

**GROTON PLANNING BOARD
FEBRUARY 22, 2001
MINUTES**

Vice Chairman Eliot called the meeting to order at 7:30 PM in the Town Hall

Members present: Eliot, Barringer, Clements, Degen, and Perkins

Member absent: Curtis and Lewis

COMMENTS TO MEPA

The Planning Board received a copy of the Environmental Notification Form (ENF) submitted by LandWest, Inc. for construction of a residential subdivision with 90 to 115 lots in Groton and Pepperell. The Board also received a "Notice of Project Change, EOE #11934" submitted by the Groton Dunstable Regional School District (GDRSD) for construction of a new high school. The Board will review the documents and discuss its comments to MEPA at the meeting on March 1, 2001.

AMERICAN FARMLAND TRUST

The Board received a letter dated February 12, 2001 from the American Farmland Trust offering its professional services in order to protect farmland. The Board discussed sponsoring a workshop for landowners with an American Farmland Trust representative as the guest speaker. The Board will apply for a grant from the Commissioners of Trust Funds Lecture Series to offset the cost of the speaker.

PUBLIC HEARING (con't) – STILL MEADOW SPECIAL PERMIT

The Board continued the public hearing to consider the special permit application submitted by the Groton Land Foundation to construct a 14-unit cluster development on Nashua and Northwoods Roads. June Johnson, Robert Pine, Marion Stoddart, Dan Wolfe, and Richard Muehlke of the Groton Land Foundation and Groton Conservation Trust; Conservation Commission Chairman Peter Morrison, and many abutters were present.

Attorney June Johnson of the Groton Land Foundation described the history of the Groton Conservation Trust and the Groton Land Foundation. She said she was very impressed with the level of concern expressed by the abutters and their love of the open space. The Groton Land Foundation's goal is to evaluate land, to protect the important natural resources and to develop the area suitable for development. She explained the value of riparian corridors and open grasslands to wildlife habitat. (She submitted a copy of "Cultural Grassland" from the Nature of Massachusetts by the Massachusetts Audubon Society for the file.)

Ms. Johnson said the Trust knew the MacDonald land contains very valuable natural resources. The proposed plan maximizes the conservation land and minimizes the area of development. The adjacent Northwoods subdivision was developed in the late 1980's with a 43-acre parcel, 17 new lots created, and 15 acres of open space. The proposed Still Meadow plan also contains 43 acres with 15 house sites and 30 acres of open space. The tight cluster of ten units enables the preservation of more open space. The cluster units will sell in the \$250,000.00 to \$300,000.00 range to meet the needs of the people of the Town of Groton.

Ms. Johnson said the people of the Northwoods subdivision have benefited by the views of the MacDonald land, but they cannot control the land unless they own it. She said the neighbors can purchase any of the proposed lots if they wish to do so.

Robert Pine of the Groton Land Foundation presented the new Basic Number of Lots plan with revisions in response to the report dated January 17, 2001 from Judith Nitsch Engineering, Inc. (JNEI). The revised plan does not show any hammerhead lots.

Mr. Pine said he looked at limiting the number of driveway cuts on Northwoods Road in response to concerns expressed by the abutters. It is difficult to accomplish with the restrictions on wells and sewage disposal systems, but a shared driveway can be used to serve the three lots off Northwoods Road. Mr. Pine also submitted a plan showing a clearing limitation line and building envelopes for the lots off Northwoods Road.

Northwoods Road resident Laura Lefebvre submitted a report to members of the Board with a history of the Northwoods including the subdivision approval by the Planning Board and the Order of Conditions issued by the Conservation Commission. She said the area is a valuable habitat for turtles and blue spotted salamanders. Part of the wildlife area was lost when the Planning Board required a through road (Northwoods Road) in the late 1980's. In conclusion, Ms. Lefebvre said the Basic Number of Lots plan submitted by the applicant is not a good faith plan because the 150 ft diameter circles intersect with the 100 ft buffer zone on several lots.

Paul Martin and Jeff Parks of MVM Associates, experts on wildlife habitat contracted by Northwoods Road residents, said they did a preliminary assessment of the site. The existing wildlife pond off Northwoods Road, the surrounding wetlands and the adjacent forested upland function as a habitat area. The Natural Heritage maps show this as a area for rare and endangered species. More evaluation is required under the Rivers Protection Act. Mr. Martin said he questions whether the Basic Number of Lots plan is a good faith effort. Further degradation of the buffer zone will destroy habitat for some species which may require as much as one-quarter of a mile radius. He asked the applicant to provide information on the maximum number of lots required to make the project viable.

Ms. Lefebvre said it is confusing to see a plan that protects the agricultural land at the expense of the forest.

Mr. Pine responded to the abutters' concerns by stating that there may have been some confusion over counting hammerhead lots, but the Basic Number of Lots plan is a good faith effort on the part of the Groton Land Foundation. The 150 ft circles are allowed within the 100 ft buffer zone under Section 218-22G Computation of Lot Area. Wildlife expert Brian Butler studied the site and made recommendations on which areas are the most important to protect. Mr. Pine said there is a legal process in place under the Wetlands Protection Act and Rivers Protection Act called a "Request for Determination of Applicability". A previous applicant submitted such a form and the Conservation Commission determined that the stream from the Northwoods subdivision is intermittent – not perennial. The determination is valid for a period of three years. Mr. Pine said the pond in the Northwoods subdivision was constructed as part of the reclamation of an old gravel pit. When the through road was proposed, a land swap with the MacDonald family was required. It was clear at that time that the subdivision road would create frontage for the MacDonald land.

Brian Butler presented his report on behalf of the Groton Land Foundation by describing the habitat areas for the blanding and spotted turtles. The Natural Heritage maps show the Reedy Meadow Road area as habitat. The pond in Northwoods is about 14 ft deep which is good for fish but it is not a classic vernal pool. The proposed development is ecologically friendly because it preserves the open grasslands which have a high aesthetic value and diversity of wildlife. Clustering the houses is preferable to conventional development. Mr. Butler said he does not see the adjacent upland area as a major resource for wildlife. Preservation of the open grasslands is important to the ecology of the area.

Ms. Lefebvre said the preservation of the forest is very important to the Northwoods neighborhood.

Stella Rae said the Northwoods residents are part of the fabric of the community. They participate in the schools, recreational activities, and local government. They are part of the fabric of the Town and want to protect it. She said if the Groton Land Foundation's objective is to save land, they would debate that the agricultural land is more important than the forested land. The proposed densely populated plan will affect the wildlife in the pond.

Attorney Richard Hayes, representing the Northwoods residents, asked if the Board had received any comments from other departments on the revised plans. Planning Administrator Michelle Collette said, "no" because the revised plans were just submitted this evening.

Member Perkins asked if the Board received JNEI's review on the revised Basic Number of Lots plan. Planning Administrator Michelle Collette said, "not yet."

Member Perkins noted that a few years ago, the Planning Board proposed a zoning amendment to exclude the buffer zone from the 150 ft circle, but it was defeated by Town Meeting.

Other members of the Board agreed that the Board must have the JNEI review of the Basic Number of Lots plan. Member Degen said he had questions about the corner lot.

Member Clements asked if Natural Heritage will be involved in the review process. Mr. Pine said, “yes, they will be.” Mr. Pine said the review by Natural Heritage will take place in the future. The Planning Board process must take place first.

Member Barringer asked if this is an intermittent stream. Mr. Pine said all three streams on the site are intermittent but the USGS map shows two of the three as perennial. The Conservation Commission determined that all three streams dried up in the summer and are intermittent.

Attorney Richard Hayes said it is not conclusive – they are perennial streams.

Vice Chairman Eliot said she was on the Board when the Northwoods subdivision was approved and the Planning Board required a through road for public safety reasons. Construction of the through road resulted in frontage for the MacDonald land. She added that the Planning Board must provide diversity in housing for the Town. This plan helps achieve that goal.

Graham Rae said the Groton Land Foundation is emphasizing the status of the three streams on legal grounds. He asked when financial statements would be submitted. Member Perkins said the Board will not see any financial statements and it is not appropriate for the Planning Board to ask to see them.

John Pulford asked what criteria the Board will use in making its decision. Member Perkins responded that the Board’s engineer must review the Basic Number of Lots plan first. The Board must review the requirements of the cluster provisions and the special permit criteria prior to granting a special permit.

Marion Stoddart of the Groton Land Foundation said the Foundation is a not-for-profit environmental organization. The goal is to protect open space and land with environmental value. More than half of the MacDonald land will be protected with this plan. She said the Foundation would like to work with the neighbors to protect as much land as possible.

Dorothy MacDonald Bancroft addressed the meeting by explaining the history of her family’s ownership of the land for over 54 years. She said her parents left the property to her and her brother so they would be able to sell the land when they retired. Her brother is a pastor approaching retirement and they must sell the property. Mrs. Bancroft said they would like to preserve as much of the land as possible and they are very pleased with the Groton Land Foundation’s proposed plan. She asked the abutters to be considerate to her family and not do anything to delay the sale of the land.

Member Degen suggested that the Groton Land Foundation and neighbors get together to work out their differences because the proposed plan is in the best interest of the Town. Another developer could buy the land and leave no open space at all. The wetland could be divided up and become part of the individual lots.

Maureen Pulford said she found June Johnson’s statement offensive and condescending when she implied that the neighbors have benefited from the MacDonald land.

Robert Kerwin said an alternative would be to take the lots off Northwoods Road and place them in the open field.

June Johnson said the Groton Land Foundation will meet with the abutters and try to work out a compromise.

The motion was made by Perkins to continue the public hearing on March 1, 2001 at 9:00 PM. The motion was seconded and passed unanimously.

ANR PLAN – MacDONALD PROPERTY, NASHUA ROAD

At the request of the applicant, the Board postponed consideration of the Approval Not Required plan submitted by the Alice MacDonald Revocable Trust to create one new lot with the existing farm house on Nashua Road. The Board will consider the plan at its meeting on March 1, 2001.

SPECIAL PERMIT DECISION – BERTOZZI FARMS

At the request of the applicant, the Board voted unanimously to extend the deadline on the special permit applications submitted by Ralph Bertozzi for the Bertozzi Farms subdivision to April 2, 2001.

PUBLIC HEARING (con't) – SPECIAL PERMIT, BATTEN WOODS SUBDIVISION

The Board continued the public hearing to consider the application submitted by Joseph Flaherty, Orion Homes, to utilize the provisions of Groton Zoning By-Law § 218-26 Open Space Residential Development to create five (5) lots plus one (1) transfer incentive lot for a total of six (6) lots as shown on the plan entitled, "Preliminary – Flexible Development Plan, Batten Woods Village, Groton, Massachusetts, Middlesex County" prepared by Diversified Civil Engineering, Inc., dated January 16, 2001. 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.

Applicant Joseph Flaherty and design engineer Peter Parent were present.

Member Perkins asked if a new Basic Number of Lots plan was submitted. Planning Administrator Michelle Collette said "yes." The plan was sent to JNEI for review.

Mr. Parent said he prepared a new Basic Number of Lots plan for submission to the Planning Board and its engineer. The sight distances on Forge Village Road were calculated differently by JNEI. This issue will be resolved before the next meeting. Five new lots will be created and one transfer lot (TDR) will be used to create the sixth lot. The applicant will donate 155,000 square feet of upland area in exchange for one transfer lot. By using the provisions of Flexible Development, the cul de sac will be shorter, there will be less disturbance within the 100 ft buffer from wetlands, and less fill will be required. The 25-acre open space parcel consists of 585,608 sq ft of upland and 511,000 sq ft wetlands. There will be no work within the endangered species habitat area.

Member Perkins requested that access to the open space be on a parcel owned by the Town rather than over an easement on private property. She asked if the one TDR will be used within the subdivision. Mr. Parent said, "yes."

Member Perkins said she likes the idea of protecting more open space. She asked if a waiver of the seven foot cut and fill limits will be necessary. Mr. Parent said, "yes," and this will be the only waiver that will be requested.

Member Degen said the topography does not support the proposed development because the land is not developable in the first place. He said he prefers the conventional plan.

Member Clements asked where the TDR is coming from in the first place. Mr. Parent said it is based upon the open space that will be deeded to the Town. Member Clements asked if another lot could be built on this land. Mr. Parent said, "yes," an application for a hammerhead lot was submitted last year. Member Clements said it is impossible to get more than five conventional lots. Mr. Parent said, "yes," and the sixth lot is based upon the TDR for donating open space. Each TDR is based upon 80,000 sq ft upland, and the applicant will be donating more than six times that amount (585,608 sq ft upland).

Member Barringer asked if the upland and wetland areas could be delineated on the plan. Mr. Parent said, "yes," it is shown on the conventional, definitive plan.

Vice Chairman Eliot expressed concerns about maintenance of land donated to the Town. She asked if trail access will be provided. Mr. Parent pointed out the access on the plan.

Vice Chairman Eliot read the comments from the Conservation Commission, stating support for the Flexible Development plan, and the comments from the Water Department.

Harlan Fitch said the proposed open space parcel has no frontage on the subdivision road. Member Perkins said that is why the Board is asking for trail access on a parcel owned by the Town. The minimum width of the parcel is 20 ft.

Mr. Fitch asked what the habitat boundary shown on the plan signifies. Mr. Parent said the applicant must notify the Conservation Commission and the State's Natural Heritage and Endangered Species Program about any work in this area. Mr. Fitch asked why the line is drawn through the middle of the wetland with endangered species habitat on one side and not on the other.

Mr. Fitch asked if parking will be provided for the trail access. Mr. Parent said each lot has the required 100 ft frontage. If the Board wants trail access, the road must be lengthened to accommodate it. However, a longer road means more disturbance in the buffer zone.

Member Degen asked if there is enough area to make the drainage easement part of the open space. Mr. Parent said he did not know at this time.

Abutter James Cantrill asked how access will be provided to the open space from his property via New Pond Road. Mr. Parent said there is access via an easement there now.

Mr. Fitch asked what type of soils are in the area of the proposed detention basin. Mr. Parent said they are sandy soils and the depth to groundwater is more than six (6) feet.

The Board voted unanimously to extend the deadline on the definitive plan to March 30, 2001 as requested by the applicant.

The Board voted unanimously to continue the public hearing on March 8, 2001 at 7:45 PM.

PUBLIC HEARING – SPECIAL PERMIT, FOX MEADOW REALTY CORPORATION

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the applications submitted by the Fox Meadow Realty Corporation for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create three hammerhead lots shown as Lots 2, 3, and 4 and a special permit to utilize the provisions of Section 218-23D Shared Driveways to construct a shared driveway (one driveway serving Lots 1, 2 and 3) as shown on the plan entitled, "Plan of Land in Groton, Mass. Owner/Applicant: David Moulton, Fox Meadow Realty Corporation," prepared by R. Wilson and Associates, Inc, dated December 15, 2000. The proposed lots are located on Assessors Map V, Parcels 85 and 86B, on the southerly side of Forge Village Road.

At the request of the applicant, the Board voted unanimously to extend the deadline to March 30, 2001.

The Board voted unanimously to continue the public hearing on March 1, 2001 at 8:30 PM.

Meeting adjourned 10:15 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

