

**GROTON PLANNING BOARD  
JANUARY 9, 2003  
MINUTES**

Vice Chairman Barringer called the meeting to order at 7:00 PM in the Town Hall

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

**PUBLIC HEARING (con't) – GIBBET HILL ORCHARD SPECIAL PERMITS**

The Board continued the public hearings to consider the special permit applications submitted by Newbury Street Development for Major Residential Development, Open Space Residential Development (flexible and cluster), and Shared Driveways. Applicant Joseph Falzone, design engineers Lawrence Beals, Cynthia O'Connell, Donald Yonika and David McCollough of Beals Associates, Attorney Mark Johnson, Attorney Ray Lyons, William Conley of the Marion Campbell Trust (landowner), Attorney Robert Orsi, representing the Marion D. Campbell Trust, and many abutters were present.

Mr. Beals presented a power-point slide show depicting the special permit process and showing photographs of the site. The name of the development has been changed from "Gibbet Hill Orchard" to "Lookout Ridge." At this point in the process, the Board must decide, under Major Residential Development, whether it prefers a cluster development or a 75-lot conventional plan. If the Board denies the special permit for Major Residential Development, the applicant can submit a "footnote 1" plan with 56 lot or 112 units.

Mr. Beals and the applicant and the design team took the Planning Board comments into consideration and prepared three alternative plans based upon the guidelines of Randall Arendt's Conservation Design for Subdivisions:

- *Alternative 1* – This alternative includes a total of 97 units with 45 single family, 42 multifamily (21 duplexes) and 10 ANR lots. The plan includes 75 basic number of units, 7 affordable units, and 15 incentives lots. The multifamily units are sited away from Amandrey Way. The open space corridor is expanded, and the view sheds are preserved to the extent possible. 83 acres or 59% of the site will be set aside as open space.

- *Alternative 2* - This alternative includes a total of 90 units with 38 single family, 42 multifamily (21 duplexes) and 10 ANR lots. The plan includes 75 basic number of units, 7 affordable units, and 15 incentives. There is more emphasis on creating neighborhoods with this plan. 84 acres or 59.7 % of the site will be set aside as open space.

- *Alternative 3* – This alternative includes a total of 122 units with 10 single family, 102 multifamily (51 duplexes) and 10 ANR lots. The plan includes 75 basic number of units, 7 affordable units, and 17 incentives. This alternative includes the use of 23 TDR's from off-site. 87.7 acres or 62% of the site will be set aside as open space.

Mr. Beals said each unit will contain approximately 1700 to 2300 sq ft with two to four bedrooms. These sewage disposal system facilities will be centralized.

The Board voted unanimously to continue the public hearing at 8:15 PM.

**PUBLIC HEARING (con't) – HIGH OAKS REALTY SPECIAL PERMIT**

The Board continued the public hearing to consider the special permit application submitted by High Oaks Realty Trust to construct a shared driveway serving two lots on Old Dunstable Road. Applicant Robert Kiley, contractors Paul Bradley, Peter Bradley, and design engineer Scott Medeiros of David E. Ross Associates were present.

Mr. Medeiros presented a revised plan showing access to Lot 11 from an individual driveway. Landscaping details were added to the plan of the shared driveway.

Member Lewis asked about the 150 ft circle. Mr. Medeiros said the circle was shown on the ANR plan endorsed by

the Planning Board on January 23, 2002.

Mr. Kiley stated that he thought the construction of a shared driveway serving two lots was still by-right and did not realize a special permit was required.

Member Perkins said the applicant must demonstrate that an individual driveway can be constructed to each lot. Mr. Medeiros said the individual driveway is shown on Sheet 3 of the plan, but the applicant does not want to construct house and driveway with the grading changes shown on the plan.

Member Perkins asked if a guardrail is needed for the shared driveway. Mr. Medeiros said a guardrail is shown on the plan.

Member Perkins asked about plantings. Mr. Medeiros said the seed mixture is specified on the plan. She asked if the slope will be mowed. Mr. Medeiros said, "no," because it is too steep to mow. Member Perkins asked if there will be ten trees planted. Mr. Medeiros said, "yes," the applicant will plant trees to replace the trees that were removed.

Member Perkins expressed concern that the steep slope may collapse during heavy rains and result in runoff into the road. Mr. Medeiros said the slope will be stabilized with the seed mixture as detailed in the plan. The limit of disturbance is shown on the plan.

Member Wilson asked how accurate the plan is and whether the applicant will make an effort to restore the trees on the lot. He added that the denuded, steep slope should be replanted.

*(Chairman Degen arrived.)*

Member Wilson asked if the site complies with the seven foot cut and fill requirements. Mr. Medeiros said this requirement only applies to the centerline of the driveway and not to the entire lot. The driveway complies with the Shared Driveway Regulations.

Member Clements asked the length of the shared driveway. Mr. Medeiros said the shared portion is about 800 ft long. Member Clement asked why the applicant wants to use a shared driveway rather than two individual driveways. Mr. Medeiros said the house locations are better on the shared driveway plan. The individual driveway plan is a more difficult design.

Member Wilson asked about sight distance. Mr. Medeiros said the sight distance is adequate for both driveways, but it is better to have fewer driveway cuts on Old Dunstable Road.

Member Barringer asked if the driveway complies with the regulations. Mr. Medeiros said, "yes."

Member Barringer asked if there is a maintenance agreement for the homeowners. Mr. Kiley said the maintenance agreement will be recorded with the deed at the Registry of Deeds. It is also part of the Purchase and Sales Agreement.

Chairman Degen asked about the proposed house location on Lot 11 on the plan with the individual driveway. He noted that extensive regrading is shown on this plan. He asked if an individual driveway could be constructed to the house location on Lot 11 as shown on the shared driveway plan. Mr. Medeiros said, "no," but the by-law says the applicant must only demonstrate access to the "buildable portion of the lot."

Chairman Degen asked if the house and driveway could be constructed as shown on the individual driveway plan. Mr. Medeiros said, "yes," with some architectural changes. The use of individual driveways would require more earth removal and would create a scar on the land.

Chairman Degen asked about the height of the proposed plantings and whether a buffer of larger trees could be planted. Mr. Medeiros said the limits of clearing are shown on the plan. The large

area had to be cleared for the installation of the sewage disposal system.

Mr. Kiley said he did not want to obstruct sight distance on Old Dunstable Road by planting large trees near the roads. The lots will be well landscaped after they are developed.

Mr. Medeiros said he acknowledged that work was done in advance of the permitting process, but the applicant is making a good faith effort to restore the area and address the Planning Board's concerns.

Member Wilson said using a shared driveway is environmentally responsible, but clear cutting the slope was irresponsible because it intruded on the topography and impacted the neighborhood.

Member Eliot noted that the entire hill has not been clear-cut and there are trees remaining. She said future homeowners can cut trees to improve their views if they choose. She said she prefers the shared driveway rather than a house constructed in the hillside. She suggested that the Board send the plan to its engineer to be sure the driveway complies with the regulations. She said her main concern is that the hill is properly stabilized.

Mr. Kiley said he did not want to be adversarial and would do whatever the Planning Board wants done.

Member Lewis asked about the access easement shown on the plan. Mr. Medeiros said the easement was granted to a different party on a previous plan. Member Lewis asked the applicant to submit more detailed information on the easement shown on the plan.

Member Lewis said he agreed with the concerns about the height of the trees because if they shade the driveway it may cause icing in the winter.

Member Lewis asked about pull over areas for emergency vehicles, especially if there are guardrails on both sides of the driveway. Chairman Degen said the Board received a letter dated November 12, 2002 from the Deputy Fire Chief.

Member Perkins said she, too, prefers the shared driveway plan provided that Board's engineer reviews the plan. She said the details about the existing easement must be provided to the Board.

Chairman Degen asked if the applicant is willing to set up an Chapter 593 escrow account to pay for the Board's engineer. Mr. Kiley said he would consider it, depending upon the estimated cost.

The Board voted unanimously to extend the deadline to February 28, 2003.

The Board voted unanimously to continue the public hearing on February 13, 2003 at 8:30 PM.

### **PUBLIC HEARING (con't) – GIBBET HILL ORCHARD SPECIAL PERMITS**

The Board continued the public hearings to consider the special permit applications submitted by Newbury Street Development for Major Residential Development, Open Space Residential Development (flexible and cluster), and Shared Driveways. Applicant Joseph Falzone, design engineers Lawrence Beals, Cynthia O'Connell, Donald Yonika and David McCollough of Beals Associates, Attorney Mark Johnson, Attorney Ray Lyons, William Conley of the Marion Campbell Trust (landowner), Attorney Robert Orsi, representing the Marion D. Campbell Trust, and many abutters were present.

The Board's consultant, Attorney Mark Bobrowski, was present for the continuation of the public hearing.

Mr. Beals reviewed the power-point presentation and slides shown to the Board earlier in the meeting.

Member Perkins asked if the number of units in Alternative 2 is 90 or 98. Attorney Johnson said the total is 90 because Alternative 2 does not utilize all the incentive lots. Ms. O'Connell said the other eight incentive lots can be used off-site.

Member Barringer asked if the multifamily unit will be located in the open field. Ms. O'Connell said the trees in the multifamily area include the existing orchard and a northerly stand of evergreens.

Member Barringer asked if the road to Ayer and bridge over James Brook (in Ayer) will be repaired. Mr. Beals said, "yes," they presented a plan to the Ayer Planning Board to restore the road.

Member Barringer asked about the distance to access the existing farmhouse if the bridge is not repaired. Mr. Beals said they are not creating a dead-end because they can loop the road as shown on Alternative 1. If the bridge is not repaired, the road design will be reconfigured.

Member Clements said if the bridge is not repaired, Alternatives 2 and 3 have only one access. Mr. Beals said, "yes."

Member Clements asked why there are so many more units with Alternative 3. Mr. Beals said it is a matter of economics because there are more multifamily units and fewer single-family units with Alternative 3.

Member Clements asked about the number of bedrooms on the three alternative plans. He said this is an important consideration for the Board to determine impact on town services.

Member Wilson said he would like to focus on Alternative 3 and requested that the lot layout be changed to create a green area in front of the small lots and open land in the rear of the lots. If the design can be modified, the lots will have a very private feeling rather than a view of other houses. These units will be more desirable and have higher value.

Mr. Yonika said the soils are tight and do not support such density in this area. Member Wilson asked if a community sewage disposal system could be used in order to preserve more open space. Mr. Yonika said such a system requires enough flow to operate properly. Under the Development Rate Limitation by-law, there will not be enough flow unless the units are built more rapidly.

Mr. Beals said these are very good comments, but a small green does not have a sense of public access. He said they would prefer to build tighter neighborhood areas and be able to preserve more open space.

Member Wilson said the houses could either be clustered around a green or clustered more tightly around a cul de sac in this area.

Member Eliot said she likes Alternative 3 because it has the greatest amount of open space. She asked if all the multifamily buildings are duplexes. Ms. O'Connell said all the multifamily buildings have two units with two, three or four bedrooms. The higher priced units are located in the northern portion of the site and the more moderately priced units are in the southwest area.

Member Eliot said she would like to see all the poplars removed to enhance the view from Farmers Row. The applicant agreed.

Member Eliot asked if the public will have access to this area. Mr. Beals said, "yes," there will be limited public parking spaces in the loop area.

Member Eliot asked about the existing farmhouse and orchard. Attorney Johnson said it will be held in private ownership with a conservation restriction. There will be no public access to the orchard area. Mr. Beals said the other open land will be owned by the Conservation Commission and will have public access.

Member Eliot asked what will happen if the landowner does not maintain the orchard. Ms. O'Connell said the homeowners association will be responsible for mowing and site maintenance.

Member Eliot asked who will maintain Shirley Road. Mr. Lyons said it is a Town road that is maintained by the Town. Member Eliot expressed concern that people will use Shirley Road to go to Ayer.

Member Perkins asked the applicant to provide a breakdown of the number of units, including the affordables, and the number of bedrooms per unit. She asked if the starter homes and empty-nester homes would be clustered together.

Mr. Falzone said they tried to address the Planning Board's concerns with the proposed plan with a combination of single family and two-unit duplexes. He said the Groton Housing Authority may want some one bedroom, affordable units. Member Perkins said she would like to see a variety of affordable units, spaced out to meet the Town's housing needs. Mr. Falzone said he will work closely with the Housing Authority on the number of bedrooms in the affordable units. He plans to build a unit for the Housing Authority in exchange for TDR's.

Member Lewis said he preferred Alternative 3. He said he would like one of the affordable units to be single-story, handicapped accessible. He also suggested that building homes with unfinished second stories would be more affordable for families.

Chairman Degen said the Board appreciated the applicant's responsiveness to its concerns. He asked how much of the open space would be in private ownership and how much would be public. Mr. Beals said the privately owned orchard would be about 50 acres as shown on Alternative 3. If Alternative 1 is built, the 83 acres of open space will be about 50% public and 50% private.

Chairman Degen said he also prefers Alternative 3 but is concerned about the access being dependent upon restoring the bridge in Ayer. He asked what would happen if Ayer did not approve restoring the bridge. Mr. Beals said a plan similar to Alternative 1 would be used.

Member Lewis said he does not like to see the subdivision road go through the middle of the field. He said Partridgeberry Woods and Meadow Brook are two developments where you cannot really see the access roads in the field.

Chairman Degen asked if Alternative 3 is used, would the applicant restrict all the TDR units to two bedrooms to limit expense to the Town. Mr. Falzone said, "no," because he must purchase the 23 TDR's. However, he would be willing to restrict the incentive lots from this site. He said he would like to build a unit for the Housing Authority in exchange for TDR's.

Member Barringer asked why the developer is not using Shirley Road as access. Mr. Beals said it is a beautiful, scenic road and transforming it to a subdivision road would destroy the amenity.

Member Barringer asked if the ANR lots on Shirley Road could be smaller. Planning Administrator Michelle Collette said these lots must have 225 ft frontage and 80,000 sq ft area because these lots are accessed by an existing street. § 218-26 states:

“(a) Lot frontage. The minimum frontage of any lot shall not be less than 100 feet. Lots having reduced area or frontage shall have frontage on the subdivision road and not on an existing street.

“(b) Lot area. The minimum area of any lot shall be not less than 30,000 square feet for the first dwelling unit plus 15,000 square feet for each additional dwelling unit, whether attached or detached, on the lot. More than one dwelling unit may be located on a lot.”

Member Barringer asked if the lots could be smaller to provide more open space, as Member Wilson suggested, without reducing the number of lots. Mr. Beals said they would consider it.

Member Clements asked how much open space would be donated to the Conservation Commission and how much would go with the lot with the farmhouse. Mr. Beals said about 50% for each. The orchard will be part of the lot with the farmhouse so the orchard will continue to be in private ownership. The remaining open space will be deeded to the Town. Attorney Johnson said the applicant will discuss the options with the Planning Board at a future hearing.

Member Lewis said if the land is privately owned, the farmer can hay the area. Mr. Falzone said a deed restriction will be recorded to require that the field be mowed at least three times a year. If it is not, the homeowners association can put a lien on the property.

Chairman Degen opened the hearing to comments from the public.

Reporter Carrie Kneeland said two-bedroom units are limited to one child. Member Perkins said the Board would like to see more flexibility in the number of bedrooms per unit.

Hale Smith of Groton School asked how many units will be accessed by Joy Lane. Mr. Beals said the majority of vehicles will use the new subdivision road rather than Joy Lane. Mr. Beals said Joy Lane is a nice road but it is not conducive to traffic.

Chairman Degen said if Shirley Road is not used as a through road, will be subdivision road be constructed to collector road standards. Mr. Beals said, "yes."

Member Eliot asked if a portion of Shirley Road will be improved to collector road standards. Mr. Beals said they would prefer to use minor street standards instead.

Hale Smith said Groton School would like to minimize the amount of traffic that travels on Joy Lane because of its close proximity to the densest part of the Groton School campus.

Marion Stoddart commended the applicant for being responsive to the Town's concerns. She is pleased that the development is away from Farmers Row. However, she still has concerns about the southwest portion of the site because it may be the most sensitive environmental area. She requested that the applicant hire a wildlife professional to evaluate the area. She asked if the architectural design could be modified to look more like farmhouses. She agreed that the poplars should be removed to enhance the view.

Wendy Good stated that the new plans are superior to the previous plans. She said wildlife corridors and trails should not be disrupted by the development.

Abutter Jackie Butler of Amandrey Way asked if a MEPA filing is required. Mr. Beals said, "no," there are no state permits required. Ms. Butler said she prefers Alternative 3 for the people on Amandrey Way.

Abutter Scott Burgess of Farmers Row asked about the affordable housing and the impact on neighboring property values. Member Perkins said she is sure the developer will blend the affordable units throughout the development.

Abutter David Luther said he is delighted with the new plans. He said he will keep his pasture open to help preserve the views.

Pam Gill said she would like to see smaller lots with less lawn and less fertilizer. She agreed that the open area should be managed for wildlife. Mr. Beals said there are about 20 acres of wetlands in Ayer along the James Brook corridor. This area provides valuable wildlife habitat.

Rick Muehlke agreed with the concerns about protecting wildlife and with the suggestion that a "green" be created in the northwest area as suggested by Member Wilson. Mr. Muehlke said the applicant should investigate possible endangered species habitat in the southwest corner of the site near James Brook. Mr. Beals said the applicant must submit a Notice of Intent to the Conservation Commission for any work in the buffer zone. Wildlife protection is one of the interests of the Wetlands Protection Act.

The applicant requested that the Board close the hearing on Major Residential Development and vote on the special permit and that the Board continue the hearing on cluster development. The Board discussed whether or not to close the public hearing on Major Residential Development. Chairman Degen asked if all the MRD requirements have been met. Attorney Johnson said the applicant still has to satisfy the Board's requirements for the cluster development special permit so the Board still maintains control of the process.

Attorney Mark Bobrowski agreed that the Board could close the hearing and act on the special permit for Major

Residential Development at this time without having to decide on which cluster alternative plan it prefers. He said he would draft a special permit decision for the Board to review and vote on at a later date.

The Board voted unanimously to close the public hearing on Major Residential Development only.

The Board voted unanimously to extend the deadlines on Open Space Residential Development (flexible & cluster) and shared driveway special permits until March 3, 2003.

The Board voted unanimously to continue the public hearing on Open Space Residential Development (flexible & cluster) and shared driveway special permits on February 20, 2003 at 7:30 PM.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

