

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 JANUARY 5, 2021
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

March 2, 2021

MOTION: Walter Sorenson made a motion to approve the January 5, 2021 meeting minutes. Jim Bogiages seconded the motion. A roll call vote was taken. Voting aye: Jim Bogiages, aye. Brad Ligols, aye. Walter Sorenson, aye. Robert Danforth, aye. Motion approved

Robert Danforth, Chairman: The Planning Board meeting for Tuesday, January 5, 2021 was called to order at 7:05PM.

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.

DISCUSSION & POSSIBLE VOTE

733 Salem Street (Oakland Terrace), Dehullu Homes: Removal of trees on house lot number 1.

Town Planner: On December 11, 2020, the Town was notified by residents that they believed the Developer had cut beyond the tree line as they had understood would be left between them and the development. The Town reached out to TEC and informed them of additional tree clearing that took place at the Oakland Terrace site abutting 729 Salem Street. The approved Subdivision Plans, revised September 11, 2020, show a proposed tree line along the 729 Salem Street property line. Based on a site visit performed on December 11, 2020, TEC confirmed that approximately 6 trees were cut down near the property line abutting 729 Salem Street. There is no longer a tree buffer between 729 Salem Street and the Oakland Terrace site. This is not in conformance with the approved Subdivision Plans which show a proposed tree line along the 729 Salem Street property line. It is TEC's opinion that this buffer should be restored with tree plantings or some type of buffer. The type and width of the buffer zone should be determined by the Groveland Planning Board.

Steve Dehullu: We had to take down the trees because of the septic. There is some confusion where the property lies at 729 Salem Street. The property owner cuts a portion of lawn he doesn't even own. I can plant more trees. But those had to be cut down because of the septic.

Tom Angell at 729 Salem Street: I acknowledge that I have been cutting a lawn that is not my property. I can agree to that. I would just like to have some trees planted and maybe in that specific area, if possible. The neighbors want to keep the buffer. If there can be some buffer left remaining and plant some more trees, we will be happy with that.

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Jim Bogiages: Instead of going ahead and taking down trees they should have waited and contacted the Board and said, we need to make a revision. But this developer appears to take matters into their own hands and ask for forgiveness later. Every time they appear before us there is an issue where they made a decision without asking for permission or changed a plan without proper review and something bad happens.

Walter Sorenson: We have regulations and this surveyor continues to make these errors. I want a meeting with the engineer on record and Bill Holt.

MOTION: Walter Sorenson made a motion that we wait to review this issue until the septic system is completed and go out to the site and determine what the buffer should be.

MOTION: Brad Ligols made an amendment to the motion on the floor that the Developer provide a buffer of not less than six (6) tree and up to 10 between 729 Salem Street and 727 Salem Street of a mature tree species. Walter Sorenson accepted the amendment. Robert Danforth seconded the motion. A roll call vote was taken. Voting aye: Brad Ligols, aye. Walter Sorenson, aye. Robert Danforth, aye. Jim Bogiages, aye. Motion approved.

733 Salem (Oakland Terrace), Dehullu Homes: Vote to accept Tripartite Agreement.

Town Planner: The bond estimate was prepared by TEC, for the amount of \$115,500. The Developer is looking for the Board to vote accept the Tripartite Agreement and sign the Form G-1 and Form G-2 so that they may be recorded, the lots released from covenant and a building permit may be issued.

MOTION: Walter Sorenson made a motion to accept the Tripartite Agreement and to sign the Form G-1 and Form G-2. Jim Bogiages seconded the motion. A roll call vote was taken. Voting aye: Brad Ligols, aye. Walter Sorenson, aye. Robert Danforth, aye. Jim Bogiages, aye. Motion approved.

Benjamin Street Extension, Dehullu Homes: Bond Reduction.

Robert Danforth recused himself from the discussion.

Town Planner: The monitor TEC has been out to the site and reviewed the approved plan and has determined that from the initial bond of \$190,000 that \$65,000 be released and the Board hold \$125,000. The Developer needs the Board to vote to reduce the bond and also sign the Form G.

Peter Ellison with TEC: I got an email from Steve; in the estimate I have included \$25k for culvert chambers but those technically are not constructed as part of the subdivision roadway. They are put in with the house itself. They infiltrate into the ground and they spill over land. They do not connect to the drainage system. However, it is in their stormwater management report.

BOARD: Since the chambers are part of the stormwater infrastructure and since the Developer has an approved Land Disturbance and Stormwater Management Plan, let the chambers remain as part of the estimate. If the Developer sells the lot, they can transfer the cost incurred in the sale.

MOTION: Brad Ligols made a motion to release \$65,000 of the bond and to keep \$125,000. Jim Bogiages seconded the motion. A roll call vote was taken. Voting aye: Brad Ligols, aye. Walter Sorenson, aye. Jim Bogiages, aye. Motion approved.

Nancy Sweetser at 9 Belle Street: They are saying they are not going to build the house lot. I have granted them the ability to construct and alter my lot. Now that they have clear cut the lot and put it in this road, they aren't going to build a house and just leave it like this? The water is not going into the basins. At the corner of the road where it turns into a T, the road has been undermined.

Steve Dehullu: I may not build the house, but there will be a house. There might just be another builder who builds it.

P. Ellison: In terms of the drainage, we are in an interim point in construction and the asphalt berm is not completed yet so once the berm is completed and the top coat applied, it should fix the problem.

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S. Dehullu: I will be down there to add more erosion control and address any other areas of concern for Nancy.

Graeme Way, George Haseltine: Roadway Acceptance, informal discussion.

Town Planner: The Board approved the decision on February 2, 2016. When the decision was recorded there was a letter included from the former Fire Chief stating that they have no further comments concerning design but were concerned about maintenance of the cistern. There was no follow-up correspondence and the matter was never addressed. But even more so, a maintenance and inspections plan for the cistern was never put in place. The Developer started the street acceptance process and in the process of reviewing these documents this matter became even more prevalent. I reached out to the current Fire Chief and he too shared the same concerns as the former Chief. They do not have the resources and/or the funds to maintain and inspect the cistern and do not want the liability of doing so. Therefore, we are looking to see what other arrangement can be made.

W. Sorenson: We should have a maintenance bond in place for the next couple of years.

Town Planner: But what happens when that bond runs out? And no such bond was collected?

W. Sorenson: Well, it becomes our infrastructure and the town water department or Fire Department need to maintain and inspect it.

Town Planner: But that is the thing, the Fire Department does not have the resources, funds or certifications in order to maintain and inspect it. And the Water Department wants nothing to do with it since it is an underground tank and does not connect to their infrastructure, so it doesn't operate like a hydrant.

R Danforth: Who has been performing inspections thus far? I would like to see the reports and I think we hold them until they produce those documents.

B. Ligols: It could be something that the HOA takes care of. They maintain some other areas in the subdivision, so why not the cistern? The house lots split the costs and then the Town will maintain the remaining infrastructure. Let's have Town Counsel weigh in.

Town Planner: I will ask for the reports and speak with Town Counsel. Another issue is that the Fire Department, in response to this issue, would the Planning Board to revise the regulation to prohibit dry hydrants or mandate that they be maintained by someone other than the Fire Department.

BOARD: We can certainly revise our regulations to avoid this issue in the future.

MEETING MINUTES: Approval of December 1, 2020 meeting minutes.

MOTION: Walter Sorenson made a motion to approve the December 1, 2020 meeting minutes. Jim Bogiages seconded the motion. A roll call vote was taken. Voting aye: Brad Ligols, aye. Walter Sorenson, aye. Robert Danforth, aye. Jim Bogiages, aye. Motion approved.

Town Planner: Next Monday is Martin Luther King Day and therefore the Board of Selectmen meeting has been moved to Tuesday. This is the third Tuesday of the month and a scheduled meeting day. However, I have a matter before the Board and will not be able to attend the Planning Board meeting. The Board can either cancel that meeting and wait until the first February or we can reschedule for the following Tuesday in January the 26th or a member may volunteer to host the meeting in my absence.

BOARD: Some other members will also not be available. We will skip the second meeting and resume the schedule in February.

Town Planner: Also, the Town Clerk has changed the OML to be every calendar year instead of every fiscal year. So, when you come to sign the documents for Oakland Terrace and Benjamin Extension, I

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will also have an OML form for you to sign. The Clerk also sent an update on ethics certification. You are all current except for Wally. The Clerk does not have any certificate on file for you.

W. Sorenson: I will get that over to you.

ADJOURNMENT

MOTION: Brad Li made a motion to adjourn the meeting. The motion was seconded by Brad Ligols. A roll call vote was taken. Voting aye: Jim Bogiages, aye. Brad Ligols, aye. Walter Sorenson, aye. Robert Danforth, aye. Motion approved. Meeting adjourned at 8:10PM.