

**GROTON PLANNING BOARD**  
**MAY 31, 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) – STILL MEADOW SPECIAL PERMIT**

The Board continued the public hearing to consider the application submitted by the Groton Land Foundation (GLF) to construct a 10-unit cluster development on Nashua Road. Robert Pine, June Johnson, and Aleta Manugian of the GLF, and many abutters were present.

Mr. Pine submitted a new Basic Number of Lots plan showing ten lots. Each lot has 80,000 sq ft and 225 ft of frontage, and all the houses can be located outside the 100 ft buffer zone. The three ANR lots on Northwoods Road are not included in the Basic Number of Lots plan. There will be eleven units in the development, 10 from the Basic Number of Lots and one unit for affordable housing. The units will be accessed by one main shared driveway that separates into three other drives to serve three, three, and four units. There will be a common area in the center of the parcel. Each unit will have 1500 – 2000 sq ft to be sold in the \$250,000 to \$300,000 range. Three of the units will have only one story so they will not obstruct the view. The affordable unit may be constructed to be handicapped accessible.

The Board received a report dated May 30, 2001 from John Schmid of Judith Nitsch Engineering, Inc. (JNEI) evaluating the Basic Number of Lots plan.

Member Clements asked if the Basic Number of Lots plan can be constructed without variances or waivers. Mr. Pine said, “yes.”

Mr. Pine said 30 acres of the 43-acre parcel will be preserved as open space. The open space will protect the riparian corridor of the stream that flows from the pond in the Northwoods subdivision into Reedy Meadow Brook. This area is part of the priority habitat for both blundings and spotted turtles. A Notice of Intent for the ANR lots was filed for with the Conservation Commission, and the Department of Natural Heritage is reviewing the plans. There will be no construction within the 100 ft buffer zone for the cluster development.

Member Eliot said this plan meets the goals and objectives of flexible development by preserving the open fields and protecting the environmentally sensitive areas. She asked if the corner of Nashua Road and Northwoods Road is too steep for a driveway. Mr. Pine said, “yes.”

Member Clements asked if all the units will be single family. Mr. Pine said, “yes.” Member Clements asked about the lot across the road from the Northwoods pond. Mr. Pine said that lot is an ANR lot. Member Clements said it would be helpful to have turn-around areas in the driveways. Mr. Pine said the driveways are short – only 20 to 30 ft long – so a turn-around area is not necessary.

Member Perkins said the Cluster Development provisions require that a minimum of 35% of the area be open space and this cannot include wetlands. Mr. Pine said there will be more than 35% of the parcel set aside as open space and this area does not include wetlands.

Savos Danos asked why there are three more lots on the special permit plan than are shown on the conventional, Basic Number of Lots plan. Mr. Pine said the three additional lots are ANR lots. The Basic Number of Lots was determined without including these three ANR lots.

Mr. Danos asked how the lots can be considered buildable if they contain endangered species habitat and cannot be built upon under Conservation Commission requirements. Mr. Pine said the GLF had wildlife expert Brian Butler study the area to identify rare and endangered species.

Chairman Curtis said the Basic Number of Lot is determined using the standards set forth in the Zoning By-law and Subdivision Regulations. This plan appears to conform with present standards as verified by the Board's consulting engineer.

Northwoods resident Laura Lefebvre said she shares the concerns expressed by Mr. Danos. Member Lewis asked if the Board's engineer considered the endangered species issue when he reviewed the Basic Number of Lots plan. Planning Administrator Michelle Collette said, "no."

Member Perkins asked if the applicant had a map of the endangered species habitat areas. Mr. Pine said the Groton Conservation Commission has a map showing potential habitat areas. He said the GLF hired Brian Butler as its consultant because it was aware of this issue.

Member Clements asked if the plan will be submitted to the State's Natural Heritage Program. Mr. Pine said, "yes." Member Clements asked if Natural Heritage requests changes to the plan, will the GLF make those changes. Mr. Pine said, "yes," Natural Heritage has the authority to require changes.

Member Perkins said the Board has never considered rare and endangered species as part of a Basic Number of Lots plan in the past. Member Lewis agreed that the Board looks at issues under its jurisdiction and leaves other issues to the Board of Health or Conservation Commission.

Laura Lefebvre said the Northwoods residents hired an ecological expert to look at this area. The forested area is extremely important for the turtles that migrate from the pond. She asked that the Board please protect the forested area.

Chris Bagley of Northwoods said the turtles nest in the bank and they will not be able to do so if all the trees are cut down. He asked who will take care of the community sewage disposal system. Chairman Curtis the sewage disposal system is under the jurisdiction of the Board of Health. Mr. Pine said a common sewage disposal system will be used, but there will be a individual wells for each unit. The GLF hired a hydrogeologist who prepared a study that will be submitted to the Board of Health.

*(Member Degen arrived.)*

Member Lewis stated that the Planning Board deals with access to the land and the division of land. The Board of Health deals with wells and sewage disposal systems and the Conservation Commission deals with wetlands and endangered species.

Member Lewis asked if the Conservation Commission has walked the land to confirm the wetlands delineation. Mr. Pine said, "yes."

Chairman Curtis read the letter dated May 31, 2001 from Graham and Stella Rae.

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

The Board voted unanimously to continue the public hearing on July 12, 2001 at 7:30 PM.

### **PRELIMINARY PLAN – MEADOW DEVELOPMENT, NASHUA ROAD**

The Board considered the application submitted by Meadow Development to create three lots as shown on the preliminary plan entitled, "Meadow Development, LLC", prepared by Diversified Civil Engineering, dated April 27, 2001. Design engineer Peter Parent of Diversified Civil Engineering and Attorney Douglas Duchesne represented the applicant at the meeting. Many abutters were present.

Mr. Parent said the proposed three-lot subdivision is located on a seven-acre parcel off Nashua Road. Each lot will have more than 80,000 sq ft area and 225 ft frontage. Private wells and on-site sewage disposal systems will be used.

There are no proposed changes in the exterior lot lines or to abutting properties. The existing house on the site will be razed.

The Board received a report dated May 31, 2001 from its engineer, John Schmid of Judith Nitsch Engineering, Inc. (JNEI). Mr. Parent said they will resolve any outstanding issues prior to the Board's next meeting to consider the preliminary plan.

Member Lewis inquired about the easement shown on the plan. Attorney Duchesne said the plan will not affect the easement in any way – the abutter will still have access over the easement. Member Lewis requested that the applicant submit a copy of the easement to the Board.

Chairman Curtis read the comments from the Water Department and the Fire Chief.

Member Eliot asked if the seven-acre parcel was a hammerhead lot created by a special permit. She added that the applicant may not be able to subdivide the lot if it is a hammerhead lot.

Attorney Duchesne said the plan shows a subdivision road to provide frontage for each of the three lots. However, the Board could waive construction of the subdivision road.

Member Degen said the proposed plan shows retaining walls that will be nine to ten feet high. Mr. Parent said the retaining wall is nine feet high for a distance of 400 ft. He asked for a waiver of the cut and fill requirements in the subdivision regulations.

Member Degen asked if the engineer calculated the volume of earth material to be moved during construction of the subdivision road. Mr. Parent said that information will be provided at the definitive plan stage.

Member Degen expressed concerns about sight distance on Nashua Road. He asked if the retaining wall shown on the plan will be located in the right-of-way of the subdivision road. Mr. Parent said, "yes."

Member Clements said the plan shows a ten-foot cut with a 10% grade. He asked if the subdivision road can be constructed without a waiver of the subdivision regulations. Mr. Parent said, "no."

Member Clements asked about the 100 ft radius from private wells. Mr. Parent said there can be no sewage disposal systems within 100 ft of a private well. Member Clements said this may deprive abutters of some use of their land. He asked if the applicant had an agreement with the neighbors on the required set back from the wells.

Member Lewis said the applicant must demonstrate that the road can be constructed without waivers. Mr. Parent said if they could have designed the plan without waivers, they would have done so.

Member Perkins said the house on the adjoining lot owned by Savos Danos may not have the required 50 ft setback from the subdivision road.

Abutter Robert Fleischer said ten or more years ago, Mr. Whitney applied for a permit to construct a trailer on the lot. At that time, he described the lot as a hammerhead lot. Mr. Fleischer asked why the houses are located so close to Nashua Road instead of in the rear of the lots. Mr. Parent said there is less alteration to the land if the houses are closer to Nashua Road.

Savos Danos asked what the width of the subdivision road will be. Mr. Parent said the right-of-way is 40 ft and the pavement will be 20 ft wide. Mr. Danos expressed concern about the proposed retaining wall adjacent to his property.

Chairman Curtis expressed concern about the Town accepting the responsibility for such a high retaining wall within the right-of-way. He said the Board's other concerns include the setback from existing houses, the status of the easement on the lot, and the 100 ft radius around the private wells.

The motion was made by Lewis to DENY approval of the preliminary plan entitled, "Meadow Development, LLC", prepared by Diversified Civil Engineering, dated April 27, 2001, for the following reason:

1. The proposed subdivision road cannot be constructed without waivers of Chapter 346, Subdivision of Land, of the Code of the Town of Groton as detailed in the report dated May 31, 2001 from Judith Nitsch Engineering, Inc. (JNEI).

The motion was seconded and passed unanimously.

### **PRE-SUBMISSION REVIEW – GROTON DUNSTABLE HIGH SCHOOL**

*(Members Eliot and Perkins stepped down and did not participate.)*

The Board met with representatives of the Groton Dunstable Regional School District to discuss the application for site plan review to be submitted for the new high school on Chicopee Row. Architect Robert Juusola of HMFH Associates, Attorney Howard Hall, William Murphy of David E. Ross Associates, School Committee member Peter Carson, and Building Committee member Steven Prendergast, and many abutters were present.

Mr. Juusola said the design of the proposed high school is the same as the design for the building previously proposed for the Walker site. The plan includes the school, parking areas, athletic fields, a private well, and an emergency vehicle access road along an existing cart path through the rear of the site to North Street.

Mr. Juusola said the plan was submitted to MEPA for review as a Notice of Project Change. The Massachusetts Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program (Natural Heritage) reviewed the plan because there are several vernal pools and endangered species habitat areas on the site. Natural Heritage will allow a gravel emergency vehicle access road through this area.

Chairman Curtis noted that the Board is conducting a pre-submission review at this time and that this is not a review of the site plan. He stated that the Board's regular consulting engineer, JNEI, cannot review the site plan because JNEI works with HMFH on other projects.

Attorney Howard Hall requested that the Board's engineer be present when the Board reviews the site plan on June 21, 2001 in order to expedite the process. Planning Administrator Michelle Collette said Gary Hebert of Fay, Spoffard & Thorndike is available to review the site plan and will attend the meeting on June 21, 2001.

The Board received a request from David Ross Associates to waive the scale of the ANR plan for the Groton Dunstable school site from 1"=40' to 1"=100' so the land could be shown on one sheet. If the scale is 1"=40' as required in the regulations, the ANR plan will require ten sheets because the property is so large.

The motion was made by Degen to reconsider the Board's May 24, 2001 vote to deny the waiver for the scale of the ANR plan. The motion was seconded and passed with Barringer, Clements, Degen, Eliot, Lewis and Perkins in favor; Curtis abstaining.

The motion was made by Lewis to grant the waiver to allow the submission of the ANR plan at a scale of 1"=100'. The motion was seconded and passed unanimously.

Member Lewis asked about the setback of the existing houses from the access road. Attorney Hall said this is not a road – it is a driveway so front yard setbacks do not apply.

Member Lewis asked what the width of the entrance will be. Mr. Juusola said the entrance will be 36 ft wide with left/right turning lanes. Member Lewis asked if a school bus can exit the site without crossing the center of the road. Mr. Juusola said, "no."

Member Barringer asked if the Town's public safety officials had reviewed the proposed emergency vehicle access road. Mr. Juusola said, "yes." The road must meet shared driveway standards with gravel surface and a width of 16 ft. Natural Heritage is requiring a gravel rather than a paved surface to protect endangered species in this area.

Member Barringer asked if the access road will be plowed and maintained. Mr. Juusola said “yes,” by the School District. Attorney Hall said the road will be passable at all times.

Member Barringer expressed concern about the orientation of the baseball fields because he does not want to see children chasing balls into the roadway.

Member Degen asked the distance between the access road and the driveway. Attorney Hall said one house is 75 ft away from the drive and the other is 80 ft.

Member Degen expressed concern about whether there will be sufficient parking for multiple events at the school. He asked if a gravel area could be set aside for reserve parking. He said he is very concerned about the width of the access road and school buses crossing over the centerline. The road must have a wide enough turning radius and safe sight distances on Chicopee Row.

Mr. Hall agreed that safety concerns are paramount. The School District tried to purchase the adjacent house and lot. The article passed in Groton but was voted down in Dunstable. The School District has no control over the abutting land, but the District is continuing discussions with the landowners.

Member Clements asked if the unpaved emergency vehicle access road will be plowed during migration season and how Natural Heritage felt about it. Mr. Murray said this area is presently unprotected land that will be protected with a permanent Conservation Restriction.

Abutter Laura DeGroot asked if a restriction will be placed on the radius around the well. Mr. Murray said the area around the well is protected by the Department of Environmental Protection’s regulations on water supplies.

Ms. DeGroot asked about the traffic study. Mr. Murray said it will be submitted with the site plan.

Abutter Robert Brown asked what type of lighting will be used around the athletic fields. Mr. Juusola said the lighting will be downward facing, natural lighting around the soccer field and track only. Chairman Curtis said he is sympathetic to the abutters’ concerns about lighting. Mr. Hall said the School District wants to be a good neighbor.

The Board scheduled a site walk for Saturday, June 23, 2001 at 9:00 AM.

#### **PUBLIC HEARING (con’t) – SPRINT SPECIAL PERMIT**

The motion was made by Perkins to accept Sprint’s withdrawal of the application for a special permit to construct a telecommunication tower on the Crowley property on North Main Street. The motion was seconded and passed unanimously.

#### **SITE PLAN REVIEW MODIFICATION – FLORENCE ROCHE MODULARS**

The Board considered the request submitted by the Groton Dunstable Regional School District to modify the approved site plan for the modular classrooms at the Florence Roche School. William Murray of David Ross Associates presented the plan.

Mr. Murray explained that the footings were poured in the wrong location and the location of the building must be shifted accordingly.

Chairman Curtis said the Board received a letter from the Fire Chief approving the new location.

Member Lewis asked if the cement footings had been poured. Mr. Murray said, “yes.”

Member Degen asked if the building will be located as shown on the original site plan or as shown on the revised site plan approved by the Board in January. Mr. Murray showed the Board how the location of the building will change.

Member Clements said the original site plan was revised to show the building set back farther from the roadway as

requested by the Police Chief and Fire Chief. He asked why the footings were not poured in the right location.

Chairman Curtis said the structure should be set back as shown on the approved site plan because it is a better design. The cost of moving the footings is not prohibitive. It is a construction error that should be rectified.

The motion was made by Degen to deny the request to modify the site plan approved by the Planning Board on January 22, 2001. The motion was seconded and passed unanimously.

### **GILSON ESTATES LOT RELEASE**

The Board received a report dated May 23, 2001 regarding the satisfactory remediation of Lot 5 in the Gilson Estates subdivision. The motion was made by Clements to release Lot 5 for building permit issuance. The motion was seconded and passed unanimously.

### **WOODLAND PARK CLEARING LIMITATION PLAN**

The Board met with developer Robert Hicks regarding the clearing limitation plan at the Woodland Park subdivision. Mr. Hicks submitted a revised clearing limitation plan to accommodate changes in house locations.

Member Clements asked if the amount to be cleared will be more or less than what was shown in the original plan. Mr. Hicks said on most lots, it will be less.

The motion was made by Lewis to accept the revisions to the clearing limitation plan as shown on the plan submitted by Robert Hicks on May 31, 2001. The motion was seconded and passed unanimously.

### **PUBLIC HEARING (con't) - WEST THRONE MODIFICATION**

The Board continued the public hearing to consider its own motion to modify the West Throne subdivision plan. The developer was not present at the public hearing.

The Board received a report dated May 23, 2001 from John Schmid of JNEI. Member Degen reported that he was present when the drainage system was tested. He said he did not have a problem with JNEI's proposed solution as long as there is an established time line for completion.

The Board voted unanimously to close the public hearing.

The motion was made by Degen to modify the definitive plan entitled, "West Throne Subdivision - Plan on Land in Groton, Massachusetts", prepared by Dillis & Mische, dated March, 1998, with revisions through May 27, 1998, endorsed by the Planning Board on June 22, 1998, with the following conditions:

1. The following items must be completed by July 1, 2001:
  - a) Remove the hay bales around each catch basin that discharges to the open detention basin: CB #11, 12, 14, 15, 17, and 18;
  - b) Replace the hay bales at CB #1, 2, 4, and 5 until all slope stabilization is established;
  - c) Remove and properly dispose of the sediment in each catch basin;
  - d) Install the oil traps in each catch basin;
  - e) Install the frame and grate at the overflow structure (frame and grate shall be set as low as possible and on a concrete footing);
  - f) Regrade the emergency overflow swale to ensure water will flow away from the overflow structure;
  - g) Clean the infiltration trenches including the entire drainage system on both sides of the road (remove

sediment and jet clean with water);

- h) Submit videotape evidence to the Planning Board documenting that the drainage system has been cleaned as agreed by the applicant in the field on May 23, 2001; and
- i) Pay the total amount due to the Planning Board for engineering services. The amount due was \$3503.37 as of May 31, 2001.

If the above actions are not completed by July 1, 2001, the Planning Board will initiate proceedings to take the performance bond.

2. The Planning Board will monitor the infiltration system for one calendar year to determine if the system is functioning properly. At the end of one year, or if flooding occurs, the Board will determine whether the system should be redesigned and reconstructed as an open stormwater detention system.
3. All conditions of the Special Permit 98-03 and the definitive plan approval filed with the Town Clerk on June 3, 1998 remain in full force and effect.
4. The conditions of the modification of the definitive plan approval apply to any successor in interest or successor in control.

The motion was seconded and passed unanimously.

#### **CABLE TV COVERAGE**

The Board discussed the possibility of having all the Planning Board meetings broadcast on Cable TV as requested by several residents. The Board will ask the Cable Committee to look into wiring the second floor meeting room or hiring someone to videotape meetings for broadcast at a later date. The Planning Board may have to include funds in its budget to pay for someone to videotape its meetings like the School Committee does.

Planning Administrator Michelle Collette suggested asking if any of the senior citizen volunteers would be interested in videotaping the meetings. She will follow-up with the Tax Collector's office and Cable Committee.

Chairman Curtis said the Board's policy is that the Planning Board meetings are held in the Town Hall second floor meeting room because there are more seats to accommodate the public. The Board will request and encourage the Cable TV Committee to videotape Planning Board meetings for broadcast on cable television. Board members agreed.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

