

**GROTON PLANNING BOARD  
APRIL 5, 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 EXTENSION DEFINITIVE PLAN**

The Board continued the public hearing to consider the definitive plan submitted by Arthur Blackman to extend Skyfields Drive to serve one additional building lot. Engineer Robert Pine presented the plan.

Mr. Pine said the Blackmans are concerned about the effect of the proposed Hilltop and Slope Overlay District on their rights to build on this land. The only way to protect the land is to proceed with this definitive plan. Mr. Pine requested that the Board continue the hearing to a later date so the Blackmans could have time to review their options.

The motion was made by Barringer to continue the public hearing on April 26, 2001 at 8:00 PM. The motion was seconded and passed unanimously.

**SITE PLAN REVIEW – JANES PROPERTIES, BOSTON ROAD**

The Board reviewed the site plan submitted by Steven and Dorothy Janes to renovate an existing building located at 116 Boston Road. Mr. and Mrs. Janes and contractor Seth Jeannotte presented the plan.

Mr. Jeannotte said the Janes' business, Del Mondo, imports Italian home furnishings. It is a wholesale business with a shipping facility in Ayer. There will be three employees at the Groton location, and there may be five or six more in the future.

Member Perkins asked if the public will come to the facility to look at the furnishings. Mr. Janes said only on occasion. He said there are eight parking spaces on the site today although the by-law requires fifteen. He requested that the Board waive construction of the additional parking spaces because they have an agreement to share parking with the abutting business owner, Peter Myette.

Member Barringer asked if the Janes had deeded rights to share Myette's parking. Mr. Jeannotte said, "no." Member Degen said he would prefer to see a deeded easement if the parking will be shared.

Mrs. Janes said they could create the required parking spaces, but the parking would have to be located within the wetlands buffer zone near Cady Pond Brook. She said she would prefer to landscape this area. Member Degen said he would like to see all 15 spaces available.

Mr. Janes said he is not sure Peter Myette would be willing to deed rights to the parking spaces on his land. Mr. Myette is offering to share the 30+ parking spaces in the rear of his building. Mr. Jeannotte said the seven additional spaces can be created on the Janes property with an Order of Conditions from the Conservation Commission.

Member Eliot said if the parking will be on Peter Myette's property, he should be a co-applicant or grant an easement. Chairman Curtis agreed that the Board could consider a shared parking arrangement if there are enough parking spaces available. However, a more formal agreement is required.

Member Eliot asked about lighting. Mr. Jeannotte said the lighting details are shown on the plan. Member Eliot objected to the aesthetics of the garage door and asked if it could be relocated to the rear of the building. Mr. Jeannotte said this is a wholesale, not a retail, establishment so the garage door is really necessary. Member Barringer asked if this is a warehouse-type door required for truck access. Mr. Janes said most deliveries will be by UPS and Federal Express – this will not be a shipping facility. Mrs. Janes added that most large deliveries will go to the warehouse facility in Ayer. Member Degen suggested that the garage door be screened by planting shrubs.

Member Clements said he liked the re-use of the existing structure but would prefer not to see parking constructed near the wetlands. Member Perkins agreed. Mrs. Janes said they would prefer not to add more pavement if they do not have to do so.

Chairman Curtis read the comments submitted by the Building Inspector and the Board of Health.

The Board voted unanimously to continue reviewing the site plan on April 26, 2001 at 8:30 PM.

### **PUBLIC HEARING (con't) – SPECIAL PERMIT, STILL MEADOW CLUSTER**

The Board continued the public hearing to consider the application submitted by the Groton Land Foundation for a special permit to construct the Still Meadow cluster development on the MacDonald property on Nashua Road.

The Board received a letter dated April 5, 2001 from Harlan Fitch.

Northwoods Road resident Stella Rae said the neighbors are not opposed to the development, but they are opposed to the density and the impact on their pond. The Groton Land Foundation listened to the neighbors' concerns; however, they were unable to move forward with the negotiations.

John Lefebvre said they do not have animosity toward the Groton Land Foundation, but the Northwoods residents are still opposed to the development. Laura Lefebvre said the pond in the Northwoods subdivision is a beautiful ecological area that warrants preservation.

Biologist Paul Martin of MVM Associates said he has been working with the neighborhood to evaluate wildlife in this area. He asked how many ANR lots can be created. Chairman Curtis said state statute requires that the Planning Board endorse an ANR plan if the lots have frontage and adequate access. The ANR process is ministerial only - the Board has no control or discretion.

The Board voted unanimously to extend the deadline to June 30, 2001 as requested by the applicant.

The Board voted unanimously to condition the public hearing on May 31, 2001 at 7:30 PM.

### **ANR PLANS – GROTON LAND FOUNDATION**

The Board considered town ANR plans submitted by the Groton Land Foundation to create new lots on Nashua and Northwoods Roads. Robert Pine of the Groton Land Foundation presented the plans. One plan shows the existing house on a two-acre lot with frontage on Nashua Road. The second plan shows two new building lots with frontage on Northwoods Road, an accepted public way.

Attorney Richard Hayes said he reviewed the ANR plans submitted by the Groton Land Foundation. He said the Conservancy District surrounding the pond is not shown on the plan as required in the Subdivision Regulations.

Mr. Pine said they will check with the surveyor to be sure the Conservancy District is shown on the plan.

The Board will act on the ANR plans at its next meeting.

### **SPECIAL PERMIT DECISION – BERTOZZI PRELIMINARY PLAN**

The Board reviewed the draft special permit decisions for the Bertozzi Farms subdivision on Townsend Road.

The motion was made by Perkins to add a condition that a executed agreement between the applicant and the West Groton Water Supply District must be submitted with the definitive plan. The motion was seconded and passed unanimously.

The motion was made by Perkins to grant a special permit to Ralph Bertozzi and Pauline Grady under the provision of Section 218-26.1 Major Residential Development to create eight lots as shown on the plan entitled, "Bertozzi Farms

Estates – Flexible Development Plan in Groton, Mass.; Prepared for Ralph Bertozzi and Pauline Grady” prepared by Hannigan Engineering, dated December 14, 2000, based upon the following findings and with the following conditions:

### Findings:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by providing open space contiguous with the open space located to the north in the adjacent West Throne subdivision. This parcel adds to the large block of open land in the Throne Hill area.
2. **Traffic flow and safety:** There are adequate sight distances at this location, and the road cut will have better sight distances than the road shown on the conventional grid plan.
3. **Adequacy of utilities:** There are adequate public utilities at this location. The applicant offered to grant an easement to the West Groton Water Supply district to close the loop with Candace Lane.
4. **Neighborhood character:** The proposed development will blend into the visual environment because the proposed houses will be less visible from Townsend Road than the houses shown on the conventional grid plan.
5. **Impacts on the environment:** Given the small scale of the proposed development and the careful siting of homes, the environmental impacts will be minimal; the proposed open space parcel will have a positive impact on the environment.
6. **Fiscal impact on the Town:** The proposed development will have less potential fiscal impact on the Town than a conventional plan because the Flexible Development plan is limited to single-family houses and duplexes can be constructed on lots on a conventional plan.
7. **Major Residential Development:** The Board determined that the above-referenced Flexible Development plan is more beneficial to the town than the conventional grid plan because the Flexible Development plan better meets the goals and objectives of the Comprehensive Master Plan by setting aside open space contiguous with other parcels of open space in the Throne Hill area.

### Conditions:

1. All the issues in the report dated January 8, 2001 from Judith Nitsch Engineering, Inc. (JNEI) must be addressed to the satisfaction of the Board.
2. When the definitive plan is submitted, the applicant shall provide the Board with a copy of an executed agreement with the West Groton Water Supply District on supplying public water to the subdivision as required in § 346-12C(1) Fire Protection
3. An erosion and sedimentation control plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Soil Erosion and Sedimentation Control. Specimen trees and the “limit of clearing” must be shown on the definitive plan as required in the Subdivision Regulations
4. The 6.1 acre open space parcel shall be made subject to a permanent conservation restriction held by the town pursuant to MGL chapter 184, §§ 31 to 33. The conservation restriction must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Inspector prior to the issuance of any building permits.
5. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed Approval Not Required plan are recorded at the Middlesex South Registry of Deeds as required in GL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording is

submitted to the Planning Board by the applicant.

6. This special permit shall lapse in 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. The recording of the special permit and subsequently endorsed definitive plan shall constitute commencement of substantial use.
7. This special permit runs with the land and applies to any successor in interest or successor in control. The motion was seconded and passed unanimously.

The motion was made by Perkins to grant a special permit to Ralph Bertozzi and Pauline Grady under the provision of Section 218-26 Open Space Residential Development to create eight lots as shown on the plan entitled, "Bertozzi Farms Estates – Flexible Development Plan in Groton, Mass.; Prepared for Ralph Bertozzi and Pauline Grady" prepared by Hannigan Engineering, dated December 14, 2000, based upon the following findings and with the following conditions:

### Findings:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by providing open space contiguous with the open space located to the north in the adjacent West Throne subdivision. This parcel adds to the large block of open land in the Throne Hill area.
2. **Traffic flow and safety:** There are adequate sight distances at this location, and the road cut will have better sight distances than the road shown on the conventional grid plan.
3. **Adequacy of utilities:** There are adequate public utilities at this location. The applicant offered to grant an easement to the West Groton Water Supply district to close the loop with Candace Lane.
4. **Neighborhood character:** The proposed development will blend into the visual environment because the proposed houses will be less visible from Townsend Road than the houses shown on the conventional grid plan.
5. **Impacts on the environment:** Given the small scale of the proposed development and the careful siting of homes, the environmental impacts will be minimal; the proposed open space parcel will have a positive impact on the environment.
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7. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion was seconded and passed unanimously.

### **COMPREHENSIVE MASTER PLAN UPDATE**

The Board discussed the Comprehensive Master Plan and will request that the consultant submit chapters on Growth Management and Housing, Open Space and Natural Resources, and Infrastructure no later than April 12, 2001.

The Board will prepare a handout to be distributed at the Annual Town Meeting to give voters a report on the progress of the Master Plan.

### **COMMUNITY PRESERVATION ACT**

The Board discussed its position on the Community Preservation Act to be considered at the upcoming Special Town Meeting. The 1990 Master Plan includes a statement supporting the concept of a land transfer tax.

The motion was made by Clements that the Planning Board support the Community Preservation Act at a rate of 3% at the April 10, 2001 Special Town Meeting because it is consistent with the goals of the 1990 Master Plan. The motion was seconded and passed with Barringer, Clements, Curtis, Degen, and Eliot in favor; Perkins abstaining.

Meeting adjourned 9:30 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator