

TOWN OF GROVELAND
Notice of Appeal or Not
for Decision Made by Groveland Planning Board



Office of the Town Clerk
183 Main Street
Groveland, Mass
Tel-469-5005
Anne Brodie

I hereby copy of a decision of the Groveland Planning Board of the TOWN OF GROVELAND related to the application of:

Sergiy

Applicant's Name

CANTON ST (WINDY) EST.

Applicant's Street Address

File Number

Was filed in this office on: Feb 28, 2018 and that no notice of appeal was filed.

Attest:

Anne Brodie
Anne Brodie

Date:

MAR 20, 2018

TOWN OF GROVELAND

2018 FEB 28 AM 10:36

TOWN CLERK
RECEIVED/POSTED

MEMORANDUM OF DECISION
FOR
ATWOOD ESTATES
(FINAL 02-6-18)

A public hearing was duly advertised and held on October 3, 2017 continued to 11/21/17, 12/19/17 and continued to and closed on 01/23/18. The project has been reviewed by the Town's review consultant and the Groveland Water and Sewer department. After hearing and consideration of the testimony and evidence of all parties present, and upon due consideration of the Zoning By-Laws, the Planning Board hereby approves the submitted subdivision plan with the following conditions/restrictions:

This decision is rendered on 2/27/18 for approval of a certain definitive subdivision plan relative to a parcel of land in Groveland, Massachusetts located off of Center Street shown as Atwood Estates containing eight lots accessed by two (2) roads (Road A and Road B).

1. The project shall be constructed in accordance with the approved plans. The stormwater design substantially complies with the applicable regulations. Any deviation or modification to the approved plans prior to or during construction shall be submitted to the Planning Board in writing.
2. The applicant has stated that 22 soil test pits were conducted and one test pit contained groundwater at elevation 48.9. The low point on Lot 5 is at elevation 58 and ground water is not at the surface. There is a low point on Lot 8 near Center Street at elevation 54 with no ground water at the surface. Soil test pits nearby were excavated to elevation 47.58 without ground water being apparent. Furthermore, the lowest finished grade of the road is at elevation 75, therefore, the information presented above indicates that the finished grade will not be within six feet of ground water.
3. Prior to the issuance of Building Permits, the Applicant will provide documentation that the Memorandum of Decision, Forms E & F or Substitution Performance Guarantee as outlined in M.G.L. Chapter 41, Section 81-U and subject Definitive Plans are recorded in the Essex County Deed Office. No work shall begin on this project prior to this recording including the clearing of any trees.
4. No roadway construction shall be executed without notification of the Planning Board and permission from the Road Commissioner Town of Groveland. Notification must be no less than 10 days as required by Groveland By-Laws.
5. Due to the unique geographical features of this parcel and to protect the present

inhabitant's/abutters health, safety and welfare; The Planning Board requires that the actual use of the lots contained therein and the subject parcel shall conform to the intended use of these lots by the Planning Board.

All buildable lots contained in the subject parcel of land are approved for single family dwellings only. It is the determination of The Planning Board that the spirit and intent of the Town of Groveland Zoning Bylaws and applicable Massachusetts General Laws would be violated by any use other than Residential Single Family Dwellings.

6. All electric and utility service to the lots shall be underground.
7. Include on the Definitive Plan the location of all utilities as required by the Town of Groveland By-laws, Planning Board Rules and Regulations, Appendix C (h).
8. The Planning Board requires that the Owner/Applicant/Developer shall locate the Shade Trees a no closer than 5 feet (5') nor more than 20 feet (20') from the right-of-way line at the locations noted on the plans, but at the discretion of the Applicant based upon actual location of the structures on the lots.
9. This decision shall be binding upon the executors, heirs, administrators, devisees, successors, and assigns of the applicant.
10. Street lighting shall be of a type, and set at a distance as determined by the Town of Groveland Municipal Light Department.
11. The Owner/Applicant/Developer shall obtain general liability insurance covering the development in the amount of Five Million Dollars (\$5,000,000.00), and further that the Owner/Applicant/Developer shall indemnify and hold harmless The Town of Groveland from any and all claims which may arise from the development and construction relating thereto.
12. The Planning Board shall at the Owner/Applicant/Developer expense hire an independent third party to oversee and verify for the Planning Board the important construction milestone events of this development. Said third party shall be responsible to, and report to The Planning Board, shall file written reports as deemed necessary by The Planning Board to the Planning Board and other Town Boards as required.

It is the Applicants responsibility to notify the said third party and other Town Officials to arrange these required inspections, which are: the installation of the erosion control measures, drainage system, roadway subgrade, compacted gravel sub-base, electric & utilities, binder and finish coats of compacted bituminous concrete pavement and other items as required by the Town of Groveland By-Laws or as directed by The Planning Board.

13. Violations of any terms of this decision or Covenants relating thereto shall be just cause for Rescission, Modification or Amendment pursuant to Massachusetts G.L. c. 41 §81W.
14. This Decision is based on the acceptance of the Definitive plan by the Town of Groveland Board of Health, and any other applicable Town/State departments. Any objection by the previously mentioned Town Boards to the Definitive Plan, or lots contained therein shall NEGATE the acceptance by the Planning Board for the Definitive plan, or the lots affected by the aforementioned decision.
15. The project roadway shall have a cross section comprising of twenty four inch (24") of compacted gravel as follows, twelve inch (12") of Gravel Borrow Type B (M 1.03.0) placed in two six inch (6") compacted courses, overlaid by 8" of processed gravel (M1.03.1) in two four inch (4") compacted courses as outlined in Massachusetts Highway Department specifications, a four inch (4") compacted bituminous binder in two inch (2") lifts, and a two inch (2") inch compacted bituminous concrete overlay/topcoat all hot applications.
16. Submission of a partial asbuilt plan of the subdivision shall be completed and filed with the Planning Board by the Applicant prior to the release of any lots.
17. Submission of a Final asbuilt plan of the subdivision and petition for road acceptance shall be completed and filed with the Planning Board by the Applicant prior to conveyance of the last lot in the subdivision or prior to the release of the performance guarantee.
18. 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.
19. The Owner/Applicant/Developer shall complete Groveland Subdivision Rules and Regulations Forms E and F, for the compliance of the Performance Guarantee as Required by Massachusetts General Laws, Chapter 41, as noted above.
20. The Owner/Applicant/Developer shall also post the following signs:
 - A. "Stop" sign and painted "Stop Bar" at the intersection of the proposed development and Center Street.
 - B. Street sign with the name of the proposed street for the subdivision at the intersection of the proposed development and Center Street.
21. All buildable lots contained in the subject parcel of land are approved for single family dwellings only.
22. No additional Mortgages or Liens may be applied to any lots in the subdivision which the

Town of Groveland is holding as security.

23. Vital access must be maintained at all times and is the sole responsibility of the Owner/Applicant/Developer. This access includes plowing, sanding and general up keep until the road acceptance by the Town of Groveland.
24. Driveways must be accessible for Emergency Vehicles and approved by the Groveland Fire and Police Chiefs. The Applicant shall coordinate with the Fire Department to determine if the project meets applicable fire access code regulations.
25. All requirements, if any, of the Massachusetts Department of Transportation must be met and a copy of any authorizations or approvals filed with the Planning Board.
26. Groveland Board of Health approval and a copy of their decision shall be filed with the Planning Board concerning each individual lot as to potable water and septic or sewer approval.
27. The Planning Board has approved the Definitive Plan with the following waivers;
 - A. Section 3.4.2.1 of the Rules and Regulations requires a location plan to be shown at a scale of 1" = 400'. Submitted location plan is at a scale of 1" = 100' for improved clarity.
 - B. Section 3.4.2.2 of the Rules and Regulations requires that title block and additional information be placed on the right edge of plan. Submitted plan includes required information along bottom of plan.
 - C. Section 3.4.2.3 and 3.4.2.14 of the Rules and Regulations require vertical datum of National Geodetic vertical datum NGVD 1929. Submitted plan utilizes North American Vertical Datum 1988 as recognized by USGS as the current national datum.
 - D. Section 3.4.2.10 of the Rules and Regulations requires street numbers to be shown on the plan. The requested waiver shall allow the plans to be approved without the street numbers.
 - E. Section 3.4.2.18 of the Rules and Regulations requires all trees over 12" in diameter to be shown on plans. The majority of the site is heavily wooded, therefore, if the Board defines any individual trees during the site walk to be shown, said tree(s) will be flagged, located and added to the plan for submission to the Planning Board.
 - F. Section 3.4.2.22 of the Rules and Regulations requires travel speed measurements to be provided. The requested waiver shall allow the project to be approved with the required travel speed measurements.
 - G. Section 4.3.10.6 of the Rules and Regulations requires a slope stabilization and revegetation plan designed by a landscape architect. Slope stabilization details and specifications are provided on the plans, therefore, the requested waiver shall allow said plan to not be designed by a Landscape Architect.

- H. Section 4.3.11.2 of the Rules and Regulations requires a proposed cul-de-sac pavement diameter of 110' and a right of way diameter of 130'. The requested waiver shall allow the project to be constructed with no cul-de-sac pavement along the westerly end and a 100' cul-de sac pavement turnaround radius along the easterly end. Furthermore, the project shall include a 120' cul-de-sac right of way radii for each dead end of the project.
 - I. Section 4.2.11.5 of the Rules and Regulations includes a cul-de-sac detail/specifications. The requested waiver shall allow the cul-de-sac to be constructed per the approved plans.
 - J. Section 4.8 of the Rules and Regulations requires granite curbing. The applicant shall construct curbing as shown on the approved plans.
 - K. Section 4.9 of the Rules and Regulations requires sidewalks. The requested waiver is to not construct sidewalks, therefore, no sidewalks shall be provided for the project.
 - L. Section 4.14.2 of the Rules and Regulations requires a landscape plan to be developed with certain regulations including but not limited to the plan shall be stamped by a registered Landscape Architect. The requested waiver shall allow plantings/trees to be installed per plan without a registered Landscape Architect's stamp.
 - M. Section 4.16.2 of the Rules and Regulations prohibits driveways within 50' of an intersection. The requested waiver shall allow Lot 4 to be installed per plan and within 50' of an intersection.
 - N. Section 5.6.3 of the Rules and Regulations requires the use of reinforced concrete pipe for drainage piping. The requested waiver will allow for the use of HDPE pipe which provides better hydraulic capacity and is an acceptable substitute.
 - O. Section 5.6.5 of the Rules and Regulations requires fencing around detention stormwater areas. The requested waiver shall allow no fencing around Ponds 2P, 4P, 5P or 7P.
28. The Planning Board grants the Special Permit for affordable housing pursuant to Section 10.1.8 of the Zoning Bylaw and requires the Owner/Applicant/Developer to pay \$80,000 as the affordable housing payment based upon the Department of Housing and Community Development that the affordable price for a for sale single family home equal to what is being proposed is calculated to be \$234,000.00 in Groveland. As a result, in accordance with Section 10.1.8 of the Zoning Bylaw, 50% of the difference between the affordable price and the market rate price (\$450,000) would be \$108,000. As a result, the bylaw provides that the payment will be 50% of the difference between the affordable price and market rate price or \$80,000 whichever is lower.
29. No building permit for any dwelling unit shall be granted by the Building Inspector until all drainage facilities and associated structures, including pipes and drainage swales, have been completed to the satisfaction of the Planning Board, or adequate security has been provided. No building permit for any dwelling unit shall be granted by the Building Inspector until the roadway to serve such unit has been completed to the satisfaction of


the Planning Board and adequate security is in place to assure the completion of construction.


30. During construction, all local, state, and federal laws shall be followed regarding noise, vibration, dust, and blocking of town roads. The Applicants shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction of the proposed ways and services shall not commence on any day before 7:00 A.M. and shall not continue beyond 6:00 P.M. There shall be no construction of the proposed ways and services on any Sunday or federal legal holiday.
31. The Applicant shall meet with the Board's review engineer at least seventy-two (72) hours prior to the commencement of any construction to hold a pre-construction conference.
32. In accordance with Section 4.1.5.2 of the Rules and Regulations roadway monuments be constructed of granite with an embedded brass plug.
33. Per discussions between the Applicant and the Planning Board, Lots 1 and 6 shall be accessed from Road B despite insufficient frontage. The applicant has demonstrated that there is sufficient frontage on Center Street (Section 8.2.3 of the Zoning Bylaw).
34. The proposed Center Street realignment shall be approved by the Department of Public Works and shall meet applicable local/industry standards including but not limited to horizontal and vertical alignments.
35. The 'Typical Pavement Match Section for the Intersection of Center Street and Road A' detail should be revised to match the 'Typical Roadway Cross-Section' detail.
36. Per discussions between the Applicant and the Planning Board the project will not require the use of subdrains due to the well-drained nature of the sand.
37. Per discussions with the Applicant and the Planning Board, emergency overflow measures and underdrains are not required to be installed in each detention/infiltration area.
38. The Applicant acknowledges that there is a depression within the right of way proximate to Lot 8 and will correct the same when Center Street is realigned.
39. Prior to the release of any lots the Owner/Applicant/Developer shall establish and record the drainage and water easements as depicted on the approved plans. Proof of recording shall be provided to the Planning Board and Building Inspector.
40. The applicant shall coordinate with the Groveland Water & Sewer to confirm that all applicable water and sewer regulations have been met. All hydrants shall a valve on the

branch before the hydrant for maintenance purposes.


41. Conditions as stated above shall be inscribed by the Applicant on a sheet of the plans suitable for recording at the Registry of Deeds prior to the endorsement of the Definitive Plan by The Planning Board


By vote of the Planning Board:


James Freer, Chairman


Walter F. Sorenson, Jr.


Robert P. Arakelian


Lisa Chandler


Robert Danforth

2-27-18