

**GROTON PLANNING BOARD  
SEPTEMBER 12, 2002  
MINUTES**

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

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

**PUBLIC HEARING – PROPOSED ZONING AMENDMENT**

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the proposed zoning amendment to Groton Zoning By-law § 218-26 Open Space Residential Development, subsection 218-26F(2) Cluster Development as described in the text entitled, “Proposed Zoning Amendment - § 218-26 Open Space Residential Development,” filed with the Town Clerk on August 15, 2002.

Chairman Degen called the public hearing to order. Clerk Clements read the notice published in the August 23 and 30, 2002 issues of *The Groton Herald*. Attorney Ray Lyons presented the proposed amendment.

Mr. Lyons said he drafted the proposed amendment for the Board’s consideration. The amendment will do three things:

1. Increase the number of units that can be served by a shared driveway in a cluster development;
2. Allow a separation between driveways less than 200 ft;
3. Change the amount of wetlands allowed in the lot area provided that no greater than 10% of the area is bordering vegetated wetlands.

Member Lewis said he just read the proposed amendment and it seems too arbitrary and has too much flexibility. He said there must be sufficient dry land on each lot to accommodate sewage disposal systems.

Member Perkins said the Board is working with Attorney Mark Bobrowski to review the entire by-law. She said she shares Member Lewis’ concerns about allowing part of the lot to be wetlands, but she said she did not have a problem with more than 10 units on a shared driveway.

Member Wilson said the Board must be very careful and take a comprehensive look at the whole process. He said he is in favor of maximum flexibility and greater discretion. He said more review is needed before recommending that 10% of the lot area can be wetlands.

Member Clements said he would prefer not to change the by-law at this time. An applicant can apply for a variance to the Zoning Board of Appeals if necessary. Mr. Lyons said the ZBA can only grant a variance if there is a hardship of the land.

Member Barringer said the proposed change is very new. He expressed concern about allowing too much activity near wetlands. The proposed amendment would be a step backwards. He said the Board should have discretion, but the level of discretion should have some limits. For example, if the wetland area included in the lot is a vernal pool, the resource could be lost.

Robert Pine said it is important for the Board to review the entire by-law as a whole, but he did support the proposed changes. Rigid regulations make it more difficult and often result in strange lot configurations. He stated that the Board always has discretion when granting special permits or waivers.

Harlan Fitch expressed his reservations about allowing cluster development with multifamily units on one lot. He said the proposed amendment is in conflict with the 80,000 sq ft upland requirements under § 218-22G Computation of Lot Area.

Richard Curtis said he agrees that cluster provisions must be flexible to work with the land. However, if the cluster provisions are amended, the computation of lot area provisions must also be changed so there is not a conflict. He agreed that more study is needed and that the Board should work closely with Mark Bobrowski to review the entire by-law.

Chairman Degen said it is important to be able to work with the applicant to save land through the cluster development provisions. Chairman Degen said the proposed amendment was sponsored by the Board at the request of Attorney Ray Lyons. However, it should be postponed indefinitely to allow the Board more time to work with Mark Bobrowski on more comprehensive changes.

The Board voted unanimously to close the public hearing.

The motion was made by Lewis that the Board recommend that Town Meeting indefinitely postpone the article. The motion was seconded and passed unanimously.

### **SUGGESTED ZONING DISTRICT**

The Board received a letter dated September 12, 2002 from landowner Steven Webber suggesting that the Town consider adopting an "agricultural" zoning district for permanently protected land in agricultural use. The Board said it would consider such an amendment and will work with Attorney Mark Bobrowski on the details.

### **MEETING WITH GMAC**

The Board received a revised draft of the proposed Growth Control By-law from consultant Ralph Willmer based upon recommendations from the Growth Management Advisory Committee. Attorney Mark Bobrowski and GMAC members Steven Webber and Susan Horowitz were present.

Member Lewis said he had issues with a growth cap by-law unless it is based upon the Town's need to expand its infrastructure. He said the Town needs this back up for the by-law to be defensible. Chairman Degen agreed that the Town must have a 3-5 year capital plan in place.

Attorney Mark Bobrowski observed that the by-law must treat everyone uniformly and cannot have one set of rules for residents and another set of rules for others. The Town should be able to negotiate benefits to the Town from developers, and the by-law should affirmatively state what the Town is requesting. The cap should be an interim tool, but phased development can be permanent. Mr. Bobrowski said a model he wrote has been adopted in ten other towns to date.

The Board will continue the discussion with Mr. Bobrowski on November 7 and 21, 2002.

### **WATER RESOURCE PROTECTION DISTRICTS**

The Board met with Attorney Mark Bobrowski and West Groton Water Supply District (WGWS) Superintendent Gordon Newell to discuss proposed changes to the Water Resource Protection Overlay Districts provisions. The Board also received a draft GIS map of the proposed Water Resource Protection Districts prepared by Applied Geographics. The GIS map will replace the Water Resource Protection Districts map adopted in 1984.

Mr. Bobrowski said he wrote a similar by-law for the Town of Westford to comply with DEP's regulations 310 CMR 22.02. The DEP regulations establish Zones I (400 ft radius), Zone II (drawdown area), and Zone III (watershed area) to protect public water supply wells. The proposed by-law is consistent with the DEP regulations. A special permit process is used to resolve disputes.

Mr. Newell explained that the Zone II delineation has been done for the WGWS well field. He requested that the by-law also include the Interim Wellhead Protection area of 2500 ft for the potential well in the Groton Town Forest. Mr. Bobrowski said the interim protection area must be approved by DEP. Mr. Bobrowski will look into the interim wellhead protection areas and submit his findings to the Board.

Member Lewis asked about the use of herbicides in Lost Lake and Knops Pond, which are in Zone II of the well at

Whitney Pond. Mr. Bobrowski said application of pesticides and herbicides is regulated by the Department of Food and Agriculture and cannot be regulated on the local level as determined by the Wendell case.

### **LETTER TO THE EDITORS**

*(Member Wilson did not participate because he is an abutter.)*

The motion was made by Lewis to write a letter to the editor supporting Article 14 at the Special Town Meeting. The article will request funding to purchase conservation restrictions on Gibbet Hill and Angus Hills. The motion was seconded and passed unanimously.

### **TOWN FOREST SIGNS**

The motion was made by Barringer to approve the signs as installed and to determine that Condition #14 of the Ames Meadow definitive plan approval has been met. The motion was seconded and passed unanimously.

### **GIBBET HILL ORCHARD**

The Board will request that Town Counsel Judith Cutler attend the public hearing on the Gibbet Hill Orchard special permits and preliminary plan on September 26, 2002.

### **LIAISONS TO DEPARTMENTS**

The Board discussed appointing liaisons to other Town departments as it had done in past years. The matter will be discussed at the Board's September 19, 2002 meeting.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

