

**GROTON PLANNING BOARD
APRIL 12, 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

ANR PLANS

Anderson, Lowell Road - The Board considered the Approval Not Required (ANR) plan submitted by Bruce Anderson to create a new parcel from his property on Lowell Road. Surveyor Stan Dillis presented the plan. The original lot was created in 1974 with 6.72 acres and 86 feet frontage. The Zoning Board of Appeals granted a special permit to build on the hammerhead lot pursuant to Section V-A12J of the Zoning By-law in effect at that time. There is an access easement shown on the plan as "Existing Right of Way, AKA Baddacook Pond Road." Mr. Dillis said this is an easement on the Anderson property and Baddacook Pond Road is not a public way. Parcel A with 50,050 sq ft, will be combined with adjacent land owned by the Water Department.

The motion was made by Perkins to endorse as Approval Not Required (ANR) the plan entitled, "Plan of Land in Groton, Massachusetts, Prepared for Marian and Bruce Anderson," prepared by Dillis & Mische, dated March, 2001, with the following notation: "Such endorsement shall not be deemed to constitute any determination of compliance with the requirements of the Zoning By-law." The motion was seconded and passed unanimously.

Groton Land Foundation, Nashua Road - The Board considered the Approval Not Required (ANR) plan submitted by the Groton Land Foundation to create one new lot with an existing farmhouse on Nashua Road. The property is presently owned by the Alice MacDonald Revocable Trust and will be purchased by the Groton Land Foundation. Engineer Robert Pine presented the plan.

The motion was made by Degen to endorse as Approval Not Required (ANR) the plan entitled, "Plan of Land in Groton, Mass., Prepared for the Groton Land Foundation (plan #4686)," prepared by David Ross Associates, dated February, 2001. The motion was seconded and passed with Curtis, Clements, Degen, Eliot, and Perkins in favor; Barringer abstaining.

Groton Land Foundation, Northwoods Road - The Board considered the Approval Not Required (ANR) plan submitted by the Groton Land Foundation to create two new lots on Northwoods Road. The property is presently owned by the Alice MacDonald Revocable Trust and will be purchased by the Groton Land Foundation. Engineer Robert Pine presented the plan noting that the surveyor added the location of the Conservancy District to the plan as requested by the Board and required in the Subdivision Regulations.

Member Clements asked if both lots are accessible through their frontage. Mr. Pine said, "yes."

Member Degen asked about the slope easement along the front of the lots. Mr. Pine said the easement was granted to allow grading along the edge of Northwoods Road when it was constructed. The easement is held by the Town now that Northwoods Road is a public way.

Northwoods Road resident John Pulford asked if the Board had its engineer verify the location of the Conservancy District. Chairman Curtis said, "no," the Board does not send ANR plans to its engineer for review. The Conservancy District is based upon USGS elevation, and the plan is stamped by a Registered Land Surveyor.

The motion was made by Degen to endorse as Approval Not Required (ANR) the plan entitled, "Plan of Land in Groton, Mass., Prepared for the Groton Land Foundation (plan 6936)," prepared by David Ross Associates, dated April 2, 2001 and revised April 9, 2001. The motion was seconded and passed unanimously.

Blackman, Skyfields Drive – The Board considered the Approval Nor Required (ANR) plan submitted by Arthur and

Camilla Blackman to change lot lines on their property on Skyfields Drive. Engineer Robert Pine presented the plan to create a parcel to be conveyed to the abutters. No new lots will be created by this plan.

Chairman Curtis stated that the ANR plan is unrelated to the Skyfields Drive definitive plan modification under consideration by the Board.

Member Clements asked if Skyfields Drive is a public way. Mr. Pine said, "yes".

Member Eliot asked if one of the existing lots was created with a special permit. Mr. Pine said, "yes," but there is no change to the special permit. Member Eliot noted that the special permit lots are limited to single-family use. Mr. Pine agreed. The Board reviewed the conditions and findings of Special Permit 2000-01 granted by the Board on April 19, 2001 and the letter dated December 7, 2000 from Town Counsel.

The motion was made by Perkins to endorse as Approval Not Required (ANR) the plan entitled, "Plan of Land in Groton, Mass. Prepared for Arthur F. and Camilla Blackman," prepared by David Ross Associates, dated March, 2001, showing a lot line change, with the following notation: "Such endorsement shall not be deemed to constitute any determination of compliance with the requirements of the Zoning By-law." The motion was seconded and passed with Curtis, Barringer, Clements, Degen, and Perkins in favor; Eliot abstaining.

PUBLIC HEARING (con't) – FOX MEADOW, FORGE VILLAGE ROAD

The Board held the continuation of the public hearing to consider the application submitted by Fox Meadow Realty Corporation to create three hammerhead lots and a shared driveway off Forge Village Road.

The Board received a letter dated April 12, 2001 from Attorney Robert Collins requesting a continuation of the public hearing and an extension of the deadline.

The motion was made by Barringer to extend the deadline to May 30, 2001 as requested by the applicant. The motion was seconded and passed with Curtis, Barringer, Clements, Degen, and Perkins in favor; Eliot abstaining.

The motion was made by Barringer to continue the public hearing on May 10, 2001 at 7:30 PM. The motion was seconded and passed with Curtis, Barringer, Clements, Degen, and Perkins in favor; Eliot abstaining.

PUBLIC HEARING – FOX MEADOW/FUCCILLO, LOWELL ROAD

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Planning Board held a public hearing to consider the application submitted by the Fox Meadow Realty Corporation for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Open Space Residential Development five new lots and three transfer incentive lots as shown on the plan entitled, "Flexible Development Preliminary of Lowell Road in Groton, Mass. Owner: Gloria Fuccillo, Applicant: Fox Meadow Realty Corporation," prepared by R. Wilson and Associates, Inc, dated March 12, 2001. The proposed subdivision is located on Assessors Map 233, Parcels 88, on the southerly side of Lowell Road.

Chairman Curtis called the hearing to order by reading the notice published in the March 30 and April 6, 2001 issues of *The Groton Herald*.

The Board received a letter dated April 12, 2001 from Attorney Robert Collins requesting a continuation of the public hearing.

The motion was made by Perkins to continue the public hearing on May 10, 2001 at 8:00 PM. The motion was seconded and passed with Curtis, Barringer, Clements, Degen, and Perkins in favor; Eliot abstaining.

SITE PLAN REVIEW (con't) – JANES PROPERTIES, 116 BOSTON ROAD

The Board continued its review of the site plan submitted by Janes Properties to convert an existing building located at 116 Boston Road for their home furnishings business, Del Mondo, Inc. Stephen and Dorothy Janes presented the plan.

The Board received a letter dated April 11, 2001 from the Conservation Commission regarding the four parking spaces near Cady Pond Brook.

Mr. Janes said they modified the plan to address the major concerns expressed at the last Planning Board meeting. There will be a total of 15 parking spaces – eleven will be paved and the four near the brook will be gravel as requested by the Conservation Commission. Minimal lighting will be used as shown on the “hurricane lantern detail” submitted with the plan.

Dorothy Janes said they could construct the four spaces near the brook now or plant a flowerbed and install the spaces at a later date when they are needed. Member Degen said he would prefer the gravel spaces constructed rather than using a grassed area for parking.

Member Degen suggested planting shrubs to screen the garage door and block headlight glare. Mr. Janes explained why the garage door is needed for deliveries. He added that there was a garage door in this location until about four or five years ago, according to previous owner Ed O’Neil. Member Degen said he did not have a problem with the door, but he would like some screening between the building and the existing utility pole to prevent headlight glare.

Member Eliot asked about boundary line information. Mrs. Janes said it is highlighted on the site plan. Member Eliot asked about drainage structures. Mrs. Janes said the only catch basins are on the adjacent property owned by PC Myette.

Member Eliot said she would like to see the garage door screened with landscaping. Mr. Janes said the garage door will be painted the same color as the building and will have white trim. He assured the Board that it would not be an eyesore.

Member Eliot asked if there is an easement for the sewage disposal system. Mrs. Janes said, “yes,” a copy of the easement was submitted with the application. The Board of Health sent the Planning Board a memorandum approving the change of use for the building.

Member Eliot asked about trash disposal. Mr. Janes said trash will be stored inside and there will not be any dumpsters.

Member Clements asked when the four gravel parking spaces will be created. Mr. Janes said they would prefer to use only the existing paved area, but they are willing to construct the four spaces in order to comply with the by-law.

Member Clements stated that every home and business in town has an overhead garage door, and he does not find it offensive. However, the headlight glare from unloading trucks should be screened. Mr. Janes said there will be no night time deliveries – the business will be served by day time routes only. Most deliveries will go to the facility located in Ayer. Chairman Curtis said the applicant may not be able to control delivery times and trucking routes.

The motion was made by Barringer to approve the Level I site plan entitled, “Janes Properties, Building Renovations, 116 Boston Road, Groton, Massachusetts,” prepared by BKA Architects, Inc., dated February 28, 2001, with revisions added by Stephen and Dorothy Janes on April 12, 2001. The Board approved the site plan with the following conditions:

1. The four parking spaces to the northwest of the building will be constructed with gravel or other pervious material such as “star pack” or “grass-crete”. An eight (8) inch gravel base shall be installed as a sub-base beneath the four parking spaces to prevent erosion.
2. There shall be no net increase in the rate or volume of storm water runoff from the site as required in Section 218-25G(1)(c).
3. Vegetative screening shall be used to minimize headlight glare onto the public way as required in Section 218-25G(1)(g). Shrubs shall be planted beginning at a point three feet away from the southeast corner of the building

to the existing utility pole. The evergreen shrubs shall have a minimum height of four (4) feet.

4. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h). Lighting shall be installed as shown on the "Hurricane Lantern Detail" submitted with the site plan.
5. There shall be no unscreened dumpster or trash containers at the site.
6. Parking for the disabled and access to the building shall comply with the requirements of the Architectural Access Board Regulations, 521 CMR, and the Americans with Disabilities Act.
7. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.

The motion was seconded and passed unanimously.

PUBLIC HEARING – BATTEN WOODS SPECIAL PERMIT

The Board continued the public hearing to consider the application submitted by Joseph Flaherty of Orion Homes for a special permit to utilize the provisions of Flexible Development including the creation of one transfer lot as shown on the Batten Woods preliminary plan. Mr. Flaherty and design engineer Peter Parent of Divisified Civil Engineering were present.

Mr. Parent submitted calculations on the amount of additional cut that will be required if the waiver of the cut and fill limitation is granted. The calculations show an excess of 2900 cubic yards of material to be removed.

The Board received a report dated April 9, 2001 from John Schmid of Judith Nitsch Engineering, Inc. (JNEI) regarding the Basic Number of Lots plan. Mr. Parent stated that the plan complies with the latest revisions to the Subdivision Regulations.

Member Degen said he has a problem with the waiver for cut and fill. He said he believes it would be very difficult to construct the conventional plan. Chairman Curtis said the applicant can request a waiver for the road shown on the special permit plan if Basic Number of Lots plan shows that the road can be constructed without any waivers.

Member Degen said he still does not believe the conventional plan can be constructed. Mr. Parent said the Board's engineer reviewed the conventional plan and believes it complies with the regulations.

Member Barringer expressed concern about the large amount of excess cut.

Member Perkins said screening the adjacent lot must be addressed with the definitive plan. Mr. Parent agreed to do so.

The Board voted unanimously to close the public hearing.

The motion was made by Clements to grant the special permit with findings and conditions. The motion was seconded and debated.

Member Degen reiterated his concern that the conventional plan is not buildable. He said he could not go along with granting a TDR for a sixth lot as shown on the Flexible Development plan. Member Clements said he agreed.

Member Perkins said the Basic Number of Lots plan shows five lot, and the sixth lot is based upon a TDR in exchange for donating a minimum of 80,000 sq ft of upland area in addition to the open space is required in the by-law. She said this case is a perfect example of why the Town has a TDR option in the by-law.

Mr. Parent said the applicant will donate 155,000 square feet of upland area in exchange for one transfer lot. The open space consists of 13 acres upland area and 11.75 acres of wetlands. The Basic Number of Lots plan has two lots in the rear of the site with access over a wetlands crossing. The wetlands crossing will be not be needed if the TDR is granted.

Member Clements said he did not have a problem with the creation of the TDR, but he does have a problem with the creation of a sixth lot in the subdivision.

Member Eliot noted that duplexes can be constructed on conventional lots with a potential of ten dwelling units on five lots.

Planning Administrator Michelle Collette read the criteria in § 218-26G Transfers that states,

“Such land must be determined by the Planning Board to be of special importance to remain in a natural state because of its visual prominence or potential vista blockage, because of its ecological fragility, because it has special importance as farmland, because of its value for recreation or for future town water supply, or because it is important to the town’s open space plan.”

The proposed open space will provide important linkage between the 48-acre Carmichael Swamp area, a known endangered species habitat, and the 12-acre Woodland Pond Conservation area.

Chairman Curtis read the “Written Statement Addressing the Criteria Set Forth in Groton Zoning By-Law 218-32.1 C” submitted by the applicant.

Member Perkins said the Board must include a finding under § 218-26G Transfers. She said the proposed gift of 13 acres of upland area protects an endangered species habitat area and provides valuable linkage between other open space parcels. The Board discussed the use of transfer provisions at length. Chairman Curtis noted that the applicant has the option of purchasing a transfer lot from another development to increase density in this subdivision.

The Board debated whether or not the special permit plan has less fiscal impact than a conventional plan. Member Eliot said it does if you consider the fact that duplexes can be constructed by-right on conventional lots.

The Board discussed the following conditions:

1. Details for clearing vegetation to improve sight distance shall be shown on the definitive plan.
2. Public water shall be supplied to each lot in the subdivision as required in § 346-12A of the subdivision regulations. The installation of the public water supply system shall conform to § 346-12C Fire Protection and the specifications of the Groton Water Department.
3. Screening shall be provided for the abutting lot owned by Cantrill. Details of such screening shall be shown on the definitive plan.
4. An access easement over Parcel B from the abutting lot owned by Cantrill to the subdivision road shall be shown on the definitive plan.
5. 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
6. The 24.62 acre open space parcel shall be deeded to the Town to be managed by the Conservation Commission or 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. The use of the transfer lot shall be negated if the open space is not deeded to the Town or restriction is not recorded at the Registry of Deeds.
7. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed definitive 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.

8. 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.
9. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion to grant the special permit with the above conditions passed unanimously.

PUBLIC HEARING – MILLSTONE HILL SPECIAL PERMIT

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Planning Board held a public hearing to consider the applications submitted by the Millstone Hill Realty Trust for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to construct a shared driveway serving Lot 5 and 6 as shown on the plan entitled, "Plan of Land in Groton, Mass. for Jim Patierno," prepared by Bill Boston Survey, Inc., dated March 7, 2001. The proposed shared driveway is located on Assessors Map 250, Parcels 48 on the easterly side of Cow Pond Brook Road.

Chairman Curtis called the hearing to order by reading the notice published in the March 30 and April 6, 2001 issues of *The Groton Herald*. Applicant James Patierno and his attorney John Gallant were present.

Mr. Patierno presented the plan to use a shared driveway to access two lots off Cow Pond Brook Road thereby avoiding a wetlands crossing and work in the 100 ft buffer zone. The proposed curb cut is in a better location for sight distances than two individual curb cuts.

Abutter John Vaillencourt expressed his support for the project.

Chairman Curtis asked if members of the Board wanted to walk the site. Everyone said they were familiar with the area.

The Board voted unanimously to close the public hearing.

The motion was made by Degen to grant a special permit to Millstone Hill Realty Trust to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to construct a shared driveway serving Lots 5A and 6A as shown on the plan entitled, "Plan of Land in Groton, Mass. for Jim Patierno," prepared by Bill Boston Survey, Inc., dated March 7, 2001, with the following findings and conditions:

Findings:

1. **Social, economic and community needs:** The community will be better served by having fewer driveway cuts on Cow Pond Brook Road.
2. **Traffic flow and safety:** Traffic flow and safety will be improved by having one driveway cut in a safer location instead of two driveway cuts on Cow Pond Brook Road.
3. **Adequacy of Utilities:** Utilities will be adequate to serve the proposed lots.
4. **Neighborhood character:** There will be no impact on neighborhood character.
5. **Impacts on the environment:** The use of the shared driveway minimizes environmental impact by eliminating a wetlands crossing and reducing work in the buffer zone.

- 6. Fiscal impact on the Town:** There will be no fiscal impact on the Town.

Conditions:

1. The proposed shared driveway shall meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996.
2. A Homeowners Association shall be established to provide maintenance of the shared portion of the driveway.
3. This special permit shall not be in effect until certified copies of the special permit decision is 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.
4. 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.
5. 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 & GMAC REPORT

The Board received four chapters of the Comprehensive Master Plan for review and comment. The Board also received a copy of the draft report to be presented at the Annual Town Meeting by the Growth Management Committee.

Meeting adjourned 10:15 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

