

Town of Groveland
Planning Board
183 Main Street
Groveland, MA 01834



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

**NOTICE OF DECISION
DEFINITIVE SUBDIVISION
STORMWATER MANAGEMENT PERMIT**

**PROPERTY: KING STREET & 106 KING STREET
ASSESSORS MAP 26 PARCEL 13 AND MAP 26 PARCEL 13F**

PETITIONER:	King Meadow Development LLC. c/o Kevin Cunniff, 211 Seven Star Road Groveland MA 01834	DATE:	September 20, 2021
ADDRESS:	106 King Street Groveland, MA 01834	MEETING:	March 2, 2021; April 6, 2021; April 20, 2021; May 18, 2021; June 2, 2021, August 17, 2021; September 7, 2021; September 20, 2021

YOU ARE HEREBY notified of the Decision of the Planning Board on the application made by King Meadow Development, LLC. (the "Applicant") for property located at 106 King Street Groveland Massachusetts, Assessor's Map 26 Parcel 13 and Map 26 Parcel 13F in Groveland, MA, located in the Residential 2 (R2) District (the "Property").

As set forth in the application filed with the Board and testimony, the Applicant sought approval to construct a nine (9) lot Definitive Subdivision Plan, labeled King Meadow Farm- Katie Lane, including a proposed roadway, the installations of stormwater management infrastructure and the installation of underground utilities. The Application additionally sought approval of a Stormwater Management and Land Disturbance Permit for the associated construction and development.

The Definitive Subdivision application was filed on January 20, 2021 and the Stormwater Management Permit on February 10, 2021. The hearing was advertised in the Lawrence Eagle-Tribune on February 15, 2021 and February 22, 2021. All abutters were notified via Certified Mail Return Receipt. The Groveland Planning Board held public hearings remotely via Zoom video conference on March 2, 2021; April 6, 2021; April 20, 2021; May 18, 2021, and; June 2, 2021. Remote meetings were held due to Governor Baker's Executive Order of March 12, 2020, and 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, municipalities were advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspended the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Subsequent meetings were held in person on August 17, 2021; September 7, 2020, and; September 20, 2021. An extension to act on the application was granted to June 30, 2021 and timestamped with the Town Clerk on March 30, 2021. An extension to act on the application was granted to September 7, 2021 to act on the application was granted and timestamped with the Town Clerk on June 3, 2021. The public hearing was closed on September 20, 2021.

The following members were present: Brad Ligols, Walter Sorenson, Robert Danforth, Jim Bogiages and John Stokes III.

FINDINGS

The proposed Project as designed will protect and provide for the public health, safety, and general welfare of the Town of Groveland.

The proposed Project as designed will protect and conserve the value of land throughout the Town of Groveland and the value of buildings and improvements upon the land, and will minimize the conflicts among the uses of land and buildings.

The proposed Project will ensure that public facilities and services are available, concurrent with development, and will have a sufficient capacity to serve the proposed subdivision.

The proposed Project as designed will provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic.

On February 4, 2020 the Applicant filed a Preliminary Subdivision Plan for ten (10) residential lots, construction of a roadway with a cul-de-sac and the installation of stormwater management infrastructure and underground utilities. The discussion process resulted in a change from ten (10) lots to nine (9) residential lots. At the August 25, 2020 Planning Board meeting the Board found in favor of Applicant to file a definitive plan based on the findings associated with the preliminary plan and listed in the decision.

The Peer Review Engineer, TEC, provided a final comment letter dated August 24, 2021. (See letter from David Nader, Project Engineer.)

The Groveland Water and Sewer Commission reached an agreement with the Applicant to complete off-site improvements to the water distribution system. These improvements will provide a significant benefit to the water system and is included in the Water and Sewer Commission Capital Improvement Plan. The improvements include approximately 1,500 ft. of 12-inch Ductile Iron water main on King Street. This will replace the existing 6-inch Cast Iron water main that dates back to 1920 and is in need of replacement to improve both the system hydraulics and water quality. Additionally, the Water and Sewer Commission supports a waiver of the water main loop requirement for the project located at King Street. The Water and Sewer Commission will also waive fees associated with the new proposed development. (See letter from the Water & Sewer Commission dated January 12, 2021)

The Applicant filed a Notice of Intent (NOI) and Groveland NOI with the Groveland Conservation Commission.

The Fire Department issued a letter stating they have no concern with the roadway length of the proposed subdivision, which exceeds the required 750 ft. length per the Groveland Subdivision Rules and Regulation. Two hydrants will be located in the subdivision as required. It was noted that the replacement and upsizing of the water main will increase the volume of water and will aide in fire protection in the event the hydrants are needed. (See letter from Lt. Brian Belfiore and Chief Valentine titled King Meadow Development, Katie Lane.)

DECISION

After the meeting on the above dates, and upon a motion by Walter Sorenson, seconded by Robert Danforth, the Planning Board approved the decision as drafted and to APPROVE the application for the Definitive Subdivision Plan labeled King Meadow Farm- Katie Lane and approve the associated Stormwater

Management and Land Disturbance Permit with conditions. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. Walter Sorenson, nay. John Stokes, abstain. Brad Ligols, aye. Motion approved

SPECIAL CONDITIONS

- 1) The roadway, utilities, and stormwater management infrastructure will be constructed according to the Plans, with requested waivers granted. With respect to waivers concerning development standards, the Planning Board makes a finding, in accordance with Section 70-1.10.1 of the subdivision rules and regulations, that the waived requirements will not be detrimental to the public safety, health, or welfare or injurious to other property; the conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property; because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and the relief sought will not in any manner vary the provisions of the Zoning Bylaw, Master Plan, or Official Map, except that those documents may be amended in the manner prescribed by law. These waivers consist of:

Section 70-4.3 G (2): *Where a street does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Board for access to adjoining property, its length shall not be greater than 750 feet.* The Applicant is proposing a 1,500' 12" diameter water main extension to improve water service and fire protection for the surrounding neighborhood. The Planning Board agrees this is an improvement and the length does not provide an adverse impact to public safety. A letter was issued by the Fire Department stating the length, as proposed, would not impede emergency response.

Section 70-4.3 K (1): *Cul-de-sac streets and their extensions, if any, shall not be longer than 750 feet from their origin to the furthest point.* The proposed cul-de-sac is 825.4' long to the center of the cul-de-sac. The Applicant is proposing a 1,500' 12" diameter water main extension to improve water service and fire protection for the surrounding neighborhood. The Planning Board agrees this is an improvement and the length is not excessive and provides no adverse impact to public safety. A letter was issued by the Fire Department stating the length, as proposed, would not impede emergency response.

Brad Ligols made a motion to approve a waiver from Section 70-4.3 G (2) and Section 70-4.3K (1). Walter Sorenson seconded the motion. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. Walter Sorenson, nay. John Stokes, abstain. Brad Ligols, aye. Motion approved

Section 70.5.6 C: *Culverts, storm drains, and sewer pipes. All pipes except sub-drains shall be reinforced concrete pipe Type III, minimum, and shall be selected in conformity with the requirements of the Standard Specifications. All pipe shall be installed in accordance with the size and location on the approved definitive plan. No backfilling of pipes shall be done until the installation has been inspected by the Planning Board or its agent. All drainage trenches shall be filled with clean gravel borrow, Type B, in accordance with Section 150.* The Highway Superintendent is agreeable to the use of the proposed PVC pipe, and requested the pipe be upsized from 12 inch to 15-inch diameter. The Planning Board agrees to waive this requirement per the Highway Superintendent's recommendation to a 15-inch diameter. Proper cover shall be provided.

Jim Bogiages made a motion to approve the waiver of Section 70-5.6C for the Definitive Subdivision Plan labeled King Meadow Farm Katie Lane. Robert Danforth seconded the motion. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. Walter Sorenson, aye. John Stokes, abstain. Brad Ligols, aye. Motion approved.

Section 70-5.10 and Section 70-5.11: *Whenever possible, such fences, rails, and walls shall be of a rustic nature to blend with the character of the Town. Stone wall appearance. Stone walls in New England and in Groveland are a proud hallmark of our heritage and are a fundamental quality of the charm and special nature of this rural community. Retaining walls, when required, shall be constructed of field stone and mortar and shall be finished with a concrete cap to prevent deterioration.* The Applicant argued that the retaining wall proposed is more suited for this type of construction both in terms of constructability, structural integrity, durability and importantly safety. These walls will not be visible to anyone who travels the roadway. The Planning Board agrees the intent of the regulations are to preserve the charm of Groveland and where the wall will be set back from the roadway it is not necessary.

Walter Sorenson made a motion to approve the waiver of Section 70-5.10 and Section 70-5.11 for the Definitive Subdivision Plan labeled King Meadow Farm Katie Lane. Robert Danforth seconded the motion. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. Walter Sorenson, aye. John Stokes, abstain. Brad Ligols, aye. Motion approved

- 2) The Applicant shall file a special permit under Section 50-10.1 of the Groveland Zoning Bylaw regarding the inclusion of affordable housing.
- 3) The Applicant shall connect to Town water, as required under Section 70-4.6 A of the Subdivision Rules and Regulations, and shall work with the Water and Sewer Commission to obtain appropriate permits. Documentation of permits/approvals shall be provided to the Planning Department.
- 4) The fence around the retention pond labeled 2-1 and 2-2 shall be constructed per the specifications listed on plan page D10. The Applicant shall coordinate with the Highway Superintendent on the entry gate size and location of the entry gate to ensure proper access for future maintenance. Written documentation of approval from the Highway Superintendent shall be obtained and a copy shall be provided to the Planning Department prior to installation.
- 5) A wooden guardrail, as specified on sheet D8 of the approved plan, shall be constructed at the roundabout at a height of 36" for ease of maintenance as well as sightline for vehicles and pedestrians. Approval of the fence location within the roundabout shall be coordinated with the Highway Superintendent. Written documentation from the Highway Superintendent of approval shall be obtained and submitted to the Planning Department prior to installation.
- 6) In consideration of the approval of the Plan, there is to be no further division or subdivision of a part or portion of the parcels created through this Subdivision Plan. This restriction is to be documented in the respective deeds for each lot within this subdivision.
- 7) 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.

- 8) 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.
- 9) There shall be no trash pickup on the road until the road is officially accepted by the Town. Trash can be picked up at the end of Katie Lane on King Street, the Applicant can arrange for private trash pickup, or trash can be brought to the transfer station in Georgetown. Compliance with the Roadway Acceptance Procedures is the legal and financial responsibility of the applicant. Services, including trash pickup, will be provided once the roadway is accepted.
- 10) Violations of any terms of this Decision or covenants relating thereto shall be just cause for recession, modification or amendment pursuant to M.G.L. c.41 Section 81W.

PRIOR TO THE ENDORSEMENT OF THE PLAN

- 11) A Covenant (Form F) securing all lots within the subdivision for the construction of ways and municipal services must be submitted to the Planning Department. Said lots may be released from the covenant upon posting of security as required.
- 12) A Conveyance of Easements and Utilities (Form H) for all utilities and easements placed on the subdivision must be submitted to the Planning Department.
- 13) The Owner/Applicant/Developer shall obtain general liability insurance covering the development in the amount of Five Millions 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.
- 14) A development schedule must be submitted to the Planning Department.
- 15) The Applicant must meet with the Director of Economic Development Planning & Conservation in order to ensure that the final plans conform to this Memorandum of Decision. These plans must be submitted within ninety (90) days of this Memorandum of Decision.

PRIOR TO SITE WORK/CONSTRUCTION

- 16) The Applicant shall file a special permit under Section 50-10.1 of the Groveland Zoning Bylaw regarding the inclusion of affordable housing.
- 17) The Memorandum of Decision and accompanying plans must be recorded with the Southern Essex Registry of Deeds. The Applicant shall provide the Planning Department with a copy of the recorded Memorandum of Decision and accompanying plans.
- 18) A Performance Guarantee bond in the amount of \$ \$1,060,000 shall be posted for the purposes of ensuring that the site is constructed in accordance with the approved plans and that a formal as-built plan is provided.
- 19) Each and every Form F, Form H, Form G-1, G-2, Covenant, easement document, Homeowner's Association Agreement, and other pertinent maintenance document must be recorded with the

Southern Essex Registry of Deeds as noted in this decision. The Applicant shall provide the Planning Department with a copy of each document filed.

20) There shall be a covenant on lot 6 and lot 7 restricting further development from the area beyond the conservation markers at the 75ft no-build zone to the area along Center Street and King Street shall be drafted and submitted to the Planning Board. Once approved by the Planning Board, the covenant shall be recorded at the Southern Essex Registry of Deeds. Documentation shall be provided to the Planning Department.

21) A temporary sign shall be placed on the property corner near the easement located on 102 King Street, but not on the property at 102 King Street, directing all construction traffic to the site entrance. At no time shall the easement located at the property of 102 King Street be used for construction vehicles or any vehicles associated with the construction of the development. The location shall be confirmed with the Building Commissioner and the documentation of approval shall be delivered to the Planning Department.

22) The peer review engineer, or an approved third-party engineering firm, will perform construction monitoring; the Applicant is responsible for the reasonable cost of said services. The monitor will oversee the construction to ensure that the site is built according to plan. The monitor shall make weekly inspections of the project and file monthly reports to the Planning Department throughout the duration of the project. The frequency of inspections may be adjusted in coordination with the Planning Department based on the construction phase and weather conditions. The reports shall detail areas of non-compliance with the approved Plans, and any corrective-actions taken. Reports will be shared with the Applicant for satisfaction of the National Pollutant Discharge Elimination System (NPDES) permit. The Applicant shall notify the Planning Department at least two (2) working days before each of the following events:

- 14-13C (1) Erosion and sediment control measures are in place and stabilized, and site clearing limits are clearly marked in the field.
- 14.13 (2) Site Clearing has been substantially completed
- 14.13 (3) Rough Grading has been substantially completed
- 14.13 (4) Final Grading has been substantially completed
- 14.13 (5) Close of the Construction Season; stabilization of the site.
- 14.13 (6) Final Landscaping (permanent stabilization) and project final completion.

23) Per Section 14.13 D, the monitor will also provide reports following heavy rain events (storm events greater than 0.5 inches). The monitor will also be available upon notice to inspect the site accompanying a Planning Department designated official.

24) Monitoring should also be coordinated with the engineer to witness the required observation under Section 70-6.4 in the Subdivision Rules and Regulations as listed:

- Observation #1** Initial Center Line Staking and Grading
- Observation #2** Clearing and Grubbing Operations, Erosion Controls
- Observation #3** Earthwork Operations, Fire Tank Excavation and Installations, and Detention Ponds
- Observation #4** Storm Drainage Systems, Public Sewer Systems, and Public Utilities
- Observation #5** Retaining Wall Construction

- Observation #6** Roadway Subgrade Operations
- Observation #7** Sub-base Courses
- Observation #8** Base Course
- Observation #9** Stone Seal (as may be required)
- Observation #10** Surface Course
- Observation #11** Landscaping, Trees, and Shrubs
- Observation #12** As-Builts, Bounds, Final Grading

- 25) A pre-construction meeting must be held with the developer, contractors, Planning Department, Applicant, and other applicable representatives to discuss scheduling of inspections and construction schedule.
- 26) Yellow "Caution" tape must be placed along the limit of clearing and grading as shown on the plan. The Planning Department must be contacted prior to any initial cutting and/or clearing on-site.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

- 27) A temporary location for U.S. Mail delivery shall be provided at the beginning of Katie Lane. The location shall be confirmed by the local postmaster. Documentation of approval shall be submitted to the Planning Department.
- 28) All roads depicted on the plan must be constructed and stabilized.
- 29) Driveways must be accessible for emergency vehicles and approved by the Town Fire Chief and Police Chief. Documentation of approval shall be provided to the Planning Department.
- 30) A Plot Plan for the lot in question must be submitted to include:
 - Location of the structure
 - Location of the driveway
 - Location of all water and sewer lines
 - Proposed grading
 - Location of drainage infrastructure
 - Identification of all easements
- 31) The lot in question shall be staked in the field; the location of any major departures from the plan must be shown.
- 32) Appropriate erosion control measures for the lot shall be in place.
- 33) Catch basins shall be adequately protected and maintained to prevent siltation into drainage structures.
- 34) Lot numbers, visible from the frontage, must be posted on lots.

PRIOR TO OCCUPANCY

- 35) The Owner shall abide by the schedule as depicted under Section 50-10.1 (F) 5. Occupancy will not be granted for market rate units that delay the development of affordable units beyond the schedule.

- 36) The Applicant must submit a letter from the architect or engineer of the project stating that the landscaping and site layout substantially complies with the Plans referenced in this memorandum of Decision as endorsed by the Planning Board, to cover the full amount of the landscaping materials and installation if weather conditions do not permit the completion of the landscaping prior to the use of the building.
- 37) All slopes must be stabilized with regard to erosion and safety.
- 38) The lot must be rakes, loamed and seeded, sodded or mulched.

PRIOR TO THE RELEASE OF ALL SECURITY AND ESCROW FUNDS

- 39) The Applicant shall submit and as-built plan stamped by a Registered Professional Engineer in Massachusetts that shows all construction, site design, including stormwater structures and other pertinent site features. One paper copy and one electronic copy (PDF) shall be submitted to the Planning Board. If over one (1) year has elapsed from the issuance of the Certificate of Occupancy. The Applicant must submit a second letter from the architect or engineer verifying that the landscaping and site layout substantially complies with the Plans reference in this Memorandum of Decision as endorsed by the Planning Board.
- 40) The Planning Board must, by a majority vote, make a finding that the site is in conformance with the approved plans.

DURING CONSTRUCTION

- 41) Subject to the Conditions contained herein, the Project shall be substantially constructed in accordance with the Record Plans, which are on file with the Planning Board.
- 42) Any action taken by a Town Board, Commission or Department which requires changes in the plan or design of the development, as presented to the Planning Board, may be subject to modification by the Planning Board.
- 43) If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications to the Planning Board. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for site plan approval, aquifer protection district special permit and stormwater management and land disturbance permit shall be required by the Planning Board; provided, however, that the Planning Board may determine that a proposed modification is insubstantial and approve the same without the need for any further Planning Board approval or hearing. Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.
- 44) The construction contractor shall employ all available best-management-practices for the control of dust, including but not limited to watering, planting, stabilization, track-out shaker plates, and/or stockpile coverings.

- 45) It shall be the responsibility of the Applicant to assure that no erosion from the construction site shall occur which will cause deposition of soil or sediment upon adjacent properties or public ways, except as normally ancillary to off-site construction. Discovery of off-site erosion will be a basis for the Planning Board to make a finding that the project is not in compliance with the approved Plans. In the event off-site erosion is discovered as a result of construction activity, the Planning Board shall give the applicant written notice of any such finding with three (3) days to provide evidence of corrective-action.
- 46) In an effort to reduce noise levels, the Applicant or contractor shall keep in optimum working order, through regular maintenance, any and all equipment that shall emanate sounds from the structures or site.
- 47) Exterior construction of the Project shall not commence on any weekday before 7:00AM and shall not continue beyond 6:00PM except for emergency repairs. Exterior construction shall not commence on Saturday before 8AM shall not continue beyond 5PM with the same exceptions. The Building Commissioner may allow longer hours of construction in special circumstances, provided that such activity normally is requested in writing by the Applicant except for emergency circumstances, where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of construction operation shall be reported to the Police Department and enforced by the Building Commissioner.
- 48) The endorsement of the plan approval by the Planning Board shall be valid for a period of three (3) years from the date of filing by the Planning Board of the approval with the Town Clerk. See section 70-3.4 G (3) of the Regulations Governing the Subdivision of Land
- 49) The provisions of this conditional approval shall apply and be binding upon the Applicant, its employees, and all successors and assigns in interest or control.
- 50) The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- 51) Gas, telephone, cable, and electric utilities shall be installed underground as specified by the respective utility companies.
- 52) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
- 53) The Applicant is hereby notified that should the Applicant disagree with this decision, the Applicant has the right under MGL c.41 Section 81BB, to appeal this decision within twenty days after the date this decision has been filed with the Town Clerk.
- 54) The following information shall be deemed part of the decision:

Plan titled:	“Definitive Subdivision Plan King Meadow Farm”
Prepared for:	King Meadow Development, LLC 211 Seven Star Road Groveland, MA 01834
Prepared by:	WGH Land Survey & Design, 83 West Main Street, Merrimac, MA

Scale: 1" = 100'
Date: May 5, 2021, and revision date of August 24, 2021
Sheets: C1, S2, S3, S4, E5A, E5B, E5E, E6, E7, D8, D9, D10, EC11, LC12, WPD13, MOD15

Report: Drainage Report, Definitive Subdivision King Meadow Farm
Katie Lane
Prepared for: King Meadow Development, LLC c/o Kevin Cunniff
Prepared by: WGH Land Survey & Design
Date: September 18, 2021

Report: Operations and Maintenance Plan, King Meadow Farm Katie
Lane
Prepared for: King Meadow Development, LLC c/o Kevin Cunniff
Prepared by: WGH Land Survey & Design
Date: December 2020 and Revised to August 2021

The Planning Board APPROVES the application for a Definitive Subdivision and Stormwater Management and Land Disturbance Permit.

PLANNING BOARD



Brad Ligois, Chair

Walter Sorenson, Jr.



Jim Bogtages



Robert Danforth

John Stokes, III

cc:

Town Departments
Applicant
Abutters