

**GROTON PLANNING BOARD
OCTOBER 17, 2002
MINUTES**

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

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

Member absent: Barringer

Allen's Trail As-Built

The motion was made by Lewis to endorse the plan entitled, "As Built Plan and Profile – Allen's Trail; Baddacook Woods Subdivision, Lowell Road, Groton, MA; Prepared for Sandalwood Associates," prepared by Meisner Brem Corporation, dated August 10, 2000, with revisions through February 26, 2001. The motion was seconded and passed unanimously.

Endorse Lawrence Academy Site Plan

The motion was made by Lewis to endorse the plan entitled, "Definitive Level II Site Plan in Groton, Mass., Prepared for Mullaney Corporation at Lawrence Academy," prepared by David E. Ross, dated August 8, 2002, with revisions October 9, 2002. The motion was seconded and passed unanimously.

Batten Woods Performance Bond & Lot Release

The motion was made by Lewis to accept the amount of \$173,996.96 for the Batten Woods subdivision as recommended in the report dated October 16, 2002 from Judith Nitsch Engineering, Inc. (JNEI). The funds are in a passbook held by the Town Treasurer. The motion was seconded and passed unanimously.

The motion was made by Lewis to release Lots 1 through 6 in the Batten Woods subdivision and to hold the lot release form until the red-line as built plans have been submitted. The motion was seconded and passed unanimously.

Site Plan Review – Cranston Construction, Sandy Pond Road

At the request of the applicant, the Board voted unanimously to continue the review of the Cranston Construction site plan on October 24, 2002 at 8:00 PM.

Special Permit Decisions – Groton Land Foundation, Mason Back "100" Property

Hammerhead Lots - The motion was made by Perkins to grant a special permit to the Groton Land Foundation to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create two hammerhead lots shown as Lots 1 and 2 on the plan entitled, "Mason Back 100 Land– Hammerhead Lot Layout, prepared for Groton Land Foundation," prepared by Pine and Swallow Associates, Inc, dated September 2002, based upon the following findings and conditions:

Findings:

- 1. Social Economic and Community needs:** This plan meets community needs by proposing to build two hammerhead lots on a small portion of the 143 acres, while preserving the remaining land. The protected open space abuts the 700-acre Wharton Plantation thus leveraging community interest by linking open space. Hammerhead lots only allow single-family homes, thus greatly reducing the potential build out of this property.
- 2. Traffic Flow and Safety:** This special permit plan will have a minimum impact on traffic in the neighborhood.
- 3. Adequacy of Utilities and other public services:** The hammerhead lots will have on-site septic systems and private wells. The impact on public services, such as schools, will be minimal.
- 4. Neighborhood Character:** The neighborhood consists of single-family homes with significant open space. This will add more open space and limit the number of homes to two single-family homes.

5. **Impact on the environment:** A significant portion of the property will be preserved. This property has sensitive habitat and significant historical areas.
6. **Potential Fiscal Impacts:** The plan will have minimal fiscal impact on the Town with only two hammerhead lots as compared to the potential number of lots that could be constructed in a 143-acre subdivision.

Conditions

1. As offered by the applicant, there will be a buffer of trees, a minimum of 50 ft wide, between the new hammerhead lots and the existing hammerhead lots except for the area of the driveway.
2. As offered by the applicant a building envelope will be established once the location of the homes has been determined. The location of the building envelope will be shown on the Erosion and Sediment Control plan.
3. As offered by the applicant, a trail for public access to the open space will be provided.
4. Since a state-listed rare animal species has been identified near the site and tracked by researchers from the University of Massachusetts, the applicant shall notify the Natural Heritage and Endangered Species Program so that agency may have an opportunity to comment on the project if, in its opinion, comment is appropriate. Such notification shall be submitted to NHESP prior to commencing driveway construction.
5. All easements shall be shown on the Approval Not Required (ANR) plan.
6. The 130-acre open space parcel shall be made subject to a permanent conservation restriction held by the town pursuant to MGL chapter 184, §§ 31 to 33. The conservation restriction must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Inspector prior to the issuance of any building permits.
7. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed ANR 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.
8. 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 ANR plan shall constitute commencement of substantial use.
9. 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.

Shared Driveways - The motion was made by Perkins to grant a special permit to the Groton Land Foundation to utilize the provisions of Section 218-23D Shared Driveways to construct a shared driveway serving Lots 1 and 2 as shown on the plan entitled, "Mason Back 100 Land – Hammerhead Lot Layout, prepared for Groton Land Foundation," prepared by Pine and Swallow Associates, Inc, dated September 2002, with the following findings and conditions:

Findings:

1. **Social, economic and community needs:** One driveway would better serve the community by limiting the number of driveway cuts on to Old Dunstable Road.
2. **Traffic flow and safety:** Traffic flow and safety will be improved by having one driveway cut in a safer location

instead of two driveway cuts on Old Dunstable Road. One driveway allows for better siting of the entrance to allow for better sight distances.

3. **Adequacy of Utilities:** Utilities will not be impacted by the proposed development.
4. **Neighborhood character:** There will be less impact on neighborhood character with fewer driveway cuts rather than individual driveways serving each lot.
5. **Impacts on the environment:** Fewer driveway cuts means less environmental impact on the land.
6. **Fiscal impact on the Town:** There will be no fiscal impact on the Town.

Conditions

1. The proposed shared driveway shall meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996.
2. Pull over and turn-around areas shall be constructed as recommended by the Fire Chief in his memorandum dated October 10, 2002. Driveway construction must be approved by the public safety officials to insure emergency vehicles can safely access the property.
3. Access to the lots shall be over the shared driveway and not through individual driveways because the findings of this special permit are based upon the reduction of multiple driveway cuts on Old Dunstable Road.
4. Since a state-listed rare animal species has been identified near the site and tracked by researchers from the University of Massachusetts, the applicant shall notify the Natural Heritage and Endangered Species Program so that agency may have an opportunity to comment on the project if, in its opinion, comment is appropriate. Such notification shall be submitted to NHESP prior to commencing driveway construction.
5. All easements shall be shown on the Approval Not Required (ANR) plan.
6. This special permit shall not be in effect until certified copies of the special permit decision is 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 endorsed 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, Clements, Degen, Eliot, and Perkins in favor; Lewis opposed.

Academy Hill

Member Clements said the Division of Fisheries and Wildlife submitted comments dated October 10, 2002 to MEPA on the proposed Academy Hill subdivision. Member Clements said he would like to attend the DFW meeting on November 26, 2002 to discuss the matter. Planning Administrator Michelle Collette said she would also like to attend.

Zoning Interpretation - § 218-24 Appearance

The Board received a memorandum dated October 7, 2002 from the Building Commissioner regarding Zoning By-Law § 218-24 Appearance and its applicability to the Still Meadow cluster development.

The Board determined that the provisions of this section do not apply to the Still Meadow project because the dwelling units are on the same lot and not on “any abutting lot or across a street” as stated in the by-law. The Board will let the Building Commissioner know that it appreciates his calling attention to this matter.

Policy on Marking Trails

The Board received a memorandum dated October 9, 2002 from the Conservation Commission regarding the possibility of marking trails in subdivisions prior to the sale of lots. Craig Auman of the Conservation Commission, and Paul Funch and Wendy Good of the Trails Committee were present.

Mr. Auman said the Commission would like to have the trails marked on the ground so prospective homeowners will know there will be public access. This will help avoid some of the problems that have occurred recently. Homeowners often complain when trails are being marked or constructed in their neighborhoods.

Member Lewis noted that the boundaries of conservation properties in subdivisions must be marked with granite bounds as required in the Subdivision Regulations. Planning Administrator Michelle Collette said this is a requirement of the Subdivision Regulations, but the bounds are not installed until the end of a project after all the houses have been constructed.

Paul Funch, chair of the Trails Committee, said if the trails are marked first, the homeowners will know where trails will be located before buying a house.

The Board agreed that it is a good idea. Using a standard marker is also preferable. The requirement can be added as a standard condition on subdivisions and special permits. The Board can amend the Subdivision Regulations to include marking trails as a requirement.

Planning Administrator Michelle Collette will work with Craig Auman and Evan Owen of the Conservation Commission and Paul Funch of the Trails Committee to develop the condition/regulation for the Board’s consideration.

First Parish Church Drainage Issues

(Member Eliot stepped down because she is a Trustee of the Church)

The Board met with Steve Miller and Bob Hanninen of the First Parish Church to discuss resolutions to the drainage problems at the First Parish Church.

Chairman Degen said the water is still breaking out onto Route 40. This may cause a public safety hazard during the winter when the water freezes on the road. He said the paved parking area is blistered from water underneath the pavement. He said if the Church installs the final pavement, it is doing so at its own risk. Chairman Degen suggested that the water breaking out of the hillside above the parking area be captured with an interceptor drain so the water will not accumulate under the pavement.

The Board suggested that the church work out the details with the design engineer and submit a remedial plan to the Board. The plan will be sent to JNEI for review.

Carmichael Estates II Agreement

The Board received a letter dated October 17, 2002 from Town Counsel Judith Cutler with an Agreement for the completion of work at the Carmichael Estates II subdivision. The insurance company will pay Rice Paving \$47,716.00 for final paving and will pay the Town a lump sum of \$60,000.00 for the remaining work.

The motion was made by Lewis to execute the Agreement between the Town of Groton Planning Board and Board of Selectmen and Lumbermans Mutual Causality Company for completion of work at the Carmichael Estates II subdivision. The motion was seconded and passed unanimously.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette
Planning Administrator