Planning Board APPROVES the application for Definitive Subdivision Modification.

PLANNING BOARD



On behalf of the Planning Board
Walter Sorensen, Jr.

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