

**GROTON PLANNING BOARD  
MAY 9, 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

**ANR PLAN – WEST GROTON WATER SUPPLY DISTRICT**

The Planning Board considered the Approval Not Required plan submitted by the West Groton Water Supply District (WGWSO) to change a lot line between two existing lots on Townsend Road. WGWSO Superintendent Gordon Newell and Surveyor Michael Martorella of David E. Ross Associates presented the plan.

Mr. Newell explained that the WGWSO is purchasing a lot with an existing house on property located adjacent to land owned by the WGWSO. The lot will be divided into two parcels. The parcel with the large accessory building will be combined with land owned by the WGWSO. Heavy equipment will be stored in the building, and the additional land will help protect the well field. The remaining parcel with the existing house will be sold.

Member Clements said this will make the non-conforming lot more non-conforming. Planning Administrator Michelle Collette said Groton Zoning By-law § 218-22F states:

“(3) Such nonconforming lots may be changed in size or shape or their land area combined without losing this exemption, so long as the change does not increase the actual or potential number of buildable lots.”

Mr. Martorella said the original lot was created in 1955 prior to the adoption of zoning.

The motion was made by Curtis to endorse as Approval Not Required the plan entitled, “Plan of Land in Groton Prepared for West Groton Water Supply District Realty Trust,” prepared by David Ross Associates, dated May, 2002. The motion was seconded and passed with Curtis, Barringer, Clements, Degen, Eliot, Lewis in favor; Perkins abstaining.

**LAWRENCE ACADEMY – MASSACHUSETTS ENVIRONMENT**

Lawrence Academy students who participated in the Massachusetts Envirothon presented their report on invasive species to the Planning Board. The team recommended that the Planning Board encourage applicants not to use invasive plants in their landscaping plans. They will provide a list on invasive species to the Board.

The Board thanked the students for their interesting and informative presentation. The Board will also send a letter of appreciation to the headmaster at Lawrence Academy with a copy to *The Groton Herald*.

**ACADEMY HILL – DEFINITIVE PLAN DECISION**

The Board reviewed the draft decision prepared by Chairman Curtis for the Academy Hill subdivision. The Board debated how many units should be constructed during Phase I, the secondary emergency vehicle access route, and whether the through road should be paved or gravel.

Member Degen suggested that there be no construction of the subdivision road beyond 1000 until the applicant receives approval from MEPA and Natural Heritage. Attorney Levine agreed to such a condition.

The Board voted to grant each of the following waivers:

1. **Waiver of Section 346-10.E.(1)** relative to temporary or permanent dead end streets serving more than ten lots or having a pavement centerline length longer than 1000 feet.  
Temporary waiver of centerline length and number-of-lots limitations granted for:

- Cherry Tree Lane from the intersection of Townsend Road to the Easterly side of Lot 32, including the full length of Arbor Way, for a total length not to exceed 4833 ft (station 0+00 to station 38+00 on Cherry Tree Lane and Station 0+00 to Station 10+33 on Arborway), and for a total number of units not to exceed 25. To allow for the construction of Phase I as further described in the Conditions.

Permanent waivers of centerline length and number-of-lots limitations granted for:

- Arbor Way, from intersection of Cherry Tree Lane to end total length not to exceed 1033 ft.
- Cherry Tree Lane, from intersection of Rose Crest Drive to end total length not to exceed 1400 ft, units not to exceed 33.
- Fieldstone Drive, from the intersection of Rose Crest Drive to end total length not to exceed 1600 ft, units not to exceed 26.

*Reason:* The temporary waiver supports the construction of Phase I as further defined in the Conditions. The permanent centerline waivers allow the subdivision to be constructed in accordance with the special permit plan, and thereby maximizing open space, allowing the connection of Rose Crest Drive to be in a less environmentally sensitive location, allowing an inclusion of a right-of-way serving as public access to open space on Arbor Way, and making it unnecessary to loop Fieldstone Drive back into Rose Crest Drive.

***Voted unanimously.***

2. **Waiver of Section 346-3**, requirement of Collector Street, relative to number of homes (50 or more) served. Applicable to the entirety of Cherry Tree Lane, approximately 6000 feet and Rose Crest Drive, approximately 3050 feet. Waiver to allow minor street requirement under Section 346-3.

*Reason:* The minor street pavement width and right-of-way width are adequate for the proposed development. A reduction in right-of-way width will reduce the amount of disturbance to the environment. A reduction in the pavement width and the elimination of one sidewalk will reduce the amount of impervious surface created within the subdivision and will reduce the amount of disturbance to bordering vegetated wetlands at crossing points. Lastly, the use of a minor street configuration is appropriate for the character of the site.

***Voted unanimously.***

3. **Waiver of Section 346-10.B.(6)**, which requires that the centerline of the pavement be constructed coincident with the centerline of the right-of-way.

*Reason:* Waiver from station 0 + 00 to 9 + 91.16 Rose Crest Drive allows placement of both a sidewalk and bridle path within the public right of way.

***Voted unanimously.***

4. **Waiver of Section 346-10.D.(5)**, the requirement that the proposed centerline grade not be more than seven feet above or below the existing centerline. Waivers are requested for the following areas:

Cherry Tree Lane

Station 38 + 54.59 to 39 + 22.28 maximum variable 1.96'  
 Station 40 + 51.74 to 41 + 24.55 maximum variable 2.86'  
 Station 44 + 19.48 to 44 + 63.07 maximum variable 1.45'  
 Station 55 + 06.22 to 55 + 92.27 maximum variable 5.09'

*Reason:* The first three deviations from the seven-foot requirement allow separation of the road from deep

topographic ravines following finger-like wetlands projecting up into the site from the south. A more northerly location of the roadway is precluded by a series of Certified Vernal Pools and their associated buffer zones. The proposed location is the best alignment relative to preserving the natural resource amenities of this area of the site.

The approximately five foot variance at Station 55 is caused by an unusual topographic situation, where another deep topographic ravine must be crossed to be able to place the cul-de-sac adjacent to an existing open space parcel, providing pedestrian access directly to Groton Conservation Trust open space parcels.

***Voted unanimously.***

**5. Waiver of a portion of Section 346-8.B(7), relative to chord and tangent data.**

*Reason:* It is the opinion of the Licensed Professional Land Surveyor of record that the current plan shows sufficient data to determine readily the location, direction and length of every street, way line, lot line, and boundary line. The addition of the chord and tangent data will further complicate the layout drawings, and may create text overlap, which would hinder the review of the plan.

***Voted unanimously.***

**6. Waiver of Section 346-11.C.(1), which indicates that trash racks shall be installed at both ends of all culverts. Applicant requests a waiver to delete trash racks on the ten turtle passages.**

*Reason:* The waiver of this requirement will ensure that larger turtles and/or mammals traveling through the open space will have unfettered access across the site.

***Voted unanimously.***

**7. Waiver of Section 346-13.A(1)(b), which states that public off-street walkways, bikeways, or bridle paths may be required by the Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space, or community facilities or to break up long blocks or for such other reason as the Board may determine. Such ways may or may not be part of normal sidewalk provisions, but they shall not be a part of any lot in the subdivision and they shall be located in separate parcels.**

*Reason:* The proposed off-street walkways and trails work better with the landscape and provide a level of pedestrian safety and access comparable to more traditional sidewalks. In addition, the proposed walkways create an interconnection of existing trails through the open space portion of the site as well as to trails located on Groton Conservation Trust property, which better meets the Master Plan's goals for trail systems.

***Voted unanimously.***

**8. Waiver of Section 346-13.F.(2), which states that sound granite bounds shall be used at every lot corner of conservation land or parkland.**

*Reason:* The applicant has prepared a plan indicating the locations and types of monumentation proposed to be used at the lot corners of conservation land or parkland. The applicant created a cluster subdivision, which allows for the majority of the lots to be located adjacent to large open space parcels. The applicant proposes setting granite bounds at the major corners of the open space parcels. At proposed property points on line, the applicant proposes to set steel survey markers. Additionally, some property corners will be located on the proposed turtle wall. Drill holes will be set at these property corners. The Conservation Commission concurs with this request.

***Voted unanimously.***

9. **Waiver of Section 346-11.D**, which states that granite curb inlets shall be provided at all catch basins within the roadway.

*Reason:* A waiver from this regulation will allow for a consistent curb edge throughout the subdivision. This will allow the Department of Public Work's vehicles to plow the roadways without fear of hitting a granite curb inlet or transition stone. Additionally, the elimination of the curb inlets will aid in keeping the catch basin sumps clear of fallen leaves or branches, thus improving the quality of the stormwater from the roadway systems.

***Voted unanimously.***

10. **Waiver of Section 346-10.C.(1)**, relative to the requirement for a 60-foot right-of-way and pavement of 24 feet. Waiver is requested for the entirety of Cherry Tree Lane and Rose Crest Drive.

*Reason:* Cherry Tree Lane has been designed using a 50-foot right-of-way and 22 feet of pavement. As stated previously, the minor street pavement width and right-of-way width are adequate for the proposed development. A reduction in right-of-way width will reduce the amount of disturbance to the environment. A reduction in the pavement width and the elimination of one sidewalk will reduce the amount of impervious surface created within the subdivision and will reduce the amount of disturbance to bordering vegetated wetlands at crossing points. Lastly, the use of a minor street configuration is appropriate for the character of the site.

Rose Crest Drive has been designed using a 50-foot right-of-way and 18 feet of pavement. This roadway has also been designed to minimize impacts to the environment and reduce the amount of impervious area to the site, while serving as adequate access through the subdivision. Currently, none of the lots within the subdivision have a driveway access onto Rose Crest Drive.

***Waiver granted with Curtis, Barringer, Clements, Degen, Eliot and Perkins in favor; Lewis abstaining.***

11. **Waiver of Section 346-10.G**, shoulders. Waiver is requested for the entirety of Rose Crest Drive.

*Reason:* This waiver has been requested in an effort to reduce the amount of disturbance adjacent to the roadway.

***Voted unanimously.***

12. **Waiver of Section 346-13.A.(1)(a)**, requiring a sidewalk on each side of a Collector street. Waiver is sought for the entirety of Cherry Tree Lane and Rose Crest Drive.

*Reason:* This waiver has been requested in an effort to reduce the amount of disturbance adjacent to the roadway and to reduce the amount of impervious surface within the subdivision.

***Voted unanimously.***

13. **Waiver of Section 346-13.D.(1)**, relative to vertical granite curbing. Waiver is requested for Cherry Tree Lane, Rose Crest Drive, and Fieldstone Drive.

*Reason:* The applicant proposes the use of Cape Cod berm throughout the subdivision, with the exception of the roundings located at the intersection of Cherry Tree Lane and Townsend Road, which are proposed to be sloped granite. The use of Cape Cod berm, constructed as a monolithic structure attached to the binder course of the roadway, is aesthetically more appropriate for the site and will be more environmentally friendly to small wildlife that may migrate across the roadway systems. Cape Cod berms, as shown on the plan, shall be constructed in a manner acceptable to the Highway Surveyor.

***Voted unanimously.***

The motion was made by Degen to waive § 346-22I(1) Pavement to allow the topcoat of pavement to be replaced with Star Pack for the entire length of Rose Crest Drive from the intersection with Cherry Tree Lane to the intersection with Fieldstone Drive. The motion was seconded and did not pass with Members Clements, Degen, and Eliot in favor; Members Curtis, Lewis, and Perkins opposed; and Member Barringer abstaining.

The Board discussed and edited the draft condition.

The motion was made by Lewis to allow construction of 33 lots in Phase I rather than 25. The motion was seconded and passed with Clements, Degen, Eliot, and Lewis in favor; Perkins opposed; Curtis and Barringer abstaining.

The motion was made by Lewis to amend Waiver #1 to state that there will be 33 lots in Phase I. The motion was seconded and passed with Barringer, Clements, Degen, Eliot, and Lewis in favor; Perkins opposed; Curtis abstaining.

The motion was made by Lewis to **APPROVE** the definitive plan entitled, "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, with revisions through April 18, 2002, with the waivers (see above) and with the following conditions.

### Conditions

1. **Bonding of Pepperell Access.** The portion of the subdivision road which is located between South Road in Pepperell, Massachusetts and the Pepperell/Groton town line shall be constructed or bonded in accordance with the Town of Pepperell Subdivision Regulations before any lots are released from the Covenant. The Applicant shall provide certification of the bonding or construction to the Groton Planning Board.
2. **Bonding of Road Systems.** That portion of the subdivision road system which is located between Townsend Road and the Pepperell/Groton town line as shown on the definitive plan, including drainage and utilities, shall be constructed or bonded in accordance with the Town of Groton Subdivision Regulations before any lots are released from the Covenant.
3. **Emergency access.** Prior to the release of any lots from the Covenant, the owner shall either (A) establish secondary emergency access to the subdivision satisfactory to the public safety officials and tested by the Groton Fire Chief or (B) construct, through the base course of pavement, so much of the subdivision roads as are necessary to provide access from Townsend Road to Route 119. Such secondary emergency access shall be located over (i.) Lakin Street and portions of a common driveway off Lakin Street, or (ii.) Lakin Street and Old County Road.

If the secondary emergency access is by means of subparagraph (i) above, then a copy of this decision shall be sent by certified mail to those landowners that use the common driveway. Such notice is sent for the purpose of notifying the landowners Lakin Street and the common driveway from Lakin Street to the subdivision may be used for the purpose of obtaining access to the subdivision in the event of an emergency if access from Townsend Road is blocked.

The applicant shall submit copies of letters of consent from all the property owners on the common driveway off Lakin Street if the common driveway is to be used for access during emergencies.

4. **State Approvals** - There shall be no construction of Cherry Tree Lane beyond 1000 ft from Townsend Road until MEPA and the Natural Heritage and Endangered Species Program have approved the construction of all Academy Hill subdivision roads in Groton and Pepperell. This condition shall not prohibit the construction of water main to serve the lots in this phase of the subdivision.
5. **Phasing.** The subdivision roads may be constructed and lots released from the Covenant in phases as follows:

Phase I: Prior to constructing the subdivision roads, no more than 33 lots from the group of lots numbered from

Lot 1 to Lot 33, inclusive, as shown on the Definitive Plan shall be released from the covenant and building permits issued for each of these lots, upon the posting of security as detailed in Condition 1. A temporary waiver has been granted allowing the centerline lengths of Cherry Tree Lane and Arbor Way to exceed 1000 feet during this phase.

Phase II: Prior to the release of any additional lots from the Covenant, but not later than three (3) years after the Board releases the first of the lots released in Phase I, so much of the subdivision roads as are necessary to provide access from Townsend Road to Route 119 shall be constructed through the base course of pavement. Following the application of the base course of pavement, remaining lots shall be released from the covenant and building permits issued for each of these lots as their road frontage is constructed.

Phase III. and/or IV: Completion of the remaining cul-de-sacs beyond the construction of subdivision roads in Phase I. and Phase II. The lots remaining subject to the Covenant shall be released from the covenant and building permits issued for each of these lots, upon the posting of security as detailed in Condition 1. Phase III and IV may be constructed separately or together, in any sequence, at the discretion of the owner.

6. **Withdrawal of other application.** Upon the expiration of the appeal period for this permit, if no appeals have been taken, then the Applicant shall withdraw its application for a Special Permit for a Flexible Development of the site, which application was previously filed pursuant to §218-26.F.(1) of the Bylaw.
7. **Affordable Housing Requirements.** In accordance with §218-26 F(2)(f), prior to the release of the 34<sup>th</sup> lot, the applicant shall submit to the Planning Board for its approval a schedule showing when the fourteen (14) affordable units will be constructed. One affordable unit shall be constructed for every five market-rate units in Phases II through IV.
8. **Compliance with Zoning and Subdivision Regulations.** The definitive plan and development of lots shown on said plan shall comply with Chapter 218 Zoning and Chapter 346 Subdivision of Land of the Code of the Town of Groton.
9. **Street Names.** The name of this subdivision is “Academy Hill” and the name of the subdivision roads are, “Cherry Tree Lane, Arbor Way, Rose Crest Drive, and Fieldstone Drive.” These names cannot be changed unless the Planning Board holds a public hearing and votes to modify the definitive plan because changing the names may result in confusion for dispatching emergency vehicles to the site. After the road is accepted as a public way, any name change must be approved by the Board of Selectmen pursuant to MGL Chapter 85, section 3.
10. **Fire Protection.** As required in § 346-12C Fire Protection and § 346-13G Street Signs, the appropriate fire hydrants shall be inspected and approved by the Fire Chief and the street sign shall be installed prior to the issuance of building permits.
11. **Erosion Control Permit.** An erosion and sedimentation control plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Soil Erosion and Sedimentation Control. The erosion and sedimentation control plan shall be appended to the definitive plan as required in Section 346-8C(1)(e)[1][c].
12. **Earth Removal.** The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions, states:

“The above exemptions do not cover the removal of earth materials from the premise involving topographical changes or soil-stripping or loam-stripping activities, nor shall the tentative or final approval of a subdivision plan be construed as authorizing the removal of earth materials from the premises, even though in connection with the construction of street as shown on the

plan.”

13. **Water Supply.** Public water shall be supplied to each lot in the subdivision as required in § 346-12A of the subdivision regulations. The installation of the public water supply system shall conform to § 346-12C Fire Protection and the specifications of the West Groton Water Supply District.
14. **Drainage System.** The drainage system shall be installed to prevent surface water runoff from collecting on Townsend Road.
15. **Runoff.** The Applicant will be held accountable for any surface water or subsurface water breakout of water on any part of this subdivision that results in uncontrolled runoff that was not present during predevelopment conditions.
16. **Cape Cod Berms.** The Cape Cod berms, as shown on the plan, shall be as monolithic berms and constructed in a manner acceptable to the Highway Surveyor.
17. **Street Trees.** As required in § 346-13C(1), street trees, not less than 12 feet in height and 2 1/2 inches in diameter and of a species approved by the Planning Board, after consultation with the Tree Warden, shall be placed on each side of every street in the subdivision wherever, in the opinion of the Board, existing woodlands or suitable individual trees are not retained. A landscaping plan showing street trees, plantings and specifications for grass seed to be used on the road shoulders shall be submitted to the Board for its review and approval prior to the planting of the trees.
18. **Stumps & Brush.** No stumps, brush, or wood waste shall be buried on site.
19. **ADA Requirements.** As required in § 346-13A(2) of Subdivision Regulations, access ramps for the disabled shall be provided at all intersections and driveways. The ramps shall conform to the Architectural Access Board current regulations (521 CMR) and the Americans with Disabilities Act (ANSI A117.1) current regulations.
20. **Finished Grade Certification.** As required in Section 346-8G(1) of the Subdivision Regulations, the as-built plan shall be certified by a Registered Professional Engineer that the grades on all lots have been established in compliance with the drainage and topographical plans and that said grades have been established so as not to create adverse drainage patterns onto adjoining lots or streets.
21. **Open Space.** As offered by the Applicant, Parcels A, B, C, D, E, F, G, H, I totaling 188.91 acres shall be deeded to the Town of Groton to be managed by the Conservation Commission. The Planning Board will not release any lots from covenant until the deed conveying the open space parcel to the Town has been recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board.
22. **Recording.** The definitive plan approval and all easements, covenants and restrictions shall be recorded at the Registry of Deeds along with the definitive plan. No construction or site alteration shall commence until the applicant to the Planning Board submits evidence of such recording.
23. **Covenant or Bond.** Prior to endorsement of the definitive plan, the subdivider shall comply with Section 346-8E(1) “Final Approval With Bonds” or Surety or Section 346-8E(2) “Final Approval With Covenant.” Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
24. **Special Permits.** This subdivision is subject to Special Permits 2002-07 and 2002-08 granted by the Planning Board and filed with the Town Clerk on March 18, 2002. All conditions of the special permits are applicable to the development of this subdivision.
25. **Successors.** The conditions of the definitive plan approval apply to any successor in interest or successor in control.

Member Clements thanked the applicant for working with the Board to change the design. He stated, for the record, that he was hoping that a better plan would result from the MEPA review process. This is the reason he intends to vote against the approval of the definitive plan.

The motion was seconded and passed with Curtis, Barringer, Degen, Eliot, Lewis, and Perkins infavor; Clements opposed.

### **ACCESS ADEQUACY – LONG COPE DRIVE**

*(Member Lewis did not participate.)*

The Board received a request from June Johnson of the Groton Conservation Trust to require a survey for the improvements to Long Cope Drive. The Groton Conservation Trust owns the fee in the road. On April 18, 2002, the Board approved Earl Carter's application for access adequacy if the road is improved to with the following conditions:

1. The road should be constructed to minimum width of 16 ft with an 8" gravel base;
2. The applicant is responsible for notifying "dig safe" to locate all utilities prior to the commencement of work;
3. The applicant shall notify the Groton Conservation Trust, owner of the fee in the road, prior to the commencement of work;
4. The applicant shall consult with the Highway Surveyor to ascertain that the proposed improvements meet town specifications.

The motion was made by Eliot to require a survey for the improvements to Long Cope Road. The motion was seconded and passed unanimously.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator