

**GROTON PLANNING BOARD
MAY 10, 2001
MINUTES**

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

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

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

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. Applicant David Moulton, Attorney Robert Collins, and surveyor Russ Wilson were present.

Mr. Collins explained that special permit applications were submitted to reconfigure lots that were created by Special Permit 99-01 granted to Francis Kilroy on February 1, 1999. David Moulton purchased the parcel from Mr. Kilroy. He also purchased the adjacent non-conforming lot of record from Dan Masson. Lot lines will be shifted so that the lot previously owned by Masson will have 80,000 sq ft and 225 ft of frontage. Lots 2, 3, and 4 will be hammerhead lots. A shared driveway will serve Lots 1, 2, and 3.

Member Lewis said he had no problem with the proposed changes to the plan.

Member Perkins asked if the application is for hammerhead lots or a shared driveway. Mr. Collins said, “both.” He said if the special permit is granted, an Approval Not Required (ANR) plan will be submitted to change the lot lines.

Member Degen asked about Parcel A between Lot 3 and Gilson Road. Mr. Collins said the parcel can be sold to an abutter on Gilson Road or stay with Lot 3. In any case, it will not be used for access. Mr. Collins said he would put a restriction in the deed prohibiting the use of Parcel A for access to Gilson Road.

Member Barringer asked who will maintain the shared driveway. Mr. Collins said a homeowners association will be established for maintenance of the driveway,

The Board voted unanimously to close the public hearing.

Shared Driveway Decision

The motion was made by Lewis to grant a special permit to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to construct a shared 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 special permit is based upon the following findings and conditions:

Findings

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law §§ 218-23D and 218-32.1:

1. **Social, economic and community needs:** The proposed hammerhead lots (Lots 2, 3 and 4) address economic and community needs because three five-acre lots result in less density than conventional two-acre development.
2. **Traffic flow and safety:** Traffic flow will be minimized by the use of a shared driveway serving two of the hammerhead lots (Lots 2 and 3) and the adjoining conventional lot (Lot 1). Sighting distances are adequate in location of the driveway cut on Forge Village Road.
3. **Adequacy of utilities:** All utility services required to serve this development are adequate in this location. Town water has been extended to the site.

4. **Neighborhood character:** The neighborhood character will be maintained by the creation of three hammerhead lots for single-family residential use. Increased setbacks will largely insulate surrounding properties. Development of the three hammerhead lots will have little impact on abutting properties on Gilson Road or Forge Village Road.
5. **Impacts on the environment:** Environmental impact will be minimal from the construction of three single-family houses on five acre lots. The use of a shared driveway serving the hammerhead lot and the adjoining conventional lot will minimize visibility of the houses from the public way.
6. **Fiscal impact on the Town:** The fiscal impact to the Town will be less from three single family houses, each on a five acre lot, than from conventional two-acre development.

Conditions:

1. A shared driveway will be used to serve the Lots 2 and 3 (hammerhead lots) and the conventional lot (Lot 1) as shown on the above referenced plan. The driveway shall be constructed to conform with the "Shared Driveway Regulations" adopted by the Planning Board on June 6, 1996.
2. Parcel A will not be used to provide access from Lot 3 to Gilson Road. A restriction will be placed in the deed prohibiting access over Parcel A as offered by the applicant.
3. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed ANR 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.
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 approved ANR 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.

Hammerhead Lot Decision

The motion was made by Lewis to grant 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 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 special permit is based upon the following findings and conditions:

Findings

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law §§ 218-23.1 and 218-32.1:

7. **Social, economic and community needs:** The proposed hammerhead lots (Lots 2, 3 and 4) address economic and community needs because three five-acre lots result in less density than conventional two-acre development.
8. **Traffic flow and safety:** Traffic flow will be minimized by the use of a shared driveway serving the two hammerhead lots (Lots 2 and 3) and the adjoining conventional lot (Lot 1). Sighting distances are adequate in location of the driveway cut on Forge Village Road.
9. **Adequacy of utilities:** All utility services required to serve this development are adequate in this location. Town

water has been extended to the site.

10. **Neighborhood character:** The neighborhood character will be maintained by the creation of three hammerhead lots for single family residential use. Increased setbacks will largely insulate surrounding properties. Development of the three hammerhead lots will have little impact on abutting properties on Gilson Road or Forge Village Road.
11. **Impacts on the environment:** Environmental impact will be minimal from the construction of three single-family houses on five acre lots. The use of a shared driveway serving the hammerhead lots and the adjoining conventional lot will minimize visibility of the houses from the public way.
12. **Fiscal impact on the Town:** The fiscal impact to the Town will be less from three single family houses, each on a five acre lot, than from conventional two-acre development.
13. **Section 218-23.1 Hammerhead Lots:** The proposed hammerhead lots meet the minimum dimensional requirements (five acres and 40 feet frontage) for hammerhead lots.

Conditions:

1. A shared driveway will be used to serve the Lots 2 and 3 (hammerhead lots) and the conventional lot (Lot 1) as shown on the above referenced plan. The driveway shall be constructed to conform with the "Shared Driveway Regulations" adopted by the Planning Board on June 6, 1996.
2. Parcel A will not be used to provide access from Lot 3 to Gilson Road. A restriction will be placed in the deed prohibiting access over Parcel A as offered by the applicant.
3. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed ANR 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.
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 approved ANR 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.

BEEF & ALE ZONING QUESTION

The Board received a letter dated May 1, 2001 from Attorney Robert Collins regarding the split zoning district on the lot where the Beef & Ale Restaurant is located at the intersection of Route 119 and Whiley Road. He said the R-A/B-1 zoning district line goes through the middle of the building and requested that the Board correct this when a new zoning map is adopted.

Chairman Curtis said it makes no sense to have such a small parcel in two zoning districts. However, the change must be approved by a 2/3 vote of Town Meeting.

PUBLIC HEARING (con't) – SPECIAL PERMIT FOX MEADOW/FUCCILLO

The Board continued the public hearing to consider the application submitted by Fox Meadow Realty Corporation to create eight (8) lots on land owned by Gloria Fuccillo. Applicant David Moulton, Attorney Robert Collins, and design engineer Russell Wilson were present.

Mr. Collins said the land was formerly owned by Phelps and is now owned by Gloria Fuccillo, who sold a portion of the site to the Groton Electric Light Department for a substation years ago. The Basic Number of Lots plan shows five lots, and the application includes three TDR lots for a total of eight lots.

Mr. Collins said the applicant is offering a payment of \$35,000 to the Conservation Fund for each TDR to mitigate the impact on the wetlands. This is a very sensitive area with bordering vegetated wetlands along Martins Pond Brook. The house sites are wooded. The limits of clearing will be shown on the erosion control plan.

Member Barringer asked that the plan show the size of the area to be disturbed. The upland area on Lots 2, 3 and 4 should also be shown on the plan.

Member Lewis asked about the edge of wetlands. Mr. Collins pointed it out on the plan.

Member Perkins noted that the 150 ft circles intersect the drainage easement area. Mr. Wilson said the circles will be moved. Mr. Collins agreed that this must be corrected.

Member Clements said a site walk is necessary to see the existing grades.

He asked if regrading will be needed similar to the Woodland Park subdivision. Mr. Collins said they will do as little grading as necessary.

Member Barringer asked if Parcel Y will be donated to the Town. Mr. Collins said it will be deeded to the Groton Electric Light Department (GELD).

Member Lewis asked if GELD considered purchasing this land. Mr. Collins said, "yes."

Abutter Richard Chiroboga said the Board must walk the site to appreciate the steep slopes.

Planning Administrator Michelle Collette said the land is located in a Water Resource Protection District, so the use of TDR's may not be permitted.

Chairman Curtis asked where the three proposed TDR's are coming from. He asked the applicant why he is offering to pay \$35,000 per TDR. Mr. Collins said it could be considered a "gift" to the conservation fund. He said the Board could consider it as an impact fee. Chairman Curtis said there is no mechanism in the by-law to consider accepting the gift of a cash payment for each TDR.

The Board will walk the site on Tuesday, June 12, 2001 at 6:00 PM.

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

The Board voted unanimously to continue the public hearing on June 14, 2001 at 7:30 PM.

PUBLIC HEARING (con't) – WEST THRONE MODIFICATION

The Board continued the public hearing to consider modifying the West Throne definitive subdivision plan. Developers Rick Stanichuck and Anthony Salipante were present.

The Board received a report dated May 8, 2001 from John Schmid of Judith Nitsch Engineering, Inc. (JNEI) with recommendations on how to test the drainage system. Mr. Stanichuck said he will schedule the testing recommended by JNEI.

Member Lewis said the whole system must be televised and tested to see if it works. Mr. Stanichuck said they had problems stabilizing things last fall. They will clean out the catch basins and do whatever the Town asks them to do.

Member Lewis said the developer must be sure to correct the drainage problems on Lot 7 – the Board will not tolerate

this situation. Mr. Stanichuck said he has worked things out with the homeowners on Lots 6 and 7, Perimeter drains were installed and a swale was dug to direct water into the woods. The yards will be landscaped and hydro-seeded.

Mr. Salipante said their primary concern was to stabilize the area at the bottom of the hill.

Member Degen stated that the drainage system needs to be televised to see if it is clogged with sand and silt. He said he would like to be present when the test pits are dug and the system is tested. He said the erosion problems must be addressed by stabilizing all the lots in the subdivision.

Mr. Stanichuck said they want to work with the Town to correct problems at the site.

Member Clements agreed that the site must be stabilized. Provisions must be in place to control runoff so heavy rains will not cause flooding on Townsend Road. Mr. Stanichuck said now that the drains at the top of the hill have been cleaned out, he does not anticipate any more problems.

Jeffrey Urato said the parking area in front of his house at the “t” turn-around has standing water. This area must be addressed. Chairman Curtis agreed that Robert Pine’s recommendations for correcting drainage problems in this area should be followed.

Member Lewis said the groundwater breakout problem on Lot 7 must be addressed. Mr. Stanichuck said he is working with Bob Pine to correct this problem.

Mr. Urato asked if a curb could be installed at the road way. Mr. Stanichuck agreed to do so.

The Board voted unanimously to continue the public hearing on May 31, 2001 at 8:30 PM.

SITE PLAN REVIEW – GROTON SCHOOL FACULTY HOUSING

The Board reviewed the site plan submitted by Groton School to construct one single family home on land donated to the school by the Marion Campbell Trust. Attorney Robert Collins presented the site plan.

Mr. Collins said the proposed house will be similar to the other faculty housing constructed in this location. The house will be served by public water and will be connected to Groton School’s wastewater treatment system. The mature trees on the site will be saved.

Chairman Curtis read the comments from the Board of Health and the Groton Water Department.

Member Lewis asked what the width of the access drive will be. Mr. Collins said it varies. Chairman Curtis asked if the house will be located on the portion of Shirley Road that was abandoned. Mr. Collins said, “no,” the driveway will connect with Joy Lane.

Chairman Curtis said the Board must be sure the Department of Environmental Protection approves the increased discharge to the wastewater treatment facility. Mr. Collins said he will submit a letter from Groton School’s engineer to address this concern.

The motion was made by Lewis to approve the plan entitled, the Level I site plan entitled, “Groton School – Faculty Housing Site Plan”, prepared by Samiotes Consultants, Inc., dated April 10, 2001, because the plan conforms to the requirements of Groton Zoning By-law Section 218-25G. The site plan was approved with the following conditions:

1. The applicant shall comply with the recommendations in the letter dated May 9, 2001 from the Board of Health and the letter dated May 7, 2001 from the Water Department.
2. Construction shall be consistent with the letter dated April 11, 2001 from Attorney Robert Collins submitted with the application.

The motion was seconded and passed unanimously.

INFORMAL DISCUSSION – MAIN & MILL STREET BUSINESS DEVELOPMENT

The Board met with Attorney Robert Collins and design engineer Robert Pine to discuss the proposed retail development at the intersection of Main Street and Mill Street.

Mr. Collins said they presented a plan to the Board of Selectmen showing the proposed realignment of the intersection of Main Street and Mill Street. In addition, the applicant will be submitting a subdivision plan, a site plan for a day care center to replace the existing Groton Lounge, and a concept plan for Town Meeting approval. Mr. Collins stated that, in order to make the concept plan work, Mill Street must be abandoned and relocated at the same Town Meeting. The details can be discussed during the public hearing process.

Chairman Curtis reminded everyone this was only an informal discussion on process and not a presentation of the actual plan because abutters have not been notified.

Abutter Carrie Kneeland asked if the plans are a matter of public record. Chairman Curtis said, “yes,” they will be when they are submitted.

Abutter Mark McCarthy said the abutters do not know what is going on and would like to have a discussion with the attorney and engineer on this project. Member Degen said he thinks the Board should do away with informal discussions altogether and wait until there is an advertised public hearing.

CVS/EMERSON SITE

The Board discussed the Emerson Hospital/CVS site plan review compliance issues with developer Charles Giacchetto. The Board received a letter dated May 9, 2001 from the Police Chief and a report dated May 9, 2001 from JNEI recommending that five or six yews in front of the CVS building be removed because they are blocking sight distance.

The motion was made by Degen that the five yews be transplanted to another location on the site where they will not obstruct sight distance. The motion was seconded and passed unanimously.

The Board also received a copy of the letter dated May 4, 2001 from the Groton Water Department to Mr. Giacchetto regarding the fire hydrant on Boston Road and other outstanding water system issues. Mr. Giacchetto said he will meet with the Water Department to resolve these issues.

Member Degen said there were two other outstanding issues – the flagpole was placed where a beech tree was going to be planted and the versa-lok wall must be certified by a structural engineer.

The motion was made by Degen to accept the flagpole in place of the beech tree. The motion was seconded and passed unanimously.

Member Clements expressed concern about the balustrade on the top of the Emerson building. The purpose of the balustrade was to screen the HVAC units on the roof, and the units are still very visible. Mr. Giacchetto said he will paint the HVAC units white so they will not be as visible. Chairman Curtis noted that the Board of Selectmen has jurisdiction under Zoning By-law § 218-24B Promotion of Harmonious Development. Member Lewis said he did not have an issue with how the HVAC unit and balustrade were constructed.

The motion was made by Perkins to recommend that the Building Inspector grant an occupancy permit for the Primary Care Specialists in the Emerson Hospital Health Center only if the following conditions are met:

1. Certification from a Registered Structural Engineer stating that the Versa-Lok wall is structurally sound must be submitted to the Planning Board.
2. Five or six shrubs in front of the CVS building must be moved as recommended in the letter dated May 9, 2001 from the Police Chief because the shrubs are blocking sight distances on Boston Road.

The motion was seconded and passed unanimously.

HILLTOP & SLOPE OVERLAY DISTRICT

The Board discussed the proposed Hilltop & Slope Overlay District amendment. Member Degen said several people called him to express concerns about the proposed by-law because it does not address steep slopes and it does not allow waivers for existing structures and accessory buildings. Member Degen suggested that the Board move to postpone the article indefinitely at Town Meeting.

Harlan Fitch said he is prepared to offer two amendments to remove two parcels from the district at Town Meeting.

The motion was made by Degen that the Board move to postpone the article indefinitely at Town Meeting. The motion was seconded and passed unanimously.

Meeting adjourned at 10:30 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

