

**GROTON PLANNING BOARD**  
**MAY 24, 2001**  
**MINUTES**

Clerk Lewis called the meeting to order at 7:30 PM in the Town Hall

Members present: Lewis, Barringer, Clements and Degen

Member absent: Curtis, Eliot and Perkins

**PUBLIC HEARING – SPECIAL PERMIT, DAVID MORTON, BROWNLOAF ROAD**

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by David Morton for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create one (1) hammerhead lot shown as Lot 7 on the plan entitled, “Special Permit - Plan of Land in Groton, Massachusetts; Prepared for: David C. Morton,” prepared by Dillis & Mische, dated January, 2000. The proposed lot is located on Assessors Map 234, Parcel 18, on the northerly side of Brownloaf Road.

Clerk Lewis called the public hearing to order. There were only four members present, so the hearing had to be continued. The Board voted unanimously to continue the hearing on June 14, 2001 at 8:00 PM.

**BROOKS ORCHARD DECISION**

The Board received a copy of the court decision on the Brooks Orchard subdivision from special legal counsel Foley, Hoag and Eliot. The Land Court upheld the denial of the definitive subdivision plan. The plaintiffs have 30 days to appeal the decision.

**REQUEST FOR WAIVER – GROTON-DUNSTABLE SCHOOLS ANR PLAN**

The Board received a letter dated May 24, 2001 from David Ross Associates requesting a waiver for the scale of the ANR plan to be submitted by the Groton Dunstable Regional School District for land on Chicopee Row. The regulations require a scale of 1”=40’ which will require ten sheets to show the parcel.

The motion was made by Degen to allow the submission of an ANR plan at a scale of 1”=200” to the Planning Board provided that the plan recorded at the Registry of Deeds is at a scale of 1”=40’. The motion was seconded and passed unanimously.

**NEW ZONING PROVISIONS**

The Board discussed the newly adopted zoning provisions especially the increase in required uplands from 40,000 sq ft to 80,000 sq ft. Planning Administrator Michelle Collette said several people inquired whether lots endorsed as Approval Not Required were grandfathered. The Board reviewed a copy of “Zoning Protection for ANR Plans,” by Donald Schmidt of the Department of Housing and Community Development. The article details why ANR plans are not grandfathered from dimensional changes. The Board will provide this information to people who inquire.

**SAWTELL DRIVE RESIDENTS**

The Board met with Sawtell Drive residents who were concerned about the failure of the developer to complete work in their subdivision. The Board discussed possible remedies including taking the remaining funds held in the performance bond. The Town plowed and sanded the road all winter.

The motion was made by Degen to initiate taking the bond for Sawtell Drive unless all the outstanding work detailed in the report dated January 23, 2001 from Judith Nitsch Engineering, Inc. (JNEI) is completed within 30 days. The motion was seconded and passed unanimously.

The motion was made by Degen to send a letter to Town Counsel requesting an opinion on what action the Board can take to require the conveyance of the land that should be dedicated as open space as require in the special permit for Flexible Development. The motion was seconded and passed unanimously.

Resident Tricia Upton expressed concern about the condition of the street trees the developer transplanted from the woods last year. The Board agreed that the trees must be replaced because they do not comply with the requirements of the Subdivision Regulations § 346-13C Street Trees. In addition, the Tree Warden has expressed his dissatisfaction with the condition of the trees to the Board.

The Board also discussed the installation of the street light. The residents said they would prefer to have no street light at all or a more decorative fixture on a private lot. The Board said the subdivision plan must be modified to change the location and type of street light and suggested that the residents submit a petition to the Board to modify the plan.

The motion was made by Degen to send a letter to the Groton Electric Light Department (GELD) requesting that the street light not be installed without checking with the Planning Board on the location and style of lighting fixture. The motion was seconded and passed unanimously.

### **PUBLIC HEARING – SPRINT SPECTRUM**

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Sprint Spectrum, L.P. for a special permit to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to construct a 150-foot monopole style telecommunications tower and install associated radio equipment on land owned by Jeffrey Crowley, 550 Main Street, Assessors Map 216, Parcel 91, on the northeasterly side of Main Street.

Clerk Lewis called the public hearing to order. There were only four members present, so the hearing had to be continued. The Board voted unanimously to continue the hearing on May 31, 2001 at 9:00 PM.

The Zoning Board of Appeals denied the setback variance for the proposed telecommunications tower. The Planning Board will ask Town Counsel why the by-law requires a set back of 500 ft for such facilities.

### **PUBLIC HEARING – ACADEMY HILL SPECIAL PERMIT**

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board will held a public hearing to consider the application submitted by LandWest, Inc. for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26.1 Major Residential Development to create ninety (90) lots as shown on the plan entitled, "Preliminary Plan for the Subdivision of Land for Academy Hill in the Town of Groton, Massachusetts"; prepared by Beals Associates, dated April 27, 2001. The proposed subdivision is located on Groton Assessors Map & Parcels A-16 owned by Dennis & Helen Magee; A-16A and A-16B owned by John & Roberta Lavalley; A-17, A-18 & A-19, B-1 & H-5 owned by Habitech, Inc.; A-20C owned by Lewis Trust; B-4, B-5 and H-1 owned by Groton Throne Hill Realty Trust; H-2 & H-11 owned by Kern Family Nominee Trust; H-8, H-9 and H-10 owned by George G. Hayes; and Pepperell Assessors Map and Parcel 37-30 owned by Charles & Robin McCann. The properties are located on the easterly side of Townsend Road and southerly side of the Old County Road in Groton and the northerly side of the Old County Road and southerly side of South Road (Route 119) in Pepperell.

Clerk Lewis called the public hearing to order. There were only four members present, so the hearing had to be continued. The Board voted unanimously to continue the hearing on June 14, 2001 at 8:30 PM.

### **CARMICHAEL ESTATES II**

The Board discussed the situation at the Carmichael Estates II subdivision since no new information has been received from Town Counsel or the insurance company holding the bond since last fall. Last year, the Board voted to take the performance bond because the developer failed to complete the work. The motion was made by Degen to request an update from Town Counsel. The motion was seconded and passed unanimously.

Member Degen noted that the hammerhead lot on the cul de sac is not in compliance with the special permit granted by the Planning Board. The tree was supposed to be planted to separate the driveway from the emergency vehicle access road. The conditions of the special permit state:

1. A red maple with a minimum caliper of 2½ inches shall be planted between the emergency vehicle access road and the driveway serving the hammerhead lot. The tree shall be located approximately five feet away from the right of way of Hayden Road.

The Board will ask the Building Inspector to look into the matter.

Meeting adjourned 9:30 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator