

GROTON PLANNING BOARD
MARCH 7, 2002
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 – MILL RUN PLACE CONCEPT PLAN

The Board held a continuation of the public hearing to consider the Mill Run Place concept plan submitted by Ryan Development to construct a grocery store and other retail uses on land located at the intersection of Route 119 and Mill Street. Attorney Robert Collins was present at the hearing and requested a continuation to April 4, 2002.

The Board voted unanimously to continue the hearing on April 4, 2002 at 8:00 PM.

SPECIAL PERMIT DECISIONS – ACADEMY HILL SUBDIVISION

The Board discussed the draft special permit decisions prepared by Chairman Curtis. The Board will make a decision on whether or not the connector road is paved at the definitive plan stage.

Member Degen said he wants see any building lots not allowed by the MEPA/Natural Heritage review deducted from the total number of lots. Chairman Curtis said the lots exist if they meet all dimensional requirements required in zoning, but they cannot be built upon unless all other requirements are met.

Member Degen said he did not want to see additional lots taken out of the open space. Chairman Curtis said the amount of open space is determined when the Board grants the special permit based upon what is shown on the plan. The definitive plan must comply with the conditions of the special permit.

Member Clements said he would like to see the TDR's used only for accelerated development and not to create additional building lots. The other six members did not agree.

Major Residential Development - The motion was made by Curtis to grant a special permit to LandWest, Inc. to utilize the provisions of Groton Zoning By-law § 218-26.1 Major Residential Development to construct 76 single family units and 30 multifamily units as shown on the plan entitled, "Plans to Accompany Open Space Residential Development Special Permit for: Academy Hill in the Town of Groton, Massachusetts"; prepared by Beals Associates, dated December 17, 2001, with revisions through February 12, 2002, based upon the following findings and with the following conditions:

Findings

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law § 218-26A (Major Residential Development):

- The two plans filed by the applicant -- the "Definitive Plan for the Subdivision of Land for Academy Hill in the Town of Groton, Massachusetts" prepared by Beals Associates, Inc., dated November 27, 2001 ("footnote 1 plan") and the "Plans to Accompany Open Space Residential Development Special Permit for: Academy Hill in the Town of Groton, Massachusetts"; prepared by Beals Associates, dated December 17, 2001, with revisions through February 12, 2002 ("cluster plan") -- comply with all applicable zoning by-laws.
- 218-26.1.C(1). The two plans filed by the applicant, the cluster plan and the conventional "footnote 1" plan, are substantially different, as defined in 218-26.1.C(1), in the number and type of lots created, the amount and type of open space preserved, and the type of road system proposed.

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law § 218-26.1 and § 218-32.1:

1. **Social, economic and community needs:** The alternative “cluster” plan will meet the needs of the town for a variety of housing types. In particular, the proposed detached single-family and multifamily condominiums and affordable multifamily units meet housing needs that have been expressed in the town's comprehensive plan.
2. **Traffic flow and safety:** The alternative plan minimizes road cuts in the town of Groton. The proposed road cut has adequate sight distances. Internal circulation in the proposed plan strikes an acceptable balance between the needs of prospective residents and public safety departments, and the need to preserve wildlife migration corridors and existing natural drainage systems. Traffic flow and safety in the region will be affected but to a lesser extent than with the conventional “footnote 1” plan.
3. **Adequacy of utilities:** All utilities are adequate to serve the proposed development. The West Groton Water Supply District (WGWSO) confirmed that it will be able to serve the needs of the alternative plan as stated in the letter dated December 18, 2001 from the WGWSO to the Planning Board.
4. **Neighborhood character:** The alternative plan includes a mix of single-family and multifamily uses that are consistent with those in nearby neighborhoods and with the overall character of the community. Lot sizes and frontages will be similar to those of other recent subdivisions approved in this area of town. The proposed dwelling units will be sited so as to minimize visibility from existing public ways.
5. **Impacts on the environment:** The alternative plan minimizes environmental impact by:
 - minimizing lot sizes and frontages
 - minimizing the construction of impervious surfaces
 - eliminating development in the most environmentally sensitive areas of the parcel and permanently restricting this area
 - preserving existing watershed hydrology as recommended in the Lawrence Academy team’s presentation on stormwater management at the Massachusetts Envirothon.
 - Large tracts of restricted open space will be preserved and can be linked with other, similarly restricted land in the area.
6. **Fiscal impact on the Town:** The alternative plan is entirely residential and also permanently restricts large portions of the parcel from further development. The cluster plan will have less fiscal impact on the Town than the “Footnote 1” which could be constructed entirely with two-family houses. By increasing the town’s stock of affordable units, the plan promotes the goals of Executive Order 418 and Chapter 40B, which improves the town’s chances of receiving discretionary state funds.

Conditions:

1. The applicant shall submit to the Planning Board a revised definitive subdivision plan to correspond to the roadway layout, lot configurations, number of lots, and number of housing units shown on the Cluster Plan.
2. All open space parcels 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 or deed must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Inspector prior to the release of any lots from the covenant.
3. 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.
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 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.

Open Space Residential Development – Cluster & TDR’s – The motion was made by Curtis to grant a special permit to LandWest, Inc. to utilize the provisions of Groton Zoning By-law § 218-26 Open Space Residential Development, subsections 218-26F(2) Cluster Development and 218-26G Transfers, to construct 76 singlefamily units and 30 multifamily units as shown on the plan entitled, “Plans to Accompany Open Space Residential Development Special Permit for: Academy Hill in the Town of Groton, Massachusetts”; prepared by Beals Associates, dated December 17, 2001, with revisions through February 12, 2002, based upon the following findings and with the following conditions:

Findings:

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law §§ 218-32.1 and 218-26G Transfers (TDR’s)

1. **Social, economic and community needs:** The alternative “cluster” plan will meet the needs of the town for a variety of housing types. In particular, the proposed detached single-family and multifamily condominiums and affordable multifamily units meet housing needs that have been expressed in the town's comprehensive plan.
2. **Traffic flow and safety:** The alternative plan minimizes road cuts in the town of Groton. The proposed road cut has adequate sight distances. Internal circulation in the proposed plan strikes an acceptable balance between the needs of prospective residents and public safety departments, and the need to preserve wildlife migration corridors and existing natural drainage systems. Traffic flow and safety in the region will be affected but to a lesser extent than with the conventional “footnote 1” plan.
3. **Adequacy of utilities:** All utilities are adequate to serve the proposed development. The West Groton Water Supply District (WGWSO) confirmed that it will be able to serve the needs of the alternative plan as stated in the letter dated December 18, 2001 from the WGWSO to the Planning Board.
4. **Neighborhood character:** The alternative plan includes a mix of single-family and multifamily uses that are consistent with those in nearby neighborhoods and with the overall character of the community. Lot sizes and frontages will be similar to those of other recent subdivisions approved in this area of town. The proposed dwelling units will be sited so as to minimize visibility from existing public ways.
5. **Impacts on the environment:** The alternative plan minimizes environmental impact by:
 - minimizing lot sizes and frontages
 - minimizing the construction of impervious surfaces
 - eliminating development in the most environmentally sensitive areas of the parcel and permanently restricting this area
 - preserving existing watershed hydrology as recommended in the Lawrence Academy team’s presentation on stormwater management at the Massachusetts Envirothon.
 - Large tracts of restricted open space will be preserved and can be linked with other, similarly restricted land in the area.
6. **Fiscal impact on the Town:** The alternative plan is entirely residential and also permanently restricts large portions of the parcel from further development. The cluster plan will have less fiscal impact on the Town than the “Footnote 1” which could be constructed entirely with two-family houses. By increasing the town’s stock of

affordable units, the plan promotes the goals of Executive Order 418 and Chapter 40B, which improves the town's chances of receiving discretionary state funds.

7. **Transfers.** The proposed 38 "incentive lots" described in the applicant's letter (see letter dated January 31, 2002 from Attorney Ray Lyons attached herewith), qualify for transfer of development rights as defined in § 286-26G because:
- It is especially important that the land remain in a natural state because of its ecological significance and fragility, and because it is important to the town's open space plan.
 - The credited land does not qualify as wetlands (as defined in MGL C. 131 ~40) and is not being used to satisfy lot area requirements for any other development.
 - The land being developed does not itself have the qualities specified under § 218-26G(1) and is not within a Primary Water Resource District. Unlike the land being developed, the lots subject to restriction about certified vernal pools or support established migratory routes of species of special concern.

Conditions:

1. Twelve of the 38 TDR incentive lots will be used to increase density, of which six of the aforementioned 12 TDR's will be restricted to affordable housing. The remaining 26 TDR's will be used to accelerate development as detailed in Attorney Lyons' letter dated January 31, 2002.
2. As offered by the applicant, Lane B shall end before it reaches the bordering vegetated wetlands. In addition, the units on Lot D shall not be located within the 100 ft wetlands buffer zone.
3. All open space parcels 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 to33. The conservation restriction or deed must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Inspector prior to the release of any lots from the covenant. The use of the transfer incentive lots (TDR's) shall be negated if the open space is not deeded to the Town or restriction is not recorded at the Registry of Deeds.
4. The applicant shall comply with the affordable housing requirements of § 218-26F2(f). The applicant shall submit a detailed description of how the eight required affordable units and six affordable incentive units will be provided with the definitive plan submission. The applicant shall also submit a construction-phasing plan for the affordable units at the definitive plan stage.
5. § 218-26F(2)(c) Access, states "A shared driveway shall serve no more than ten dwelling units. All shared driveways shall comply with the construction standards set forth in § 345 Shared Driveways.
6. 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.
7. 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 definitive plan shall constitute commencement of substantial use.
8. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion was seconded and passed with Curtis, Barringer, Degen, Eliot, Lewis, and Perkins in favor; Clements abstaining.

STREET ACCEPTANCES

The motion was made by Lewis to recommend that the Board of Selectmen lay out Autumn Leaf Drive and Bryanwood Lane as public ways. The motion was seconded and passed unanimously.

EXECUTIVE SESSION

The motion was made by Degen to enter executive session to discuss litigation and that the Board will not return to open session. The motion was seconded and passed by roll call vote with Members Barringer, Clements, Degen, Eliot, Lewis, and Perkins in favor; Chairman Curtis opposed.

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

Meeting adjourned at 8:30 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

