

**GROTON PLANNING BOARD  
JANUARY 4, 2001  
MINUTES**

Chairman Curtis called the meeting to order at 7:30 PM in the Town Hall  
Members present: Curtis, Barringer, Clements, Degen, Eliot and Perkins  
Member absent: Lewis

**PUBLIC HEARING (con't) – SKYFIELDS DRIVE DEFINITIVE PLAN**

The Board received a request to continue the public hearing and extend the deadline for the Skyfields Drive Extension definitive plan. The motion was made by Perkins to extend the deadline to March 2, 2001 as requested by the applicant. The motion was seconded and passed unanimously.

The motion was made by Perkins to continue the public hearing on February 1, 2000 at 7:30 PM. The motion was seconded and passed unanimously.

**INFORMAL DISCUSSION – INVASIVE SPECIES**

Chris Long of the Groton Garden Club met with the Board to express her concerns about the planting of invasive species. The Garden Club will be hosting a speaker on the subject on February 6 at 9:00 AM at the Groton Senior Center. Although the Planning Board does not have immediate jurisdiction in this area, members said they would be willing to consider the issue when street trees are planted in subdivisions and landscaping plans are presented during Site Plan Review. The Board asked Ms. Long to provide a published list of invasive species.

**INFORMAL DISCUSSION – BRUCE ANDERSON**

The Board met with Bruce Anderson to discuss subdividing his six acre lot with 80 ft of frontage on Lowell Road. Mr. Anderson said there is an existing house on the property, and he would like to create two new lots using the access to the Baddacook Pond pumping station as frontage. Mr. Anderson said he owns the fee in the land, and the Town has an easement to access the well. Mr. Anderson said he would donate the lot closest to the well to the Water Department.

Chairman Curtis said the Planning Board cannot consider a “quid pro quo” without a special permit application. He said the Board could consider waivers of the Subdivision Regulations if the applicant worked with the Water Department on a plan. He suggested that Mr. Anderson include the Board of Selectmen in the discussions.

**PUBLIC HEARING – BATTEN WOODS DEFINITIVE PLAN**

In accordance with the provisions of Chapter 41, Sections 81-U and 81-T, the Groton Planning Board held a public hearing to consider the application submitted by Joseph Flaherty, Orion Homes, for approval of the definitive plan entitled, “Batten Woods Village, Forge Village Road, Groton, Massachusetts, Middlesex County” prepared by Diversified Civil Engineering, Inc., dated December 1, 2000. The proposed subdivision is located on land owned by Rollas Batten, Assessors Map V, Parcels 38-1, 38-2, 41A on the northerly side of Forge Village Road.

Chairman Curtis called the hearing to order. Member Barringer read the notice published in the December 15 and 22, 2000 issues of *The Groton Herald*. Applicant Joseph Flaherty, design engineer Peter Parent of Diversified Civil Engineering, John Schmid of Judith Nitsch Engineering, Inc. (JNEI), and several abutters were present.

Chairman Curtis read the comments from the Conservation Commission and the Board of Health. The Board also received a report dated January 2, 2001 from John Schmid of JNEI.

Mr. Parent presented the five-lot conventional plan based upon a preliminary plan approved on May 3, 2000. The proposed subdivision road, Orion Drive, will be 1000 ft long. The site is wooded with extensive wetlands in the rear. The wetlands contain rare and endangered species habitat. The soils in the upland area drain very well. The drainage system will be closed with a grass swale to address storm water management concerns. All the items in the JNEI report will be addressed. Mr. Parent said the road can be constructed without any waivers as shown on the preliminary

plan, but a waiver of the cut and fill requirements is requested for the definitive plan because it results in a better roadway design.

Member Perkins asked why the applicant did not submit a flexible development plan with a shorter roadway and more open space. Mr. Parent said an application for a special permit was submitted with the preliminary plan but withdrawn when the Board determined that the Basic Number of Lots is five. The applicant would like to have the definitive plan approved with five conventional lots, apply for a special permit for the hammerhead lot, and then submit a six-lot flexible plan.

Chairman Curtis said the Basic Number of Lot is still determined by the number of lots created by-right and cannot include the hammerhead lot which requires a special permit. The Basic Number of Lots will still be five, not six.

Mr. Parent asked if the Zoning Board of Appeals could grant a variance for the additional lot. The Board did not encourage the applicant to apply for such a variance.

Chairman Curtis said it is the Board's preference that the engineering details be resolved between the design engineer and the Board's consulting engineer.

Member Degen asked if the volume of cut and fill has been calculated. Mr. Parent said, "not yet." Member Degen said deeding the wetlands to the Town would not be enough of a public benefit to justify the cut and fill waiver. He asked if the cul de sac can be constructed without a waiver. Mr. Parent said, "yes," as shown on the preliminary plan.

Member Degen asked about the sight distances on Forge Village Road. He requested that the engineer measure it very carefully.

Member Eliot asked if the applicant will provide a driveway to the abutting lot owned by the Cantrills as offered during the preliminary plan stage. Mr. Parent said they will discuss the matter with the Cantrills.

Member Clements said the existing trees along the Cantrill's lot line should remain as a buffer. Mr. Parent said Mr. Flaherty is willing to provide screening. Member Clements encouraged the applicant to consider submitting a flexible development plan.

Abutter Anthony Agonis, Forge Village Road, said he has lived in the area for twenty years and knows the land well. He expressed concerns about the road, drainage system, and the house on Lot 6 being inundated with water.

Abutter Adolf Kerkmann asked how houses can be built in this area because the land is very rough. Chairman Curtis explained the Board's procedure in reviewing plans, its referral of the plans to its consulting engineer to be sure all regulations and standard engineering practices are met, and the review by the Board of Health and Conservation Commission.

Abutter Robert Brianas expressed concern about impact on his private well. Chairman Curtis said that is a matter for the Board of Health to consider.

Mr. Cantrill said the Planning Board's preliminary plan approval stated that the applicant must address concerns about traffic and sight distances at the definitive plan stage and that landscaping and screening details must be shown on the definitive plan. Chairman Curtis noted that the definitive plan process has just begun and all the outstanding engineering issues must be resolved before the Board will approve the plan.

John Schmid, the board's engineer, said the definitive plan will be reviewed carefully to be sure all the preliminary plan conditions have been addressed.

Abutter Keith Gerhardt said Lot 3 on the definitive plan requires a wetlands crossing. He said he would prefer a flexible development plan without the wetlands crossing.

Member Perkins asked whether the parcel that may become a hammerhead lot has a minimum of 40,000 sq ft uplands as required in §218-22G Computation of Lot Area. Mr. Schmid said he will check it.

Mr. Schmid said stormwater management is an important consideration with this site. The proposed basin has no outlet and could become a maintenance problem for the Town. The basin is located where there are Type D soils which do not drain that well. The proposed basin located in the cul de sac has Type A soils, but a depression in the cul de sac may be a safety issue. Guardrails will be required. In addition, under the most recent revisions to the regulations, each lot must be shown in its entirety on one sheet of the definitive plan. The limit of disturbance must also be shown on the definitive plan as required in the revised Subdivision Regulations..

The motion was made by Perkins to continue the hearing on February 1, 2001 at 8:00 PM. The motion was seconded and passed unanimously.

### **WEST THRONE SUBDIVISION DRAINAGE PROBLEMS**

The Board met with its engineer John Schmid to discuss the on-going drainage problems at the West Throne subdivision. The severe erosion and flooding at the intersection of the subdivision road and Townsend Road have caused serious public safety problems.

Mr. Schmid said the sub-surface drainage system is failing because the developer does not understand that routine maintenance is required to prevent the structures from filling with sand and silt.

Planning Administrator Michelle Collette said the Earth Removal Advisory Committee issued a non-criminal disposition fine for the erosion problems. The Committee will ask Town Counsel about the possibility of taking legal action if the problem continues.

Member Eliot suggested that the Board request that the Building Inspector not grant any more building or occupancy permits. Other members agreed. Chairman Curtis suggested asking the Building Inspector to hold permits until corrective action has been taken and giving the developer a deadline to do so.

The motion was made by Degen to send a letter to the Building Inspector requesting that no additional building permits, temporary or final occupancy permits be issued for lots in the West Throne subdivision until the developer has addressed the erosion and drainage system problems at the subdivision. The failure of the drainage system creates a public safety hazard on the subdivision road and on Townsend Road. The remedial work is detailed in the field report dated December 18, 2000 from Judith Nitsch Engineering, Inc. The Board will require that the work be completed before January 19, 2001 and that the drainage system be cleaned out thoroughly following every storm thereafter. The motion was seconded and passed unanimously.

### **SPECIAL MUNICIPAL EMPLOYEE STATUS**

At the request of Member Degen, the Board discussed asking the Board of Selectmen to designate the Planning Board members as Special Municipal Employees as described in the fact sheet provided by the State Ethics Commission.

The motion was made by Perkins to request that the Board of Selectmen designate the Planning Board as "Special Municipal Employees" under the provisions of Chapter 268A. The motion was seconded and passed unanimously.

### **PERFORMANCE BOND REDUCTIONS**

**Deer Haven** - The motion was made by Perkins to reduce the amount held in the agreements entitled, "Agreement and Contract - Town of Groton Planning Board; Middlesex Savings Bank" for the Deer Haven subdivision as recommended in the attached report dated September 8, 1999 from Judith Nitsch Engineering, Inc. (JNEI). Please retain the following balances and release the remaining funds to David Moulton, Fox Meadow Realty Corporation:

Phase I:	Deerfield Drive, Station 0+00 to Station 4+10	\$86,305.12
	Fawn Terrace Lane, Station 1+32 to Station 11+20	
Phase II:	Deerfield Drive, Station 14+00 to Station 18+50	\$24,627.53

Phase III: Allison Park, Station 18+50 to Station 23+20 \$17,990.00

Phase IV: Deerfield Drive, Station 4+10 to Station 14+00 \$36,827.63

The motion was seconded and passed unanimously.

**Walnut Run** – The motion was made by Perkins to reduce the amount held in the agreements entitled, "Agreement and Contract - Town of Groton Planning Board; Middlesex Savings Bank" for the Walnut Run subdivision to \$104,983.82 as recommended in the report dated January 2, 2001 from Judith Nitsch Engineering, Inc. (JNEI). The motion was seconded and passed unanimously.

Meeting adjourned 9:30 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

