

# Town of Groveland

## Planning Board

183 Main Street  
Groveland, MA 01834



*Robert Danforth, Chair*  
*Walter Sorenson, Jr.*  
*Jim Bogiages*  
*Brad Ligols, Associate Member*

Board/Committee Name: PLANNING BOARD  
Date: TUESDAY SEPTEMBER 15, 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

### APPROVED

**October 6, 2020**

MOTION: Walter Sorenson made a motion to approve the September 15, 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.

Robert Danforth, Chairman: The Planning Board meeting for Tuesday, September 15, 2020 was called to order at 7:08PM.

### 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.

R. Danforth: We are going to take an item out of order and start with the Public Hearing for 895 Salem Street.

### **PUBLIC HEARINGS**

**NEW: 895 Salem Street, Robert Baldini and Steve Daniels:** requesting Site Plan Approval and Stormwater Management and Land Disturbance Permit to construct two 2-story 3,960 SF buildings with 28 parking spaces and one driveway entrance on a 10.9-acre parcel. The site is located in the Industrial (I) Zoning District. The proposed project is located at 895 Salem Street Groveland, MA 01834 (Assessors Map 48, Parcel 30).

**MOTION:** Brad Ligols motioned to OPEN the public hearing for 895 Salem Street. Jim Bogiages 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.

**Mitchell Kroner, Applicant's Attorney:** This will be two offices with storage. This is an as-of right use. Phil Henry with Civil Design will present the site plan.

**Phil Henry with Civil Design Group:** This is an approximately 11-acre site. Much of the 11 acres is open area and wetlands. The design consists of two buildings with one drive and shared parking. Steve and Rob intend to move their businesses to this location. Again, as Mitch stated this is office space and storage space for their materials. We intend to include one driveway and to compensate for the impervious area. This has been reviewed by the Peer Review Engineer, TEC. We did get one letter and we did update the Plan and are awaiting further comment. We are subject to Natural Heritage review. We are limited to a certain level of disturbance. But we have not taken that next step because we

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wanted to get a design that we felt comfortable with. We will be submitting a formal application to the State for a conditional “no-take” in regards to habitat.

Jim Bogiages: Only commercial?

P. Henry: Yes, only commercial at this time.

Brad Ligols: Does the site entry interfere with Dana Drive?

P. Henry: It is slightly offset on the Plan and we did provide additional site distance lines with respect to Salem Street. We don’t anticipate any visibility issues.

Peter Ellison with TEC: We did have some initial comments but those comments have been 90% addressed. The only outstanding issue I have is with parking and the earth works. I understand the demand of the site would not require excessive parking. But what about what is required by the bylaw?

P. Henry: Per zoning, the way that it reads literally, it would be 61 spaces.

P. Ellison: I am confident there is enough parking at the site for the proposed use. However, procedurally there may need to be a reduction in parking granted by the Board.

J. Bogiages: Is there a height limitation?

P. Henry: The height limit in the Industrial Zone is 35 feet and the proposed buildings are less than 35 feet.

Walter Sorenson: I agree and think we can do a parking reduction as part of the Site Plan Approval process. What about the other 6 acres?

P. Henry: The other 6 acres would remain a resource area under the owner of the LLC.

**MOTION**: Brad Ligols made a motion to approve the reduction in the parking requirements as noted in the zoning bylaw and make a condition in the Memorandum of Decision noting the waiver from the requirements in relation to the proposed uses and to be subject to Board review if there are any expansions and/or changes made for the proposed use and future uses. Walter Sorenson 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.

**MOTION**: Brad Ligols made a motion to approve the application for 895 Salem Street for a Site Plan and Stormwater Land Disturbance Permit. Walter Sorenson 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**: The Town Planner will draft a decision for review and vote at the next meeting on October 6<sup>th</sup>.

**MOTION**: Walter Sorenson made a motion to CLOSE the public hearing for 895 Salem Street. Jim Bogiages seconded the motion. Roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Robert Danforth, aye. Jim Bogiages, aye. Motion approved.

### DISCUSSION & POSSIBLE VOTE

**123R Seven Star Road**: Vote to endorse approved plan.

Town Planner: The Owner has shown proof of the \$250,000 limited liability insurance. The Memorandum of Decision was issued on November 5, 2019 after the original approval had expired - September 6, 2016. The Plan and MOD are included in your packet.

R. Danforth: I drove by the site and there is site work, the driveway is cut in and there looks like a foundation.

Town Planner: No building permit was pulled to my knowledge. I was also told the only work that was being done on site was to cut in the gas line on Seven Star and cap it at the property line. But I have not physically been out to the site.

**BOARD**: Let’s hold and make sure no work has begun.

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**MOTION:** Robert Danforth made a motion to table endorsement until next meeting. Walter Sorenson 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.

**Atwood Estates:** Stormwater runoff. Violation of the Stormwater Management and Land Disturbance Bylaw.

**Town Planner:** Since that meeting in August the Developer has installed the additional catch basin, tied that catch basin into the existing underground drainage system, created swells and rip-wrapped areas. The new catch basins and swells are now operational, they have prepped for the curbing and pavement lowering and adjusting all of the drainage structures to the proper height and are currently ready for curbs and final pavement. However, there is a delay because of curbing, the curbing contractor previously hired is not performing so they are in the process of hiring a different curbing contractor, so unfortunately the curbing and topcoat of pavement are not completed. Also, please note that Staff was contacted by the abutter who experienced flooding and he provided documentation of his losses. He did state that since the recent improvements he has not experienced any additional flooding but would like to be accommodated for his losses. Staff informed the abutter that the Planning Board cannot seek damages on his behalf and he would need to contact an attorney. Staff recommends weekly monitoring continue until the curbing and top coat are installed.

**BOARD:** Monitoring will track the site until it is completed. The Developer should work with the abutter who suffered damages.

**MOTION:** Brad Ligols made a motion to have weekly monitoring at the site until completed. Jim Bogiages 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.

**Billis Way:** Modification to the Memorandum of Decision dated January 31, 2018. Correspondence from Cemetery Commission. Correspondence from Kathy Kastrinelis.

**Town Planner:** First, staff would like to note that the orange construction fence has been placed along the no-cut zone as instructed by the Board at the last hearing. Also, please note there was report of a significant erosion and once notified the Developer graded, hydroseeded and stabilized the site within the day. In order to correct this problem moving forward the Developer submitted a minor modification plan showing grading changes instead of the proposed retaining wall as shown on the approved Plan.

**Mike Katrinelis with the Cemetery Commission:** Contradictory statements have been made. Our understanding was very different than what is being constructed. There are issues with erosion, tree canopy and no cut-zone. It was our understanding that the no-cut line ran the whole length of the lot line abutting the cemetery. We were supposed to do a site walk to identify the mature trees and we did not and now those trees are gone and it is too late. We are concerned that you are also causing a drainage issue with the proposal of the slope and the impact to the graves. We had an extensive drainage plan done using CPA funds. That whole property line has caused a new drainage issue that will pour out into the new development. I can see that being a problem in the future. A retaining wall might help that. It was understood that there would be a fence in place that would prohibit access to the cemetery, not just for lots 1 and 2 but continue the entire way down. The type of fencing was to honor the historic nature of the cemetery. Then there is minor issue with the construction noise during services. The Developer has stopped construction during services but not the framing crew. But we only ever made a gentleman's agreement.

**W. Sorenson:** Everything was discussed like Mike stated. Al took over post permitting. My question is to TEC, on the review.

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P. Ellison: I came in on this recently. I have only seen what was approved by the Planning Board and the proposed changes. In my site visit I have not seen them cut beyond those no-cut limits. The approved plan showed approved grading within the 15ft cut no-cut buffer as well as the privacy fence and evergreen hedge along the property line. So my thinking is that evergreen hedge and the fence is meant to be the buffer zone between the cul-de-sac and the cemetery and that is proposed in both the approved and the modification plan. From an engineering perspective both options are viable but both come with long-term maintenance agreements. From the Cemetery side what the visual will be is the fence and the evergreen hedge and in theory they will never see the slope or retaining wall. Overall, from an engineering perspective, both alternatives (retaining wall vs 2:1 slope) are viable solutions that will require long term maintenance.

Rock Dower with the Cemetery Commission: If we could have had a walk through a lot of these things could have been clarified right off the bat. The proposed area for the access to the cemetery, the angle is so far off trucks would not be able to access. I would like a site walk to change that and move it to accommodate.

Al Couillard: I did talk to Mike at the pre-construction meeting about that and I am happy to accommodate that concern. When the time is right I am happy to meet with you to put that road where you want that road.

M. Katrinelis: We don't want to miss our opportunity to get large vehicles to the site that cannot currently get through the archway. I was pleased to read the letter from TEC. It really clarified a lot of our concerns.

**BOARD:** In terms of the no-cut zone we can put placards up to make sure the homeowners are aware.

Town Planner: The other issue is the maintenance of the fence, retaining wall or slope that has a direct impact on the drainage and the erosion from the hill. So not only does the Board need to determine which design is preferred but determine the maintenance.

**BOARD:** This should be the responsibility of the Town to protect the cemetery and the roadway of the development.

Adam Costa with Mead Talerman and Costa: We can certainly express provision in the deed and provide an easement to the Town on Lot 3. I don't believe we have ever discussed this as part of the original review.

A. Couillard: If we put that in the deed and the Town maintains the fence then I think that we should eliminate the retaining wall because it will eliminate future maintenance responsibility on the Town.

**MOTION:** Walter Sorenson made a motion to approve the modification as a minor modification, approve the design change from the retaining wall to the 2:1 slope with maintenance of the fence, plantings and slope on Lot 3 by the Town that will be granted through an easement offered to the Town at the time of Street Acceptance. 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.

**MOTION:** Walter Sorenson made a motion to place placards before the no-cut zones as shown on Lot 1, Lot 2 and Lot 3. 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.

**Benjamin Street Extension, Dehullu Homes:** July 16, 2020 Field Report. Vote to endorse approved modification plan. Vote to approve and designate member signature for the Tripartite Agreement.

*Robert Danforth recused himself due to personal relationship to the developer.*

Town Planner: At the last meeting on August 25<sup>th</sup>, the Board requested a restoration Plan. The Plan has been provided and reviewed and there are no further comments from the review engineer. However, please note that the Highway Superintendent has submitted correspondence stating concerns about the potential future damage to Benjamin Street an already substandard roadway. He asked whether or not

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the Board was going to require a bond for the roadway in case damages do occur from the equipment coming and going from the site including the impact from the construction of the first house. If not, he proposed maybe the Developer overlay the length of Benjamin after construction and when they intend to finalize the extension.

Brad Ligols: Construction of two new houses will not overburden the road. So I do not feel as though a bond or overlaying the road is necessary.

W. Sorenson: TEC what do you think?

P. Ellison: The overlay of the road was ever discussed during the permitting process. It is only two house lots.

Dena Dehullu: The access road will not be used again.

P. Ellison: The restoration plan is satisfactory.

W. Sorenson: This could be something the Highway Superintendent weighs in on later.

**MOTION**: Walter Sorenson made a motion to endorse the updated plan for 38 Benjamin Street Modification. Brad Ligols seconded the motion. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Motion approved.

**MOTION**: Brad Ligols made a motion to accept the tripartite agreement. Jim Bogiages seconded the motion. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Brad Ligols, aye. Jim Bogiages, aye. Motion approved.

**Nancy Sweetser, 9 Belle Street**: I would like to say something. The asphalt berm that was put in place and with all of the construction vehicles, it has essentially broken down. I asked them not to park in front of the driveway and they park in front of the house and there are still erosion issues.

*Background comment.*

W. Sorenson: There shall be no foul language and inappropriate comments made or you will be ejected from the meeting and sanctioned.

D. Dehullu: There is limited parking over there, so what would you say we should do?

**Nancy Sweetser, 9 Belle Street**: The haybales did not work and it redirected the water to the middle of my driveway. The construction vehicles are going to park on my side of the road and further break down the berm.

D. Dehullu: We can put up additional erosion control measures and make sure we get people to park elsewhere.

**BOARD**: Add additional erosion controls and we will have TEC follow-this issue and mitigate as needed.

**733 Salem Street (Oakland Terrace), Dehullu Homes**: July 16, 2020 Field Report.

Town Planner: At the last meeting on August 25th the Board requested that a restoration plan be submitted and to show the areas of encroachment. The Plan has been submitted and reviewed by the peer review engineer. The department did receive correspondence from abutters asking the Developer to create a no-cut zone so that once the lots are sold there will be no future removal of trees and a buffer will remain.

### **PUBLIC COMMENT**

**Kai Colombo, 147 Washington Street**: I feel that it might be a good idea to put in restriction in the deed so that further trees may be removed. Visually it is a bummer that those trees are gone but there is also an erosion issue. There are only 4 saplings being proposed, not on the buffer zone line but in between lot 68F and 68G which will be nice for the homeowners but no additional plantings are offered. The trees that are still tagged are not coming down? I would like to get something in the buyer's deed to prohibit the further cutting down of trees.

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Phil Parry attorney for the Applicant: I am opposed to deed restrictions as those restrictions limit the value of the land. I would prefer no action be taken on this.

J. Bogiages: So there are no further trees to be removed? But fast forward, whoever buys the house can do whatever they please. Are any additional trees to be removed?

D. Dehullu: Yes. Additional tree clearing may be associated with the installation for the water line and septic systems on the individual lots.

**Kai Colombo, 147 Washington Street:** I don't believe those are the trees I am referring to. But if the trees that I am referring to are not to be removed then I will be happy.

**BOARD:** Walk the site and establish those trees.

**MOTION:** Brad Ligols made a motion to approve the replanting/restoration plan as submitted and reviewed. Walter Sorenson seconded the motion. A roll call vote was taken. Voting aye: Walter Sorenson, aye. Jim Bogiages, aye. Brad Ligols, aye. Robert Danforth, aye. Motion approved.

Town Planner: I would like to point out that the Department/Board should be notified prior to any "field changes" and that regardless of what situation you may find in the field there is a process that must be followed. The Board, and its approval to develop, cannot be an afterthought.

**MEETING MINUTES:** Approval of August 25, 2020 meeting minutes.

**MOTION:** Walter Sorenson made a motion to approve the August 25, 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.

### **ADJOURNMENT**

**MOTION:** Walter Sorenson 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 9:08PM.