

FINAL DECISION Lot 11 Esty's Way Subdivision

February 2, 2016

Town Clerk  
Groveland Town Hall  
183 Main Street  
Groveland, Massachusetts 01834

TOWN OF GROVELAND  
2016 FEB -3 AM 9:12  
TOWN CLERK  
RECEIVED/POSTED

Re: Definitive Subdivision Plan, Lot 11 off Esty's Way, Groveland, Massachusetts

Applicant: Esty Way Realty Trust (George Haseltine, Trustee)

Prepared by: Millennium Engineering, Inc., of Salisbury, Massachusetts

Dated: August 10, 2015, subsequently revised through January, 29, 2016

Plan Title: "Esty's Way, Definitive Subdivision, Groveland, MA, Lot 11," as prepared for Esty Way Realty Trust, George Haseltine, Trustee, prepared by Millennium Engineering, Inc., dated August 10, 2015, revised through February 1, 2016 and consisting of nine (9) sheets in total (the "Definitive Plan")

Dear Town Clerk:

The Planning Board (hereinafter, the "Board"), at its meeting of February 2, 2016, voted to approve the above-referenced Definitive Subdivision Plan (hereinafter, the "Definitive Plan"). The Planning Board previously approved a preliminary subdivision plan for the site, on January 20, 2015.

This Decision is rendered on the date first above-written. A public hearing on the Definitive Plan submission for the parcel of land known as Lot 11 off Esty's Way in Groveland, Massachusetts, as shown on the Definitive Plan, was duly advertised and opened on September 15, 2015, continued to September 26, 2015 (for a site walk only), October 20, 2015, November 9, 2015, December 15, 2015 and January 19, 2016 and February 2, 2016. Said hearing was closed on February 2, 2016. After conclusion of the public hearing and consideration of the testimony and evidence of all parties present or otherwise participating therein, and upon due consideration of the Town's Zoning By-laws, the Planning Board hereby approves the Definitive Plan with the following conditions/restrictions:

1. Prior to issuance of any Building Permit, the Applicant will provide documentation that Form F or a substitute performance guarantee per G.L. c. 41, § 81U, has been

completed and that, together with the Definitive Plan, it has been recorded with the Southern Essex District Registry of Deeds. No work shall begin on the project prior to such recording, this includes the clearing of trees.

2. No roadway construction is to be executed without permission from the Road Commissioner for the Town of Groveland. Notification must be given no less than ten (10) days in advance, as required by Town's By-laws.
3. The Planning Board requires that the actual use of the lots shown on the Definitive Plan conform to the intended use of these lots by the Planning Board as contained in this Decision. 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's Zoning By-laws and applicable Massachusetts General Laws would be violated by any use other than residential single-family dwellings.
4. All electric and utility service to the lots shall be underground.
5. The Applicant shall include on the Definitive Plan the location of all utilities as required by the Town's By-laws and by the Planning Board's Rules and Regulations, including Appendices.
6. As used herein, the term "Applicant" shall include the Applicant's heirs, administrators, assigns, executors, devisees and successors, and this Decision shall be binding upon all of the foregoing.
7. Street lighting shall be of a type, and set at a distance as determined by the Town's Municipal Light Department.
8. The owner/Applicant/developer shall obtain general liability insurance on the development in the amount of Two Million Aggregate and 00/100 Dollars (\$2,000,000); further, 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.
9. The Planning Board shall, at the owner/Applicant/developer's expense, hire the Road Preparedness Commissioner (R.P.C.) as an independent third party to oversee and verify for the Planning Board the important construction milestone events of the development. The R.P.C. shall be responsible to and report to the Planning Board, shall file written reports to the Planning Board and other Town board(s) and/or commission(s) as deemed necessary by the Planning Board. It is the Applicant's responsibility to notify the R.P.C. and to contact other Town officials to arrange these required inspections, which are: the installation of the drainage system; compacted gravel sub-base; electric and utilities; 3" binder and 2" finish coat of compacted bituminous concrete; and other items as required by the Town's By-laws.
10. Violations of any terms of this Decision or covenants relating thereto shall be just cause for rescission, modification or amendment pursuant to G.L. c. 41, § 81W.

11. This Decision is based on the acceptance of the Definitive Plan by the Town's Board of Health and its Conservation Commission. Any objection to the Definitive Plan or the lots contained therein by the previously-mentioned Town Board/Commission shall NEGATE the acceptance by the Planning Board as to the Definitive Plan or to the lots affected by the aforementioned objection.
12. The project roadway shall have a cross section comprising of 20" of compacted gravel as follows, 12" of Gravel Borrow Type B (M1.03.0) placed in two (2) six" compacted courses, overlaid by 8" of processed gravel (M1.03.1) in two (2) 4" compacted courses as outlined in Massachusetts Highway Department specifications, a 4" compacted bituminous binder in two (2) 2" lifts and a 2" compacted bituminous concrete overlay/topcoat all hot applications.
13. Submission of a partial As Built plan of the subdivision shall be completed and filed with the Planning Board by the Applicant prior to the release of any lots.
14. Submission of a Final As Built 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.
15. All other Town By-laws not mentioned but relevant to this Decision shall be adhered to; otherwise, this Decision shall become null and void.
16. No additional mortgage(s) or lien(s) may be applied to any lots in the subdivision in which the Town of Groveland has a security interest.
17. Vital access must be maintained at all times and is the sole responsibility of the developer of the project. Such access includes plowing, sanding and general upkeep until road acceptance by the Town of Groveland.
18. Driveways must be accessible for emergency vehicles and approved by the Town's Fire and Police Chiefs.
19. All requirements, if any, of the Massachusetts Department of Transportation (MassDOT) must be met and a copy of any authorization(s) or approval(s) issued filed with the Planning Board.
20. A copy of the Town's Board of Health approval for each individual lot as to potable water and septic/sewer shall be filed with the Planning Board.
21. The Planning Board has voted on and approved the the following waivers, voted at its December 15, 2015 meeting for the Definitive Plan:
  - A. Section 3.4.1.5.2 of the Rules and Regulations requires that plan sheets be at a scale of 1" = 40' or such other scale as the Planning Board may accept. The scale of each plan varies in order to adequately show the entirety of the subject

parcel of land. Sheet 1 is at a 1,000 scale; Sheets 2 and 4 are at a 50 scale; and the remaining sheets in the Definitive Plan set are at a 40 scale. These other scales are acceptable to the Planning Board.

- B. Section 3.4.2.2 of the Rules and Regulations requires that the title block run along the entire right-hand edge of each sheet. The title block runs along the bottom of each sheet; however, all required information is contained therein. The Planning Board accepts such alternate layout.
- C. Section 3.4.2.18 of the Rules and Regulations requires that all existing trees with trunks over 12" in diameter measured four (4) feet off the ground be shown on the plans. A majority of the subject parcel of land is wooded and the limit of woods is shown on the Definitive Plan. Such depiction is acceptable to the Planning Board.
- D. Sections 4.3.8.7 and 4.3.10.4 of the Rules and Regulations require a level landing area of 2% be provided for a distance of 75 feet at the intersection of the proposed roadway and Esty's Way. The proposed design provides a 2% slope for the first 25 feet of the proposed roadway, with an average slope of 2.5% over the first 75 feet. Such slope reduces the depth of cut into the existing ground. The Planning Board accepts such design.
- E. Section 4.3.8.9 of the Rules and Regulations requires property line radii be 25 feet at right-of-way intersections. The westerly right-of-way intersection with Esty's Way has no rounding due to conflict with the abutting property line. Design features and construction of the proposed roadway is not impacted by the reduction in right-of-way curve radius. The intersection design is acceptable to the Planning Board.
- F. Section 4.3.10.6 of the Rules and Regulations requires a revegetation plan prepared by a landscape architect. The revegetation plan submitted to the Planning Board has been prepared by a civil engineer. The Planning Board accepts such plan.
- G. Section 4.3.11.1 of the Rules and Regulations restricts cul-de-sac length to 750 feet. If the portion of Esty's Way connecting to Uptack Road is included in calculating the length of the proposed roadway, it increases by 700 feet for a total length of 1,445 feet. (Exclusive of the portion of Esty's Way connecting to Uptack Road, the proposed roadway is 745 feet in length.) The length of the proposed roadway is acceptable to the Planning Board; provided that the Town's Fire Chief shall sign off on the same.
- H. Section 4.3.11.5 of the Rules and Regulations requires cobbles be installed along the inner diameter of the cul-de-sac turnaround. No cobbles are proposed to be installed, to avoid long-term maintenance issues and snow removal complications per discussions with the Town's Department of Public Works. The Applicant intends to petition the Town to accept the proposed roadway as a public way.

As designed, the cul-de-sac will adequately accommodate vehicle turning movements. Elimination of cobbles is acceptable to the Planning Board.

- I. Section 4.9.3 of the Rules and Regulations require sidewalks but provides that “the Planning Board may waive the sidewalk requirement, entirely, or require that they be constructed on only one side of the roadway.” The Definitive Plan does not provide a sidewalk along so-called Parcel “A,” to preserve more of the natural landscape as a buffer between the proposed roadway and the abutting residence. Such design is acceptable to the Planning Board.
22. The Planning Board grants the special permit for affordable housing pursuant to Section 950 of the Zoning By-laws and requires the developer to pay the sum of \$80,000.00 as the fee-in-lieu-of affordable housing unit(s) authorized by Section 958 thereof. Such payment is the lesser of (i) 50% of the difference between the median sales price of a market rate unit and the maximum sales price of a comparable affordable unit or (ii) \$80,000.00. The fee shall be paid according to the following schedule: 1/7th thereof prior to the issuance of a Certificate of Occupancy for each of the eight (8) dwelling units in the project, commencing with the second dwelling unit/Certificate of Occupancy.
23. The Applicant has agreed to designate a limited cut zone within Parcel “A”, in an effort to provide a buffer between the adjacent property of William and Nancy Cook and the proposed roadway, as shown on the Definite Plan.
24. The Planning Board requires that the Developer shall locate the Shade Trees a minimum of 20 feet from the paved roadway at the location noted on the plans, but at the discretion of the Applicant based upon actual location of the structures on the lots.
24. 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 therefor. 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, or adequate security has been provided therefor.
25. During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of Town roads. The Applicant 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.
26. The Applicant shall meet with the Planning Board’s review engineer at least 72 hours prior to the commencement of construction to hold a pre-construction conference.

27. Conditions 1 through 26, above, shall be inscribed by the Applicant on a sheet of the Definitive Plan suitable for recording at the Southern Essex District Registry of Deeds prior to the endorsement thereof by the Planning Board.

By vote of the Planning Board:

James M. Freer  
\_\_\_\_\_, Chairman

Robert P. ...  
\_\_\_\_\_, Member

Robert P. ...  
\_\_\_\_\_, Member

\_\_\_\_\_, Member

\_\_\_\_\_, Member

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