



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

Brad Ligols, Chair
Walter Sorenson, Vice-Chair
John Stokes III
Jim Bogiages
DJ McNulty
Chris Goodwin, Associate
Jason Naves, Associate

Board/Committee Name: PLANNING BOARD
Date: TUESDAY, March 21, 2023
Time of Meeting: 7:00PM
Location: Town Hall, 183 Main Street
Groveland, MA 01834

APPROVED 4-18-2023 MOTION: -
Sorenson motions to accept the March 21
and April 4, 2023 meeting minutes. Ligols
seconds the motion. Voted: Sorenson, aye.
Stokes III, aye. Ligols, aye. Naves, aye.
The motion passes.

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TOWN OF GROVELAND

Present: Jason Naves, Chris Goodwin, Walter Sorenson, Brad Ligols, DJ McNulty, Jim Bogiages
Absent: John Stokes III
Staff Present: Annie Schindler (Town Planner & Conservation Agent)
Public Present: Please see attached sign-in sheet.

Note: Minutes are not taken verbatim.

MOTION: Goodwin makes a motion to open the Planning Board meeting for Tuesday, March 21, 2023, at 7:00 PM. Sorenson seconds the motion. Voted: 4-0. Unanimous in favor.

PRELIMINARY SUBDIVISION FILING

181R School Street: In accordance with MGL Chapter 41 Section 81S and the Town of Groveland Subdivision Rules & Regulations, will hold a public meeting on Tuesday March 21, 2023 which will begin at 7 PM at the Groveland Town Hall, 183 Main St, Groveland, MA 01834 to hear the application of Minco Development Corp, 231 Sutton St, Suite 1B, North Andover, MA, requesting approval of a seven lot Preliminary Subdivision Plan labeled "Preliminary Subdivision for a street to be named at 181R School Street Groveland, Massachusetts". The site is located in the Residential 2 Zoning District (Assessors Map 34, Lot 13).

Ligols: Reads the above notice. We're going to have the engineer speak first, this is preliminary plan, just to understand what's going on. We're going to try to keep it short and get feedback, but just remember this is 7 lots, it may not be what they get when they go through the definitive process when they conduct stormwater calculations, nothing is set in stone.

Schkuta: Here on behalf on Minco Development. The existing site if about 5.6 acres with a small clearing in the front, with the rest of the site being wooded. We filed an RDA with the Conservation Commission and there's no wetlands on the site. Initially this project was looking at putting in a 40B, after discussions with the Town and abutter feedback, we're coming back with this 7 lot subdivision. This is all within the dimensional table. There is a 5% slope without fully engineering the site of the road, following existing contours, and it would have a dead end with a landscaped center. Stormwater will all be onsite, all infiltration underground, this is all preliminary until we fully engineer the site. We do have a couple waivers that we are asking for. For the intersection of roads on the same side, they are supposed to be 400 feet apart and we are looking for 300 feet apart, which is consistent with other intersections in the area. We're also looking for a reduction in the K value, which is the gradient of the road, we're looking to

match the AASHTO design standards, a flatter crest is a higher K value. Third waiver is for the curbing, we would be requesting Cape Cod berm instead of granite curbing throughout, but would retain granite at intersection of the roads.

Ligols: Lot 1 that abuts Lot 44, what is that width? If you put a lawnmower there people would be trespassing, is there a way that we don't have this rattail on Lot 1 and 6?

Schkuta: We haven't done actual soil testing yet, we will and we're not anticipating any issues. We're planning on having an underground system to capture all the stormwater, full compliance with the Mass Stormwater Handbook.

Sorenson: I see dimensional issues with lot all the lots. Why did you submit this as a preliminary plan rather than conceptual, this is pretty incomplete for a preliminary subdivision plan?

Schkuta: It was my understanding when we filed that we were in full compliance with the Zoning Bylaws.

Sorenson: This would be more of a conceptual plan rather than a preliminary plan. I don't think this plan is complete for a preliminary plan?

Naves: What is the road length?

Schkuta: 550 feet

Ligols: I don't like a Cape Cod berm because they get destroyed.

Sorenson: What is the frontage on the lot?

Schkuta: 170 feet roughly.

Ligols: is there a curb cut there yet?

Schkuta: Not yet.

Ligols: They may not be able to cut into the road.

Planner: That is correct, Highway Superintendent has jurisdiction here. I'm unsure when the road was last paved.

BOARD: Discusses Town Board/Department comments.

Sorenson: Did this go to TEC yet?

Ligols: No not yet, this is just a preliminary plan. You didn't do a preliminary subdivision plan.

Sorenson: I want to put a suggestion out, rescind this to file a conceptual plan rather than a preliminary.

Schkuta: We brought this further than a conceptual phase, and we believed we had everything for a preliminary plan.

Ligols: I'm not an engineer, but I'd like to see what a 6 lot subdivision would look like. I think we should also open it up for public comment.

Sorenson: We have to submit this over to TEC for review or you can drop to the conceptual fee and send to engineering and then come back to the preliminary and then we can get to definitive.

Schkuta: We wanted to come in just to get feedback with the waivers and then go back into the definitive filing.

Sorenson: Check back.

Ligols: We're not taking a vote on waivers tonight. So you're using the board as a feasibility study.

Sorenson: We're going to send it out for engineering.

Ligols: I'd like to open this up to public comment. Please state your name and address

Maureen Doherty: What is a rat tail?

Goodwin: It is when a lot has a long narrow strip of land at the back.

Derek 181 School St: Concerned about the rat tail, the run off, cutting down the trees, going to cause a water problem which I don't have right now. They're also getting really close to me on the street. Trying to cram in the 7 houses, I think 5 or 6 would be more reasonable. They own the land but you have to the right thing by the people.

Ligols: We have rules and bylaws and regulations, if they check the bylaws, and it passes, it is probably going to pass. If you don't want to have it, you have to buy it. I remember when Whitestone didn't exist.

Rich Wallace 405 Whitestone: Concerned about our complex I agree with 181 School St, I think 5 would be fine, why does it have to be so close to his house, why can't they push it over. I get there's bylaws, but they have to be good neighbors.

Ligols: How many units are at Whitestone?

Rich Wallace, 405 Whitestone: Not the problem tonight.

Doreen: 305 is listed but it should be 301.

Kathy Chaburt, 1305 Diane Circle: Question about water, is there a hydrology report done for the run off, you mentioned the water storage at the end of the cul-de-sac. We have a high water table already? Will a hydrology report be done so that we don't have issues?

Will: When we get into the full application, it will be in full compliance with the state stormwater standards.

Ligols: I will say, everything has to be infiltrated on site per the state.

Schkuta: We will do a whole hydrology analysis.

Kathy Chaburt, 1305 Diane Circle: When you mention water storage, is that a detention pond.

Schkuta: It will be underground storage tanks, and it infiltrates overtime

Kathy Chaburt, 1305 Diane Circle: I just want to make sure there is no damage to the adjoining buildings, it just looks pretty tight.

Sorenson: We recommend that you email us with any questions.

Richard Fitzgerald 180 School St: Is this going to be developed for 7 buildable lots, will the purchaser get to develop it?

Schkuta: We don't know at this point.

Ligols: That is not within our realm, what the builder does with his own lot is up to him. Minco Development Corp.

Richard Fitzgerald 180 School St: There will be no regulations?

Jessica 4 Anne St: Concerns about water and when it rains because there is already water coming from there. One of the reasons we sold our home in Beverly and moved here is because it was being oversold and over developed we're moving here to have that square footage and enjoy what Groveland has to offer. The person who buys these won't have the yard they want. It is not the aesthetic of Groveland which is my largest concern in Groveland.

Jeff Maniscalco: Our backyard that about these lots and there is like a 30 foot drop and we still get water in the basement. My question is, with all these development all these cul-de-sacs, the Town needs a better plan for resources, fire and police, there needs to be a plan for resources. I understand that it may not be your jurisdiction. And the schools are already overcrowded.

Sorenson: Your points are well taken and should be sent to the BOS who can actually do something about this. The other point I was going to make, that is called a violation to the spirit and intent of zoning so we don't maximize lots, so if it meets the regulations, it flies. We work for you, the residents, and the future residents of Groveland.

Steve Mastero: School St is already a busy road, it can cause more accidents. It's very close to Anne and Georgia. 66 Cars on a Saturday.

Sorenson: We will have a traffic study.

Mary 182 School St: It takes me a long time to pull out of my driveway, 5 to 10 minutes to pull into my driveway because of the traffic.

Richard Fitzgerald 180 School St: The new sidewalk, people are stopping behind you now rather than going around you which can cause potential accidents.

Keith 180 School St: I can skip you a hydrology report. Hydrology is 14 feet down. The other thing I'm not too thrilled about is the creative engineering with the two lots that have rat tails. These people won't have lawns, no trees, they won't have a yard for their kids to play in.

Maniscalco: You can come to my yard and see what our back yard looks like. It's a hill.

Marie (via Zoom): I want to know if there is going to be a buffer of trees around the development? So the people next door don't have to look at the development, maybe 20 feet to retain soil?

Schkuta: We can certainly look into doing that when we fully engineer the plan.

Anne Powers: New resident in Whitestone, my concern is timing of construction. It all has to get cleared, pouring concrete, how long is this project expected to take?

Schkuta: A year or two depending on how they choose to phase it. Can't answer that at this time.

Michele Frost 603 Alyssa: Retention takes that would go into the ground water. Our whole backyard is a pool, water was over my ankles. My other question is natural habitats.

Planner: I have looked at the Natural Heritage of Endangered Species habitat maps and there are no mapped habitats on this lot.

Bill Case 402 Diane Circle: Concerned about whether or not the trucks can use our roadways?

Ligols: No they have to use their own access point.

Bill Case 402 Diane Circle: The last couple of years have been expensive, \$8k roofs, it's been one project after another.

Kathy (?): Do we know if the lots will be sold off individually or will the whole project be sold as a whole?

Ligols: It hasn't been determined yet and we can't dictate that as a Board.

MOTION: Goodwin motions to close the public comment section of the hearing. Sorenson seconds.

Voted all in favor. The motion passes

MOTION: Sorenson motions to continue the Preliminary Subdivision of 181R School St to the April 18th meeting. Goodwin seconds the motion. Voted all in favor. The motion passes.

Sorenson: Send any questions or comments to the Town Planner.

PUBLIC HEARING

Bylaw Changes: *Continued.* Pursuant to M.G.L. Ch.40A, Section 5 to consider amendments and additions to the Zoning Bylaw as follows:

1) Amend Section 50-8.2(A): Delete and replace the definition of Lot Regularity.

2) Amend Section 50-8.2(C): Delete and replace the definition of Street Line.

3) Amend Section 50-2.1: Add the definition of "Building Inspector".

4) Amend Section 50-2.1: Add the definition of "Farm, Non-Exempt".

Ligols: not a rat tail, not what we're trying to get rid of, plenty of space in the back.

Goodwin: Need to keep in mind that nothing is going to be perfect.

Sorenson: Design a subdivision with this calculations, but I want to see it from a blank sheet of paper.

Ligols: If this doesn't work we can change it at the next meeting.

Goodwin: If the new calculations fixes more than the old one had, it's a win-win. There isn't going to be a fix all.

Ligols: I'm in agreement with this.

Sorenson: This wasn't my original circle, with my original one was just 100 feet. Need to go back and look. The circle was so that a resident would be able to fit their house, pool, garage, all within a circle and not have to worry about getting a variance from the Board of Appeals.

Ligols: I'm going to propose we go with the calculation the Planner proposed because I think it works well. I don't think we have to go back. Coming in with a clean sheet of paper as we're proposing.

Sorenson: If we had this calculations two years ago, would these work. Go back and look at Katie Lane with the 100 foot lot. Can you draw up on any clean lot and see what it looks like. Create a new subdivision.

Ligols: I believe what we proposed will clean up everything that we have issue with.

MOTION: Sorenson motion to close the public hearing on the bylaw change. Goodwin seconds. Voted all in favor. The motion passes.

MOTION: Goodwin motions to approve the four proposed zoning changes as presented for the warrant for the Town Meeting. McNulty seconds the motion. Voted all in favor. The motion passes.

895 Salem Street: Request for bond reduction.

Planner: The owners of 895 Salem Street are seeking a bond reduction. They are nearing completion of the project. I had TEC provide an estimate and their letter, in your meeting packet, estimates a \$25,000 reduction from the \$50,000 bond.

MOTION: Sorenson motions to reduce the bond on 895 Salem St from \$50,000 to \$25,000. Goodwin seconds the motion. Voted all in favor. The motion passes.

UPDATES & DISCUSSION

Signatures: Signatures for the Registry of Deeds

Planner: If you have not signed off on the yearly Registry of Deeds signature sheet, please come see me in my office to do so.

MEETING MINUTES: Approval of March 7, 2023 meeting minutes.

MOTION: Sorenson motions to accept the March 7, 2023 meeting minutes. Goodwin seconds the motion. Voted all in favor. The motion passes.

TOWN PLANNER UPDATE

Planner: A couple hours before the meeting I received notice that a decision came back from the courts on the matter of 301 Main St. Basically they said our reason for denial was not valid and we have to re-hear the application. We have a 60 day deadline, I was hoping the Board could meet April 18th because I will have to have time to notice in the paper.

Sorenson: We need to ask DOT and Town counsel needs to get an opinion from the state. Need an opinion from counsel. We need an extension. We can issue a decision and it's not on us for them to get an answer.

Ligols: Question for counsel: do we have the legal right to weigh the decision for traffic implications of the site with DOT and curb cut, if the court said we don't feel we do, can we take it as a safety concern we should know what our legal standing is. They wanted an answer that night.

Sorenson: We were trying to get input from the state, if the Planning Board doesn't have the authority to deny something over a curb cut because if they don't then our decision has to state that it is contingent upon the approval of the state.

Goodwin: We need some parameters around the deadline.

Sorenson: Need an updated traffic study and information from the State.

Ligols: what happens if he doesn't meet the 60 days from the State.

Sorenson: We need the traffic study that needs to be updated. So if the State doesn't get the approval

Oldham: We still need counsel to weigh in on the 60 day parameters. I think that the urgency is definitely there and we need to do our due diligence and advertise and we will need to have legal counsel at all of the hearings so we are following the court and the best interests of the Town. The way we issued the decision because the denial did not meet the requirements of chapter 40A section 9. We need the board to make a decision in line with the law. The issue was with the curb cut. Ultimately the Board has no authority over the curb cut, we cannot condition the decision over another authority. We can't tell them they need to get it before we make our decision. It's not to say we can't bring those concerns up, but the decision needs to be in accordance with our bylaw and MGL. We will have something from town counsel, a briefing on what the court decision stated.

Ligols: So the safety concerns of pass and repass don't fall within our jurisdiction?

Oldham: No.

Sorenson: We need DOT to make a decision within 60 days.

Oldham: No, DOT said we need to issue our decision first.

Sorenson: So we need to go first and then DOT goes second.

Ligols: So if we approve and then the curb cut gets denied?

Oldham: Like with an application that appears before Planning and the Conservation Commission, you need all of your permits to continue.

BOARD: Schedule for the April 18th.

OTHER ITEMS NOT REASONABLE ANTICIPATED AT TIME OF POSTING

None.

ADJOURNMENT

MOTION: Sorenson motions to adjourn the meeting at 8:37 PM. Goodwin seconds the motion. Voted all in favor. The motion passes.