

GROTON PLANNING BOARD**JUNE 14, 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) - SPECIAL PERMIT, FOX MEADOW/FUCCILLO

The Board continued the public hearing to consider the application for a special permit submitted by David Moulton to create eight (8) new lots on land owned by Gloria Fucillo off Lowell Road. Applicant David Moulton, Attorney Robert Collins, and engineers Russell Wilson and Drew Garvin were present.

Mr. Collins submitted a revised plan showing seven lots rather than eight. He said the subdivision road on the special permit plan is similar to the road shown on the conventional, Basic Number of Lots plan. A greater amount of fill is required for the road shown on the special permit plan. The conventional plan has 6.5 ft of fill, and the special permit plan has 12 ft of fill with better driveway access for the houses to be located at the top of the ridge around the cul de sac.

Chairman Curtis read the comments from the Police Chief who has concerns about sight distances on Lowell Road.

Member Lewis asked what the cut will be at Lowell Road. Mr. Wilson said 6.7 ft. Member Lewis said the Board's engineer must have a look at this in the field.

Chairman Curtis said the set back of the existing house on the abutting lot must be shown on the plan. Planning Administrator Michelle Collette said John Schmid will walk the site on Monday, June 18, 2001.

Member Barringer said the amount of upland area on each lot should be shown on the plans. Mr. Garvin said the information will be added to the plan.

Member Barringer said the plan shows houses on a ridge with a 20-ft drop off. A considerable amount of fill will be required to develop these lots. Mr. Garvin said they will cut down the top of the ridge to fill in the depression where the cul de sac will be located.

Member Perkins expressed concern about the amount of leveling and vegetation clearing that will be required. Mr. Garvin said all the vegetation must be removed in the area where houses will be constructed. Retaining walls will be constructed as shown on the Notice of Intent submitted to the Conservation Commission.

Member Degen requested that the amount of cut and fill and sight distances on Lowell Road be verified in the field by the Board's engineer. He asked how much earthwork will be required to construct the retention pond and how deep the retention pond will be. Mr. Garvin said it will be less than what is shown on the plan.

Member Degen said the applicant must prove that the conventional plan can be constructed without any waivers of the cut and fill requirements. He asked why there are two ponds on the conventional plan and only one pond on the special permit plan.

Member Degen asked if there will be any retaining walls in the right-of-way. Mr. Collins said, "no."

Member Eliot said she is not sure the drainage can be accommodated as shown on the special permit plan especially with the amount of cut and fill required.

Member Clements expressed concerns about the removal of a substantial amount of vegetation and the grade changes required with the plan. He said the conventional plan shows five lots, and the special permit plan shows seven lots, including two TDR lots. He asked where the TDR's are from. Mr. Collins said the TDR's will be from Mr.

Lacombe's land.

Member Perkins asked what the length of the roads will be. Mr. Garvin said the road on the conventional plan is 916 ft long and the road on the special permit plan is 800 ft long.

Member Eliot asked if 30% of the site will be donated to the town as shown on the special permit plan. Mr. Collins said, "yes," and added that the land under the power line is important to the Groton Electric Light Department (GELD).

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 26, 2001 at 8:00 PM.

PUBLIC HEARING (con't) – SPECIAL PERMIT, DAVID MORTON

The Board voted unanimously to continue the public hearing at 9:30 PM as requested by the applicant.

PUBLIC HEARING (con't) – SPECIAL PERMIT, ACADEMY HILL

The Board held the continuation of the public hearing to consider the application submitted by LandWest for a special permit to create 90 lots as shown on the "Academy Hill" preliminary plan. Applicants Bruce Wheeler and Brian Ahern, design engineers Lawrence Beals and Cynthia O'Connell of Beals Associates, wetlands specialist Donald Yonika, and several abutters were present.

Mr. Beals presented the preliminary plan and application for a special permit under the provisions of Major Residential Development. Mr. Beals said timing is critical with this application. A Request for Determination of Applicability (RDA) was submitted to the Conservation Commission last October. The Conservation Commission has conducted numerous site walks to review the wetlands delineation. The applicant submitted an Environmental Notification Form (ENF) to MEPA this winter. MEPA is requiring the submission of an Environmental Impact Report (EIR) including a study of endangered species. Mr. Beals stated that the applicant wishes to move through the process and have a timely hearing.

Mr. Beals described the land to be developed and the construction of a proposed subdivision road beginning at Townsend Road in Groton and ending at Route 119 in Pepperell. Construction of the road will require crossing Robinson Brook in Pepperell. The brook is considered a river under the Rivers Protection Act, and they are considering construction of a bridge to cross the brook. Mr. Beals said the preliminary plan complies with the Subdivision Regulations – no waivers are requested. The plan will be revised to address the comments in the report dated May 21, 2001 from Judith Nitsch Engineering, Inc. (JNEI).

The motion was made by Lewis to review the Basic Number of Lots plan prior to considering the special permit plan. The motion was seconded.

Member Degen said under the provisions of Major Residential Development, the Board must determine which plan better serves the Town – the special permit plan or the conventional plan. He said the road system shown on the special permit plan is not substantially different than the road system on the conventional plan.

The motion to consider the Basic Number of Lots plan first passed with Barringer, Clements, Eliot, Lewis, Perkins in favor; Curtis and Degen opposed.

Chairman Curtis read comments from the Police Chief, the Board of Health, the Building Inspector, the West Groton Water Supply District, the Pepperell Water Department, and abutters.

Member Lewis asked about road design standards in the Town of Pepperell. He asked if JNEI should review the bridge construction plans for the stream crossing in Pepperell.

Mr. Beals said they have to follow all the requirements in both towns, and the plan will have peer review in both

towns if necessary. The bridge will be a multiple-arch structure. It will be reviewed by MEPA but not by Massachusetts Highway Department.

Member Lewis said the road system must meet Groton standards at a minimum in order to provide adequate access.

Member Barringer said frontages may be an issue as indicated in the JNEI report. He asked what the lengths of the cul de sacs will be. Mr. Beals said they are all less than 1000 feet.

Member Degen said the road is a collector road. He asked if the 90° turn is to avoid the vernal pool. Mr. Beals said the through road is a collector street, but there are minor streets and lanes shown on the plan.

Member Degen said he did not believe the 90° turn complies with the street jog detail. Mr. Beals said this can be an asset for calming traffic because all the cars will be forced to stop at this intersection. Mr. Beals said the road system will only be for the residents – it will not be a through road.

Member Degen said the Basic Number of Lots plan shows 90 lots, but hammerhead lots cannot be counted because they do not have enough frontage. Mr. Beals said he would look at this and the numbers may change as a result.

Member Degen asked when the EIR will be submitted. Mr. Beals said it will be filed with MEPA this fall.

Member Degen said he would like the entire road system to comply with Groton subdivision regulations. He stated that § 346-9D(1) requires that a park be set aside for recreational use. He confirmed that no waivers will be requested. Mr. Beals said none are being requested.

Member Eliot asked about the existing house on the Magee property and whether the lot will become non-conforming. She asked if Magee's lot will be divided to create the collector street. Mr. Beals said, "yes."

Member Eliot asked if any affordable housing will be constructed in the subdivision. Mr. Beals said he did not know.

Member Clements expressed concern about acting on the plan before the MEPA process is completed. He noted that the road system comes very close to the vernal pools and there are critical archaeological resources in this area as evidenced by the number of stone walls and old foundations. MEPA will also consider traffic impact on Route 119. Mr. Beals said the MEPA filing is not part of the Planning Board's process, and traffic on Route 119 is a regional issue.

Member Clements asked about testing for sewage disposal systems. Mr. Beals said they did deep hole testing during high ground water season and they are now in the process of doing percolation tests. Member Clements said he wanted some assurance that a sewage disposal system can be constructed on each lot.

Member Perkins asked if the endangered species study has been completed. Mr. Yonika said they did find blanding's turtles and the proposed project cannot impact the turtles. Mr. Beals said the study was done by Brian Butler of Sanford Ecological, but they do not have the final report.

Chairman Curtis asked for comments from the public.

Jason Jennings asked about the minimum lot size and frontage. Chairman Curtis said 80,000 sq ft and 225 ft frontage are required.

Kevin Kensey asked if there will be a traffic study. Mr. Beals said a traffic study is required by MEPA, but only for Route 119. The Planning Board has jurisdiction over local roads and can require a traffic study.

Jason Jennings asked how many lots will be created in Pepperell. Mr. Beals said he did not know yet.

Gordon Newell, Superintendent of the West Groton Water Supply District, said the cul de sacs will result in dead-

ends. Looping water mains will be required. Member Lewis stated that looping will require easements and suggested that Mr. Beals work out the details directly with Gordon Newell and the West Groton Water Supply District (WGWS)

Chairman Curtis said the Lawrence Academy students studied this area as part of the Massachusetts Envirothon competition. He urged Mr. Beals to take a look at their presentation.

Mr. Beals said Donald Yonika attended the meeting when the LA students presented their project to the Planning Board.

Chairman Curtis said he shares the concerns about closing the hearing before completion of the MEPA process that may result in changes to the plan. He said he is also concerned that the plan is subject to the approval of the Pepperell Planning Board for the portion of road system in Pepperell. Mr. Beals said they are requesting that the Board approve the plan subject to the plans also being approved in Pepperell.

Chairman Curtis said access is the most fundamental issue under the Subdivision Control Law. He said he is reluctant to invest much time in reviewing the plan without knowing that the road meets Pepperell's requirement.

The Board scheduled a site walk for Saturday, July 14th at 8:00 AM. The group will meet at the house at 718 Townsend Road. The Board will ask members of the Pepperell Planning Board to come on the site walk.

Chairman Curtis said the Board will need an extension of the deadline to continue the public hearing. Mr. Beals said the applicant would like the Board to vote on the plan because the definitive plan must be filed within seven months of the preliminary plan in order to preserve the zoning freeze. If the Board will not act until the MEPA process is final, then the applicant will not request an extension. Chairman Curtis said the Board needs more time to consider the conventional plan and the special permit alternative. If the applicant does not request an extension, the Board will have to vote on the plan at this meeting.

Mr. Wheeler agreed to request an extension to July 31, 2001.

The motion was made by Perkins to extend the Board's deadline to July 31, 2001 as requested by the applicant. The motion was seconded and passed unanimously.

The Board voted unanimously to continue the public hearing on July 12, 2001 at 8:30 PM.

Member Lewis reminded the applicant that no road construction or lot development can take place until the definitive plan is approved.

PUBLIC HEARING (con't) – SPECIAL PERMIT, DAVID MORTON

The Board continued the public hearing to consider the application submitted by David Morton for a special permit to create one hammerhead lot on Brownloaf Road. Applicant David Morton and Surveyor Stan Dillis were present.

Mr. Dillis presented the plan to create one hammerhead lot and three conventional ANR lots on Brownloaf Road. The road was improved last summer by the Highway Surveyor as part of the Town's purchase and sales agreement with Mr. Morton.

Chairman Curtis read comments from the Water Department, the Board of Health, the Conservation Commission, and the Police Chief.

Mr. Dillis said the wetlands and buffer zone are shown on the plan. There will be no construction within 100 ft of wetlands.

Member Barringer asked about grading changes for the sewage disposal system. Mr. Dillis said the grades are shown on the plan.

Member Degen asked about the width of Brownloaf Road. Mr. Dillis said it is 20 ft wide. Member Degen questioned whether the road is adequate to serve the hammerhead lot and asked what benefit there is to the Town. Mr. Dillis said four lots could be constructed on a cul de sac as shown on the conventional plan submitted with the application. Member Degen said there are no advantages to the Town if this special permit is granted.

Member Clements stated that Brownloaf Road is an existing public way improved by the Town. He asked if it would be better to have an approved subdivision road.

Chairman Curtis said the Board must make a determination of access adequacy as it does with all ANR and hammerhead lots. He noted that the hammerhead lot is only for single-family use. A two-family house can be constructed on a conventional lot.

Member Clements asked about a turn-around. Mr. Dillis said vehicles will be able to turn around in the driveway.

The motion was made by Lewis to extend the Board's deadline to July 31, 2001 as requested by the applicant. The motion was seconded and passed with Curtis, Barringer, Clements, Eliot, Lewis, and Perkins in favor; Degen opposed.

The motion was made by Lewis to continue the public hearing on July 26, 2001. The motion was seconded and passed with Curtis, Barringer, Clements, Eliot, Lewis, and Perkins in favor; Degen opposed.

FINANCIAL OFFICER

When the Board reorganized on June 7, 2001, it did not elect a new financial officer. The motion was made by Lewis to elect Richard Curtis as financial officer. The motion was seconded and passed unanimously.

EXECUTIVE SESSION

(Member Degen left the meeting before the executive session; Member Curtis left the meeting before the Omnipoint discussion.)

The motion was made by Perkins to enter into executive session to discuss on-going litigation, i.e. Brooks Orchard and Omnipoint, and that the Board not reconvene in open session. The motion was seconded and passed by roll call vote with Curtis, Barringer, Clements, Eliot, Lewis, and Perkins in favor.

The motion was made by Eliot to end executive session. The motion was seconded and passed by roll call vote with Barringer, Clements, Eliot, Lewis, and Perkins in favor.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

