

**GROTON PLANNING BOARD
AUGUST 22, 2002
MINUTES**

Vice Chairman Barringer called the meeting to order at 7:30 PM in the Town Hall

Members present: Barringer, Clements, Eliot, Lewis, Perkins and Wilson

Members absent: Degen

ENDORSE BERTOZZI FARMS DEFINITIVE PLAN

The motion was made by Clements to accept the covenant and endorse the definitive plan entitled, "Bertozzi Farms," prepared by Hannigan Engineering, dated June 25, 2001 with revisions through January 16, 2002. The motion was seconded and passed unanimously.

PUBLIC HEARING (con't) – MILL RUN PLACE DEFINITIVE PLAN

The Board continued the public hearing to consider the Mill Run Place definitive plan. Attorney Robert Collins requested a continuation of the public hearing to October 3, 2002. He said he would like time to discuss procedural questions with Town Counsel. He said it is in the Town's best interest to have the project come as a definitive plan rather than a change in lay-out through the Board of Selectmen.

The Board voted unanimously to extend the deadline to November 1, 2002 as requested by the applicant.

The Board voted unanimously to continue the hearing on October 3, 2002 at 7:30 PM.

PUBLIC HEARING - CRANSTON CONSTRUCTION AFFORDABLE HOUSING

The Board continued the public hearing to consider the application for a special permit submitted by Cranston Construction to construct eight affordable units off Sandy Pond Road as shown on the Rocky Hill Residential concept plan. Applicant David Moulton, Attorney Robert Collins, and design engineer Robert Pine were present.

Mr. Collins said he met with the Housing Authority to discuss the tenant selection process. The applicant will enter into a contract with Housing Authority for the rental units, so all eight units will count toward the town's 10% under Chapter 40B.

Member Perkins asked what will protect tenants who are living in the units at the end of the thirty year period. Mr. Collins said he will put language in the deed restriction so the tenants occupying the units at the end of the thirty-year period will be able to stay.

Mr. Pine said he addressed the Board's concerns about the site plan by shifting the location of the buildings, adding plantings to provide screening, and reconfiguring the parking areas.

Member Clements asked about dumpsters. Mr. Pine said they will address this and other issues during site plan review.

Member Perkins asked if the unit will have public water. Mr. Collins said, "yes". There will be public water and on-site sewage disposal.

Member Perkins asked what the width of the access road will be. Mr. Pine said 18 ft. Member Eliot reiterated her request for a paved walkway to the supermarket on the adjacent lot. Mr. Pine agreed. Member Lewis noted that the walkway must comply with ADA.

Member Lewis asked about plowing the parking areas. Mr. Pine said there is enough space to maneuver.

Planning Administrator Michelle Collette said Chairman Degen expressed concern about the change in grade and ten foot drop near the building. Mr. Pine said it is only a 6-8 ft drop.

Planning Administrator Michelle Collette said the lot shown on the plan has 80,688 sq ft for eight, two-bedroom units. If there are 16 bedrooms, 240,000 sq ft lot area is required to comply with §218-27C which states:

“Lot area shall be not less than 80,000 square feet plus 10,000 square feet per bedroom”

Mr. Pine said the area calculations are based upon the entire parcel, not just the two-acre lot.

Mr. Collins said the two-acre lot was created because of the deed restriction for the affordable units. Planning Administrator Michelle Collette said the two-acre lot is shown on the ANR plan endorsed by the Board in June, 2002. She asked if this lot is in separate ownership from the surrounding parcel. Mr. Collins said the lot with the affordable units is a separate entity, but it is part of the overall concept plan. Four separate special permits are required for the project.

Member Lewis asked if parcel C has the four acres of open space required in § 218-27C which states:

“At least 25% of the land area of the concept plan shall be unbuilt upon and reserved as open space for recreation, conservation or parks and shall either be owned in common or conveyed to the town, the Conservation Commission or a nonprofit organization whose purpose is conservation. In any case, where such land is not conveyed to the town, a restriction enforceable by the town shall be recorded, provided that such land shall be kept in an open and natural state and maintained by its owners without expense to the town.”

Mr. Collins said the open space will be included in the next special permit phase of the development. Mr. Collins suggested that the Board include a statement in the findings that the issuance of the first building permit will lock in the concept plan and the open space will be contained in the remaining acreage.

Member Barringer asked if the applicant could put a conservation restriction on four acres adjacent to the lot with the affordable units.

Mr. Collins suggested that the Board grant the special permit now and the applicant can submit the site plan for Site Plan Review during the 20-day appeal period.

Member Lewis said the ANR lot must be enlarged so it contains the required six acres before the Board can act on the special permit.

The Board voted unanimously to extend the deadline to November 1, 2002 as requested by the applicant.

The Board voted unanimously to continue the public hearing on October 3, 2002 at 8:00 PM.

PUBLIC HEARING – BROOKS ORCHARD CONCEPT PLAN

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the concept plan submitted by the Groton Land Foundation under the provisions of Groton Zoning By-law Section 218-27C to construct a maximum of 18 dwelling units as shown on the plan entitled, “Brooks Orchard Concept Plan,” prepared by Pine and Swallow Associates, dated July, 2002. The proposed development is located on land owned by Brooks Orchard, LLC, shown as Assessors’ Lot 232-30, located on the northerly side of Orchard Lane.

Vice Chairman Barringer called the public hearing to order. Clerk Wilson read the notice published in the August 9 and 16, 2002 issues of *The Groton Herald*. Landowner Steven Webber, Groton Land Foundation (GLF) Directors Robert Pine, Marion Stoddart, and June Johnson, and many abutters were present.

Member Wilson stated that he would not participate because he abuts other land owned by the Webbers. He stepped down from the Board.

Vice Chairman Barringer explained the process to those in attendance. He said the concept plan will be voted on at the September 23, 2002 Town Meeting. The Planning Board must make a recommendation to Town Meeting in accordance with Chapter 40A and § 218-27C of the Groton Zoning By-law.

Member Lewis stepped down and left the room because the denial of a definitive plan on the subject property is still in litigation. Planning Administrator Michelle Collette said she spoke with the Board’s legal counsel, Adam Kahn, who advised that the Board proceed with the public hearing and review of the new application.

Mr. Pine presented the plan which is part of the larger plan to protect land owned by the Webbers including Gibbet Hill and Angus Hills. Mr. Pine said the Webbers are working with the Town, the Commonwealth of Massachusetts,

the Groton Conservation Trust, and GLF to put together a plan to protect the land. The Webbers will continue to own Gibbet Hill and Angus Hills, and the GLF will purchase Brooks Orchard.

The Brooks Orchard concept plan specifies that no more than 18 units would be constructed and no less than 160 acres of land preserved. The land to be protected is an important link to other protected open space in this area. The three drumlins on this site are very significant landforms, especially because they are open and visible. Historically, the land has been used as agricultural land and the GLF would like agriculture use to continue, if possible. However, the existing orchard is severely damaged.

Mr. Pine described the development which will include the existing farm house plus up to 17 new units on ten lots. Nine units will be single-family, and eight will be condominiums (four attached and four detached). One affordable lot/unit will be included.

The previous issue of arsenic in the soil will be addressed. Pine and Swallow Associates is involved in remediating other orchard land for residential development. Contaminated soil will be removed so any areas used for residential purposes will meet DEP standards.

Mr. Pine said the GLF is aware of abutter Charles McLatchy's water line easement and will either relocate it or work around it.

In addition, the Groton Water Department may be interested in acquiring the hilltop as a site for a water storage tank.

Vice Chairman Barringer read comments from the Conservation Commission, the Water Department, the Board of Health, the Police Chief, and attorney Rackmann & Sawyer on behalf of Charles McLatchy.

Planning Administrator Michelle Collette read the letter dated August 22, 2002 submitted by abutters Joshua and Amy Degen.

Member Eliot asked if there will be a secondary, emergency vehicle access. Mr. Pine said there will be only one access. Since the plan comes under the multifamily requirements, the limit of 1000 ft road length does not apply.

Member Perkins asked what the length of the road will be. Mr. Pine said 1400 ft. If the road ends at 1000 ft, longer driveways will be needed. The longer road provides better access than longer driveways.

Member Perkins asked the lot size. Mr. Pine said a minimum of 30,000 sq ft as permitted in the by-law.

Member Perkins asked if the nine units will be owned and eight will be condominiums. Mr. Pine said, "yes."

Member Perkins asked if the development will be served with public water and on-site sewage systems. Mr. Pine said, "yes."

Member Clements asked if the existing public way will be extended as a subdivision road and will become a public way. Mr. Pine said, "yes."

Member Clements asked about the remaining land. Mr. Pine said it will be subject to a conservation restriction. A portion of the land may be conveyed to abutters once the restriction is in place. The GLF hopes to restore the restricted land to some form of agricultural use. It is important to keep the land open and visible rather than forested.

Member Clements asked if there will be public access to the restricted land. Mr. Pine said, "yes."

Vice Chairman Barringer asked about erosion control and runoff. Mr. Pine said they will comply with all the Town's rules and regulations. The GLF will work with the Degens to help alleviate the existing drainage problems from the hill behind the Degens' property.

Abutter Richard Staub said he is supportive of the concept plan and the Town's goals to protect the land. However, the area to be developed will interrupt an existing west to east wildlife corridor. He said now that the orchard is inactive, the number of nesting birds has increased dramatically.

Mr. Pine said the wetland areas are the primary course for wildlife, but he would look at the upland areas. He said the GLF would like to create fewer than 18 units if it is economically possible.

Harlan Fitch asked how many acres will be developed for the 17 proposed units. Mr. Pine said not more than 28 acres will be developed for new units, and not less than 160 acres will be subject to the conservation restriction. Individual lots will be as small as possible to maximize open space.

Mr. Fitch said houses on 30,000 sq ft lots will bring the city to the country. Homeowners should own 80,000 sq ft each. Therefore, 34 acres should be contained in the development and remain on the tax roles.

Abutter Heather Norrish expressed concern about the total length of Orchard Lane and suggested that it become a one way street. She also has concerns about arsenic in air-borne dust during construction. Mr. Pine said they will work closely with the Board of Health to control dust during construction.

Abutter Edna White said she was encouraged by the plan and the intent to preserve the drumlins. She said the length of the road is a matter for the Planning Board to handle. She said she is interested in hearing more definitive details in the future.

Abutter Ted Martland asked where the contaminated soil will go. Mr. Pine said they will work out the details with the Board of Health. The soil may be contained on the site.

Dr. Staub said the concept of a working orchard is difficult during these times. He asked what will happen if the orchard is not financially feasible. He asked if the restricted land will ever be developed. Mr. Pine said, "no," the conservation restriction is in perpetuity.

Abutter Steven Nabiocheck asked if the GLF would consider selling any land to the abutters. He said there is an orchard near his house that he may be interested in buying. Mr. Pine said the GLF would be happy to discuss it.

The Board will walk the site on Wednesday, September 4, 2002, at 6:00 PM.

The Board voted unanimously to continue the public hearing on September 5, 2002 at 7:00 PM.

SITE PLAN REVIEW – LAWRENCE ACADEMY

The Board reviewed the plan submitted by Lawrence Academy to construct a new dormitory and classroom building . Lawrence Leizure of Lawrence Academy and Stephen Mullaney of David Ross Associates were present.

Mr. Mullaney presented an overview of the campus and explained the proposed building project. He said open grass swales will drain into a detention basin. Access for fire trucks will be provided as discussed with the Fire Chief. The Historic Districts Commission is reviewing the plan and will walk the site on Friday, September 6, 2002 at 8:30 AM.

Mr. Mullaney described the lighting plan which includes 150 watt bulbs on 15 ft high poles. 18 newparking spaces will be constructed around the dormitory to provide parking for the faculty apartments.

Mr. Mullaney said he met with the Building Inspector to discuss the height of the buildings that can exceed 35 ft under the Dover Amendment (educational exemption). The Building Inspector agreed that it can exceed the height limitation because it is not occupied space.

Member Lewis said he wants to be sure lights do not infringe upon traffic on Route 40 or abutters. He suggested that the applicant look at the lighting installed at the NEBS site.

Member Eliot requested that the athletic center be landscaped so it will not be as visible after the new construction. Mr. Mullaney said the buildings have a north-south orientation to take advantage of solar heating and the geo-thermal wells.

Vice Chairman Barringer read comments dated August 16, 2002 from the Water Department.

The Board will walk the site on Saturday, September 7, 2002 at 8:30 AM.

Member Wilson asked about fire access to the rear of the buildings. Member Lewis said the plan must satisfy all the public safety officials' requirements.

Member Perkins asked if Powderhouse Road is a public way. Mr. Leizure said, "yes."

Member Clements said he does not want to see this site have drainage problems similar to the problems at the abutting First Parish Church site.

Vice Chairman Barringer asked about parking requirements. Mr. Mullaney said there are only six new beds being added from this construction. A 38 bed dormitory will be replaced by a 44 bed dormitory. The overall campus has many parking areas.

Vice Chairman Barringer asked about the height of the buildings. Mr. Mullaney said the classroom building will be 47 ft at the ridgeline and the dormitory will be 42 ft at the ridgeline.

Harlan Fitch said he does not believe that Powderhouse Road is a public way.

The Board voted unanimously to continue its review on September 26, 2002 at 8:00 PM.

PERFORMANCE BONDS

Woodland Park – The motion was made by Perkins to reduce the performance bond for the Woodland Park subdivision to \$141, 207.31 as recommended in the report dated August 19, 2002 from Judith Nitsch Engineering, Inc. (JNEI). The motion was seconded and passed unanimously.

Baddacook Woods – The motion was made by Perkins to release the performance bond for Baddacook Woods and to recommend street acceptance provided that the applicant clean out the catch basins and provide the receipt to the Planning Board. The motion was seconded and passed unanimously.

RECOMMENDATIONS TO BOARD OF SELECTMEN

Blood Earth Removal – The motion was made by Lewis to recommend that the Board of Selectmen renew the Earth Removal Permit for Eliot Blood on West Main Street. The motion was seconded and passed unanimously.

Batten Woods – The motion was made by Clements to recommend that the Board of Selectmen grant an earth removal exemption for the removal of earth material related to construction of the Batten Woods subdivision. The motion was seconded and passed unanimously.

EXECUTIVE SESSION

The motion was made by Perkins to enter executive session to discuss on-going litigation and that the Board not return to open session. The motion was seconded and passed by roll call vote with Barringer, Clements, Eliot, Lewis, Perkins, and Wilson in favor.

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

Meeting adjourned at 10:30 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

