



Town of Groveland
Economic Development
Planning & Conservation Department
Planning Board
183 Main Street
Groveland, MA 01834

Brad Ligols, Chair
Walter Sorenson, Vice-Chair
Jim Bogiages
Robert Danforth
John Stokes III

Board/Committee Name: PLANNING BOARD
Date: TUESDAY, August 17, 2021
Time of Meeting: 7:00PM
Location: Town Hall, Main Meeting Room,
183 Main Street Groveland, MA 01834

APPROVED September 7, 2021
MOTION: Walter Sorenson made a motion to approve the August 17, 2021 meeting minutes. Robert Danforth seconded the motion. The vote was 4-0, unanimous in favor.

Present: Robert Danforth, Jim Bogiages, Brad Ligols, John Stokes

Absent: Walter Sorenson

Staff Present: Rebecca Oldham, Director of Economic Development Planning & Conservation

Brad Ligols: The Planning Board meeting for Tuesday, August 17, 2021 was called to order at 7:10PM.

MEETING MINUTES: Approval of August 3, 2021 meeting minutes.

MOTION: Jim Bogiages made a motion to approve the August 3, 2021 meeting minutes. John Stokes seconded the motion. The vote was 3-0, unanimous in favor.

301 Main Street: Vote on the drafted decision.

MOTION: John Stokes made a motion to approve the drafted decision for 301 Main Street. Jim Bogiages seconded the motion. The vote was 3-0, unanimous in favor.

Robert Danforth arrived at 7:10PM

PUBLIC HEARLINGS

CONTINUED: Aquifer Protection Overlay Special Permit, 929-931 Salem Street, ANFEH, LLC c/o Fadi Issa: pursuant to Groveland Zoning Bylaw Section 50-6.2 to hear the application requesting to construct a new 7,250 square foot building with convenience store and automotive repair shop, installation of four automobile dispensing pumps with canopies and two fuel storage tanks. The site is located in the Industrial (I) Zoning District. (Assessors Map 49, Parcel 4).

MOTION: Robert Danforth made a motion to open the public hearing for 929-931 Salem Street. John Stokes seconded the motion. The vote was 4-0, unanimous in favor.

Adam Costa with Mead, Talerman and Costa: The Owner went through the proper process and sought and received appropriate approvals but it was missed that an Aquifer Protection Overlay Special Permit would be needed. A building permit was issued and there was a cease. We stopped work and continued construction on the building only, as allowed by the Building Inspector, until a permit was received. They Aquifer District identified that underground storage tanks were not permitted. At the last meeting we discussed underground vs. above ground as required in the bylaw. So, we proposed an aboveground tank below grade. This was reviewed by TEC and the correspondence was positive. In respect to the comments, we provided the additional items that were requested. There was another email from the Department of Fire Safety. It raised some concerns about the citations Mr. Clement submitted in his letter. Mostly, that they were outdated references. The response was to the provide the historical context of how the regulations evolved. He made appropriate revisions but those revisions do not alter his analysis. These are above ground storage tanks and have all the mechanism in place to be stable per constructed, location, malfunction alarms, overflows, etc.



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Peter Ellison with TEC (participating by phone): I am in agreement with the definitions they have provided for this project. After my review of the regulations at the state level and review of the local zoning bylaw, I am in agreement with their position. I have a slew of conditions that I would recommend that they incorporate that is outlined in my letter.

B. Ligols: I have questions about the design of the vault. Do you have the final plans?

Hal Choubah with Choubah Engineering Group, P.C.: Those plans would need to be submitted and approved by the State Fire Marshal's office. We do not have the full specs at this time but we do have the general layout and the vault sizes and requirements for containment. We did provide those calculations.

B. Ligols: Will that be drawn up by an environmental engineer?

H. Choubah: It will need to be a structural engineer not environmental. It will be a water tight tank. And TEC recommend approval for testing before occupancy.

B. Ligols: I would like it to be reviewed by an environmental engineer and see that the piping is done accurately.

H. Choubah: That can be included in your conditions.

R. Danforth: Who is going to do the testing and how many times a year?

H. Choubah: If you look at the review, it has to be the Fire Marshal's Office. They have the authority to issue the permit. And they will set the frequency of the inspection. Inspection will be done by a third party.

R. Danforth: I would like to see those reports submitted to the Planning Board yearly.

A. Costa: That is proposed by TEC in the report. Comment number 10. Then you need to adopt the O&M plan and they would need at least annual inspections unless more are required by Fire Marshal.

P. Ellison: Will they be precast?

H. Choubah: They will be poured in place. They are large tanks.

John Stokes: So, the only question I have is about the impervious surface.

A. Costa: It is just an additional trigger that would have required the special permit.

BOARD: Rebecca will draft a decision for review and discussed at the next meeting. We will keep the hearing open so we can have an open conversation concerning the conditions as they are complex.

MOTION: Robert Danforth made a motion continue the public hearing for 929-931 Salem Street to September 7, 2021. Jim Bogiages seconded the motion. The vote was 4-0, unanimous in favor.

CONTINUED: Definitive Subdivision, King Meadow Farm – Katie Lane, King Meadow

Development: pursuant to M.G.L. Chapter 41, Section 81T, the Town of Groveland Subdivision Rules and Regulations and Article 14 of the Groveland General Bylaws to hear the application requesting approval of a nine (9) lot Definitive Subdivision Plan and associated Stormwater Management & Land Disturbance Permit. The site is located in the Residential 2 (R-2) Zoning District. The proposed subdivision is located on King Street Groveland, MA 01834. (Assessors Map 26, Parcel 13 and Map 26 Parcel 13F).

MOTION: Robert Danforth made a motion to open the public hearing King Meadow Farm – Katie Lane, King Meadow Development. Jim Bogiages seconded the motion. The vote was 4-0, unanimous in favor.

Douglas Deschenes with Finneran & Nicholson, P.C.: We have been working to resolve the issues with the peer review engineer. We wanted to make sure to iron out those comments and see what could be addressed and what needed to be made conditions of approval. Our goal was to get to a standpoint to address your concerns and then meet your subdivision regulations. My clients have tried to be



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responsive to the Board concerns. Such as the issues with the additional land and what the future plans would be for that land. We have added that land into the back lots to prohibit future development. We have also worked with your Water Department to upgrade your water line. This is an improvement and will provide a benefit to the neighbors as well. We have during the course of the review identified two additional waivers. We only had one originally which was the roadway length. We have added a waiver for use of the ADS pipe instead of concrete.

B. Ligols: The Highway Superintendent agreed?

R. Oldham: He submitted the email included in your packet and agreed to the material he just requested the size of the pipe be 15".

D. Deschenes: The only other waiver requested was from the field stone wall requirement. While this would be aesthetically pleasing this waiver would allow a better material and stronger material and the wall is not going to be in view from the street. The last waiver is for the roadway length. We believe we can show that it is justified. The dead-end roadway length is for public health and safety concerns. There is also the consideration of maintenance of the roadway. We are seeking an extension of 140 feet, if measured to the end or in the center we are only exceeding the requirement by 75 feet. We are not asking for a significant extension. We have also submitted a request for comment to Police, Fire and Public Works. The Police Department did not comment on the roadway length. The DPW also did not comment on the roadway length only on other issues concerning drainage, maintenance of drainage, and roadway materials, etc. As part of your regulations, if there is no response than there are simply no concerns. The Fire Department did submit comments that the roadway length is not going to have a negative impact on addressing public safety. I also did some research and the Planning Board has granted a waiver concerning roadway length on five other projects and while they have been measured a different way each time, the waiver was granted when the waiver request met the intent of the regulations.

B. Ligols: What are the 5 roads? Also, was that before the regulations change?

D. Deschenes: They were: Billis Way 819.86' and 65' Diameter, Graeme Way 927.28', Groveland Farms 873.61', Homestead Lane 799.31'.

David Nader with TEC: Summarized the peer view letter.

B. Ligols: Where is the stonewall?

D. Nader: The main one is on the southern end of the roadway. There is a retaining wall at the pond. A fence will be required.

D. Deschenes: We would ask that the O&M Plan and the updated plans be a condition of the approval. And we have already worked with the DPW concerning the fencing and accept a condition to reflect such. Including the location of the gate.

R. Oldham: For clarification, you are asking for no further review after the latest letter to make sure the corrections have been addressed?

D. Deschenes: That is correct. We believe those comments are relatively small and are only the stamp and O&M Plan. I have seen that done in other communities.

R. Oldham: Yes, that can be an option. I just want to clarify the request that they be conditions in the decision, something done prior to endorsement of the plan.

B. Ligols: With the 750FT, is it possible to get the eighth lot? If we implemented a shared driveway, would that work?

Kevin Cunniff: No, because you still need the frontage.



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PUBLIC COMMENT

Paul Kinch, 118 King Street:

1. Why would the developers feel it necessary and request a waiver for a road extension if they can build a proposed 8 house development following the bylaw of 750 feet? Extending it is very expensive for just 1 house. What is the future planned build out which the developers have still not answered or submitted, which is required? Stating if they do, they will follow the bylaws. Is not an answer and should not be accepted? Are they planning on building into Fiore property, the land where they have previously stated they propose building in under review and enforcement with the DEP for destroying and covering wetlands?

D. Deschenes: We have shown the max buildout. It cannot be extended. We are only adding another 75 feet of road. Roads are expensive to build but they need the lot to accommodate the water line.

B. Ligols: If they can prove it is a betterment to the Town, we can grant a waiver.

2. The easement is still labeled as paved drive on the proposed development plans. It needs to be labeled easement (Book 8874, Pg. 10)

R. Oldham: I have been in communication with the abutter to confirm the labeling and the Owner has agreed to such. If the Planning Board would like, I can add it as a condition of approval and that must be confirmed prior to the endorsement of the plan.

3. One 3 foot and 6-foot retaining wall there are fences, why is there not one on the 7-foot retaining wall? That is an extreme danger. Who will be responsible for the liability?

BOARD: It is 6 feet. There is no 7-foot retaining wall.

4. Has the updated O&M been provided?

BOARD: The still need to provide that.

5. Has the DPW addressed the proposed development and confirmed there is adequate access considering width, slope, pool grading. We would like to see his comments.

R. Oldham: The Highway Superintendent did submit an email and confirmed that there is access he would just like to work with the developer on the placement of the gate and the width of the gate on the fence for access.

6. Why would the proposed development have PVC piping for drainage, the frost line is 4 feet, PVC would have a possibility of cracking. Why do these developers not want to follow the ruling put in place for the safety of the town? Will the developers come and fix any problems, at their expense when things go wrong?

B. Ligols: Concrete piping was a thing of the past. They actually fail. The calcium chloride they use on the road further deteriorates the concrete. So, this piping will last longer than the concrete.

7. Who is responsible for maintaining the "ponds"? We would like the DPW Road commissioners written comments on the proposed development.

BOARD: The Town.

R. Oldham: Point of clarification, the developer is responsible for the drainage until the developer goes through the street acceptance process which also requires a Town Meeting vote.

Paul A. Magliocchetti - SSJM Attorneys: Robyn, abutter at 102 King Street, asked me to be here this evening. We all know there are concerns with the easement between her property and Fiore. I was surprised to hear there will be no further building on the property. Would the owner be willing to put a restriction on such?

R. Oldham: Clarification, are you talking about the property at 104 King or the lots that have frontage on King and Center. Because the lots with frontage on King and Center are going to be under a



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covenant to prohibit further development. That has been agreed on. The property at 104 King Street is not part of the subdivision and currently under 61A protection.

Paul A. Magliocchetti - SSJM Attorneys: Well, there is an easement that connects the property to 104 King Street.

R. Oldham: Does King Meadow Farm LLC own the property at 104 King Street?

D. Deschenes: No. They do not.

Paul A. Magliocchetti - SSJM Attorneys: One owner does. And we ask that there be a restriction.

BOARD: That parcel is not part of the subdivision and not up for discussion. Additionally, the easement is a drainage easement and cannot be used as access.

Paul A. Magliocchetti - SSJM Attorneys: Will they put a fence along the entire property of the development?

R. Oldham: There will be conservation markers, as shows on sheet E5 of the plan, that will specifically prohibit any disturbance in those designated areas. Those are found on those back lots and near the wetlands on the side lot line. The Board did explore a fence in the beginning of this process on the first lot but it was found that may cause site distance issues on Katie Lane and King Street. The Board also found on the site walk the vegetation between both properties would provide adequate screening.

Paul A. Magliocchetti - SSJM Attorneys: Construction vehicles will use the easement for access during construction of the site.

R. Oldham: A building permit can only be issued once access is constructed. That is a standard condition in our decisions. We will also have a construction monitor out at the site weekly.

Paul A. Magliocchetti - SSJM Attorneys: We are opposed to any waiver to the roadway length. One house lot may not seem like it will have an impact on traffic but there is already a lot of impact to traffic due to the horse farm and that may be the tipping point.

B. Ligols: What do you mean the tipping point?

Paul A. Magliocchetti - SSJM Attorneys: You are already adding additional traffic that will be generated by the development and there will be additional vehicles.

B. Ligols: Can you show us the impact?

Paul A. Magliocchetti - SSJM Attorneys: You would need a traffic report.

D. Nader: There was a traffic report done and it did not show there would be an impact. That was discussed early in the review.

Paul A. Magliocchetti - SSJM Attorneys: They have to get to the new homes so they drive by her property. That is an impact.

R. Danforth: It would be the same if it was 4 lots.

Paul A. Magliocchetti - SSJM Attorneys: Yes, but there are 9 lots and you are seeking a waiver.

Robyn Wright, 102 King Street: People are going through the easement. They are out there using the easement now. Just stomping on it. I've heard activity on site at 2AM. I have even heard a gun go off. When I go out to let my cat out, they are out there. When they were building the first house, I would go to water my plants and the workers would scream every time I went outside. This went on the whole summer. I want something to be done.

BOARD: That would be a police issue. It almost sounds like a civil matter. There will be a condition relative to construction hours.

Robyn Wright, 102 King Street: There is no privacy.

D. Deschenes: You have a noise ordinance?

R. Oldham: We actually do not have an ordinance. But we put a condition in our decision relative to the hours of operation. That is reported to the police and enforced by the Building Commissioner.



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D. Deschenes: We have discussed the fence on the first lot. There is a significant number of trees that offer a significant buffer and we do not want to remove trees to put a fence in. The other area is wetlands and you cannot erect a fence in wetlands. We did explore that issue. The other option along King Street, like mentioned, would provide a site distance issue.

Paul A. Magliocchetti - SSJM Attorneys: Can we have a no construction vehicle entrance near the easement?

BOARD: Yes, we can add that as a condition. Rebecca will draft a decision for review at our next meeting.

MOTION: Robert Danforth made a motion to continue the public hearing for King Meadow Farm – Katie Lane, King Meadow Development to September 7, 2021. Jim Bogiages seconded the motion. The vote was 4-0, unanimous in favor.

Correspondence: Email correspondence relative to 245 Center Street (142 King Street).

R. Oldham: No discussion is necessary; you all have the email in your packet. I respectfully ask that until the sale of the property is final the Board vote to have the Building Commissioner, Sam Joslin, be the Planning Board Agent to enforce the Planning Board decision.

MOTION: Robert Danforth made a motion that until the sale of the property is final the Building Commissioner, Sam Joslin, be the Planning Board Agent to enforce the Planning Board decision for 245 Center Street (142 King Street). Jim Bogiages seconded the motion. The vote was 4-0, unanimous in favor.

ADJOURNMENT

MOTION: Robert Danforth made a motion to adjourn the meeting. The motion was seconded by Jim Bogiages. The vote was 4-0, unanimous in favor. Meeting adjourned at 8:58PM.

- **MEETING MATERIALS:** Draft August 3, 2021 Planning Board Meeting Minutes; drafted decision for 301 Main Street dated 8/17/21; email from Peter Ellison with TEC dated 8/13/21; email from Lt. Belfiore dated 7-29-21 concerning comments from State Fire Marshal's Office; 929-931 Salem Street letter from John Clement dated 6/25/2021; 929-931 Salem Street Above Ground Tank Details, prepared by Choubah Engineering Group, dated 5/27/21; 929-931 Salem Revised Drainage and Utility Plan, prepared by Choubah Engineering Group, dated 5/27/21; 929-931 Salem Revised Site Layout Plan, prepared by Choubah Engineering Group, dated 5/27/21; Email from the State Fire Marshall dated 7/29/21; 929-931 Salem Street AST Code Reference Clarification letter from John Clement dated 8/13/2021; Definitive Subdivision Submission Plan for King Meadow Farm (18 sheets), prepared by WGH; Land Survey & Design, dated December 27, 2020; last revised August 2, 2021, last Stamped, June 25, 2021; "Summery Letter: Response To Comments –King Meadow Subdivision Revision #3" prepared by WGH Land Survey & Design, dated August 2, 2021; ; Conceptual Buildout for 750 L.F. Roadway (1 sheet), prepared by WGH Land Survey & Design, dated 12/10/2020, stamped 6/21/21; Peer Review Letter #4 from TEC August 17, 2021; email from Renny Carroll, Highway Superintendent dated 8/10/21; Email from Wetlands Awesome Group dated 8/17/21; Email from R. Oldham to H. Klosowski dated 8/11/2021. Provided at the meeting: site rendering of the road as proposed and at the 750ft prepared by WGH Land Survey & Design, dated 8/12/2021 titled Figure 1.