



## PLANNING BOARD

# TOWN OF GROVELAND

TOWN HALL COMPLEX  
183 MAIN STREET  
GROVELAND, MASSACHUSETTS 01834-1396

TOWN OF GROVELAND  
2016 JUN -9 AM 10:20  
RECEIVED/POSTED

## MEMORANDUM OF DECISION UNDER THE SUBDIVISION CONTROL LAW

To: Application of Petroska for a Definitive Plan – Access From Other Than Frontage for Proposed Single Family Dwelling pursuant to the Town of Groveland Subdivision Control Law.

Date: June 7, 2016

### Procedural History:

1. On April 25, 2016, Karen Dapsis, Executrix of the Estate of Henrietta Petroska, 10176 Gillispie Oak Drive Arlington, TN 38002 (herein after, The "Applicant ") applied for a Definitive Plan – Access From Other Than Frontage for Proposed Single Family Dwelling, pursuant to the Town of Groveland Subdivision Control Law. The property contains approximately 15.24 acres and is a single parcel on Center St and Seven Star Road. The parcel that comprises the property is shown as a portion of Assessor's Map 19 Lot 23. The proposed project is one lot for the use of one, single-family style dwelling.

2. A public hearing was duly advertised and held on May 17, 2016. After hearing and consideration of the testimony and evidence of all parties present, and upon due consideration of the Groveland Zoning By-Laws, and Subdivision Rules & Regulations, the Planning Board hereby approves the submitted definitive plan with the following conditions/restrictions.

3. This decision is rendered on May 17, 2016, subsequent to opening and closing the public hearing on May 17, 2016, and based on submittals by the Applicant for approval of a certain definitive plan relative to a parcel of land in Groveland, Massachusetts located off Center Street and Seven Star Road shown on Definitive Plan – Access From Other Than Frontage for Proposed Single Family Dwelling dated April 25, 2016, and revised through May 23, 2016. The revision includes the implementation of grass drainage swale along the edge of the driveway to a rip-rap outlet.

4. The approval was voted unanimous, with the conditions enumerated in this decision, Vote 3 – 0 by the three members present.

5. The following documents and exhibits were received during the public hearing and are hereby incorporated by reference in this decision:



# TOWN OF GROVELAND

TOWN HALL COMPLEX  
183 MAIN STREET  
GROVELAND, MASSACHUSETTS 01834-1396

## PLANNING BOARD

- Definitive Plan – Access From Other Than Frontage for Proposed Single Family Dwelling dated April 25, 2016, and revised May 23, 2016.

The plans and other submission materials were reviewed by the Planning Board. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearings.

### DECISION:

The Groveland Planning Board has decided to grant approval under the Subdivision Control Law with the terms and conditions stated below:

1. Prior to issuance of Building Permits the Applicant will provide documentation that the Memorandum of Decision is recorded in the Essex County Deed Office. No construction work shall begin on this project prior to this recording. Limited tree clearing for the purpose of installation of erosion controls or installation of sediment pad/stabilized construction entrance may be allowed at the Applicant's risk, with prior approval of the Groveland Road Commissioner. Excessive tree clearing prior to recording this decision, in the opinion of the Road Commissioner, shall require replacement plantings and/or restoration of disturbed areas to the number and extent specified by the Road Commissioner.

2. Definitive Plan – Access From Other Than Frontage for Proposed Single Family Dwelling (7 sheets) endorsed by the Groveland Planning Board and Town Clerk shall be recorded simultaneously with the document listed hereinabove.

3. Due to the unique geographical features of this parcel, to adjacent properties, and to protect present inhabitants/abutter's health, safety and welfare; the Planning Board requires that the existing parcel of land is approved for a single family dwelling only, and no further subdivision of this parcel will be allowed using the driveway as a right-of-way. It is the determination of the Planning Board that the spirit and intent of the Town of Groveland Zoning By-Laws and applicable Massachusetts General Laws would be violated by any use other than one, residential single family dwelling.

4. All electric and utility service the lot shall be underground. A plan of underground utilities shall be provided to The Planning Board and include on the definitive plan "As-Built" the location of all utilities as required by the Town of Groveland By-Laws, Planning



# TOWN OF GROVELAND

TOWN HALL COMPLEX  
183 MAIN STREET  
GROVELAND, MASSACHUSETTS 01834-1396

## PLANNING BOARD

Board Rules and Regulations prior to the final occupancy permit being issued by the Building Inspector .

5. This decision shall be binding upon the executors, heirs, administrators, devisees, successors, and assigns of the applicant.

6. The Owner/Applicant/Developer shall obtain general liability insurance covering the development in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00), and further that the Owner/Applicant/Developer shall indemnify and hold harmless the Town of Groveland including its consultants from any and all claims which may arise from the development and construction relating thereto, prior to beginning construction.

7. Violation of any terms of this decision or Covenants relating thereto shall be just cause for Recision, Modification, or Amendment pursuant to Massachusetts General Law, Chapter 41, Section 81W.

8. This Decision is based on the acceptance (in accordance with MOL Chapter 41, Section 81U) of the Definitive Plan by the Town of Groveland Board of Health, and the Town of Groveland Conservation Commission. Any objection by the previously mentioned Town Boards to the Definitive plan shall NEGATE the acceptance by the Planning Board of the Definitive plan or require a modification to the Definitive plan.

9. The driveway for the single family dwelling shall have a grass drainage swale along the gravel shoulder with a rip-rap outlet.

10. The subject driveway shall have a cross section comprising of 8-inch base of compacted processed gravel, a 2-inch compacted bituminous concrete binder, and a 1-inch compacted bituminous concrete overlay/topcoat all hot application.

11. All other Town of Groveland By-Laws not mentioned, but relevant to this Decision, shall be adhered to, otherwise this Decision shall become Null and Void.

12. The buildable lot contained in the subject parcel of land is approved for one, new single family dwelling only, and the land may not be further subdivided creating any other buildable lots; furthermore, the fifty foot right-of-way providing access from Seven Star Road shall remain a private way and be maintained by the owner of said lot. The Town shall never accept the roadway as a public right-of-way.



# TOWN OF GROVELAND

TOWN HALL COMPLEX  
183 MAIN STREET  
GROVELAND, MASSACHUSETTS 01834-1396

## PLANNING BOARD

13. Copies of the following documents, plans, and applications shall be submitted to the Planning Board for review prior to release of the lot of construction:

- A copy of the Board of Health Subsurface Absorption System Plan and Permit
- A copy of the Groveland Order of Conditions with submitted plans of record
- A copy of the entire definitive plan as certified, recorded by the Essex County Registry of Deeds.

## WAIVERS:

The following waivers from the Subdivision Control Law have been considered by the Planning Board. The Planning Board has approved these waivers finding it is in the best interest of the public health, welfare and safety.

### Waiver List:

- |                  |   |
|------------------|---|
| Section 3.4.2.3  | Waiver from complying as it applies to the benchmark datum.   |
| Section 3.4.2.6  | Waiver from complying as it applies to proposed roadways.   |
| Section 3.4.2.7  | Waiver from complying as it applies to proposed roadways.   |
| Section 3.4.2.8  | Waiver from complying as it applies to permanent monuments.   |
| Section 3.4.2.12 | Waiver from complying as it applies to proposed rights-of-way.  |
| Section 3.4.2.14 | Waiver from complying as it applies to proposed roadways.   |
| Section 3.4.2.17 | Waiver from complying as a single family house lot and driveway is exempt form compliance with the Massachusetts Stormwater Policy Act. |
| Section 3.4.2.18 | Waiver from complying as it applies to proposed roadways and street trees.  |
| Section 3.4.2.19 | Waiver from complying as it applies to proposed streets, roadways, and sidewalks.   |



# TOWN OF GROVELAND

TOWN HALL COMPLEX  
183 MAIN STREET  
GROVELAND, MASSACHUSETTS 01834-1396

## PLANNING BOARD

- Section 3.4.2.20 Waiver from submitting an Environmental Impact Statement.
- Section 3.4.2.21 Waiver from complying as no public open space is proposed on the existing single family house lot.
- Section 3.4.2.22 Waiver from complying as it applies to proposed roadways.
- Section 3.4.2.25 Waiver from complying as it applies to proposed roadways.



# TOWN OF GROVELAND

TOWN HALL COMPLEX  
183 MAIN STREET  
GROVELAND, MASSACHUSETTS 01834-1396

## PLANNING BOARD

### RECORD OF VOTE

The following members of the Planning Board vote to grant the Definitive Subdivision subject to the above-stated terms and conditions:

James M. Freer  
James Freer, (Chair) Member

Robert O'Hanley  
Robert O'Hanley, Member

Robert P. Arakelian  
Robert Arakelian, Member

6-7-16  
Date

The following members of the Planning Board are in opposition to the grant of the Definitive Subdivision.

June 9, 2016  
Filed with the Town Clerk of Groveland

Axne Boudie  
Town Clerk  
Copy of Decision Mailed to: