

**GROTON PLANNING BOARD
JANUARY 30, 2003
MINUTES**

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

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

Members absent: Lewis

INFORMAL DISCUSSION – GIBBET HILL RESTAURANT

The Board met with Josh Webber of Gibbet Hill Farms, LLC and engineer Lawrence Beals of Beals Associates to discuss the possible rezoning from R-A to B-1 of a 6.4-acre lot on Lowell Road. Mr. Webber said his family is interested in converting the existing barn to a restaurant. The lot with the farmhouse and barns was excluded from the conservation restriction. The restaurant would have a scenic view of Gibbet Hill and would enhance public access to the restricted land.

Member Perkins said she welcomes the new business, but the curve on Route 40 in this location is very dangerous. Mr. Beals said the access to the site would have to be relocated. The sight distance would be improved with grading and clearing vegetation. The Webbers own the inside of the curve, so improvements can be made on their property.

Member Perkins asked about the other buildings on the lot. Mr. Webber said he does not know what their plans are at this time.

Member Eliot asked how the remaining land would be maintained as agricultural land. Mr. Webber said they are doing everything they can to keep the land in agricultural use. The other barns on Angus Hill will be utilized for the cattle operation.

Member Eliot said she was very supportive of the plan as long as the rest of the site stays in agricultural use. She asked if the Webbers are asking to rezone the whole parcel or just a portion of the site. Mr. Webber said the whole parcel.

Member Clements asked if the land would be open to the public. Mr. Webber said the public would enjoy the view of the hills and would have access to the trails established by the conservation restriction.

(Member Wilson arrived.)

Member Barringer expressed concern about access to the site and sight distances on Lowell Road. Mr. Beals said they would address these issues during site plan review.

Member Clements asked if this is “spot zoning.” Mr. Webber said land owned by Gibbet Hill Farm, LLC abuts the Groton Inn which is zoned B-1.

Chairman Degen said it is important to utilize existing B-1 land before rezoning additional land to B-1. Member Perkins noted that many parcels have been rezoned from B-1 to R-A for residential use resulting in a net loss of B-1 land.

Chairman Degen said other potential uses of the site might be an issue. Member Perkins suggested that the Webbers consider putting a restriction on the deed limiting use of the site. Mr. Webber said they are open to suggestions from the Planning Board.

GROTON DUNSTABLE SECONDARY ACCESS ROAD

Charles Vander Linden, Vice Chairman of the Building Committee, met with the Board to discuss the emergency vehicle access road to the new high school. He said Condition #2 of the site plan approval said the road must be tested by public safety departments before March 14. However, the surface of the road will not be ready for testing by that

date. The conservation restriction says the area cannot be disturbed between March 14 and June 30. He asked the Board if the road could be tested after June 30. The Building Inspector must be satisfied with the access before an occupancy permit can be issued. The public safety officials will be able to test the road in July or August so the high school can open in September.

Member Wilson asked what the problem is with testing the road now. Mr. Vander Linden said the site plan approval says the road should be tested during the winter months prior to March 14. This condition can be met next year, but the road is not ready to be tested this year.

Member Barringer said emergency vehicle access was an important concern during the site plan review process. The Police Chief and Fire Chief should determine whether this road is safe prior to occupancy in September 2003. If a fire truck goes into the water, then it will not reach the school during an emergency. It is also important the schools plow and maintain the road during the winter months.

Mr. Vander Linden said they would try to have the public safety departments test the road before March 14, if at all possible. The gas and sewer lines are installed, but additional surface material and grading are still necessary. There is still too much ice on the road to complete the work this winter.

Chairman Degen said the road will be dry and passable during the summer, but it could be very dangerous during the winter. The Board's condition required testing during the winter months for this reason. Chairman Degen said the Board must consult with the Police Chief and Fire Chief before making any decision on this condition.

PUBLIC HEARING – ROCKY HILL SPECIAL PERMIT & DEFINITIVE PLAN

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Fox Meadow Realty Corporation for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Open Space Residential Development (Cluster) and § 218-27C Planned Multifamily Residential Development to create twelve (12) units as shown on the plans entitled, "Definitive Subdivision Site Plan for Starter Home Phase in Groton Mass.; Owners and Applicants: Fox Meadow Realty Trust and Long Pond Realty, LLC", prepared by R. Wilson and Associates, dated June 13, 2002, revised January 13, 2003. The proposed development is located on Groton Assessors Map & Parcel 120-2 on the northwesterly side of Sandy Pond Road.

Chairman Degen called the public hearing to order. Clerk Wilson read the notice published in the January 17 and 24, 2003 issues of the *Groton Herald*. Applicant David Moulton, Attorney Robert Collins, design engineers Robert Pine of Pine and Swallow Associates and Drew Garvin of R. Wilson Associates were present.

The Board held the continuation of the public hearing on the Rocky Hill definitive plan concurrently.

Chairman Degen asked about the status of the construction of the eight affordable units on Sandy Pond Road (see Special Permit 2002-11). He asked if Parcel Z-1 would be added to Lot 3 for the affordable units. Mr. Collins said Lot 3 was separated from the larger parcel so the special permit for the affordable units could be granted and a building permit issued last fall. However, the inability to provide public water to the site has created a delay. The project will not be constructed until public water is available.

Chairman Degen read the comments from the Groton Electric Light Department, the Water Department, the Board of Health, and the letter dated January 23, 2003 from National Grid regarding the power line easement.

Mr. Pine responded that no work would be done within the power line easement area. Mr. Collins said he would respond to National Grid on behalf of his client.

Mr. Pine described the plan which includes the donation of 350+ acres to Massachusetts Audubon Society. The concept plan approved by Town Meeting included 24 empty nester units, 12 starter units, 8 affordable units, and 38 single family units for a total of 82 units. The location of the road has been changed to avoid the wetlands in the wooded area. The site is organized around several internal conservation areas. The number of single-family homes

has been reduced and the number of empty nester units has been increased to 35. This change results in more open space and better site design. Access to the open space area will be from a parking area to be constructed at the end of the road instead of a cul de sac.

Chairman Degen asked the applicant to provide the Board with information on the number and type of units shown on the concept plan and the types shown on the special permit plans. Mr. Collins said there were 24 empty nesters on the concept plan and now there are 35. Chairman Degen asked if the number of single family has been reduced from 38 to 27 so the total number is the same. Mr. Collins said, "yes."

Member Perkins asked if the starter homes would be in the moderate price range. Mr. Collins said, "yes," they will be smaller homes with 1800 to 2400 sq ft floor area.

Member Perkins asked if access would be via a subdivision road, not a driveway. Mr. Collins said, "yes."

Member Perkins asked if 100 ft frontage is required for each lot. Mr. Collins said the starter homes would be on exclusive use areas rather than on individual lots. Member Perkins asked if the land would be held in common ownership. Mr. Collins said, "yes," which is similar to the Shepley Hills, Deer Haven and Still Meadows developments. Member Perkins asked if a condominium association would be established. Mr. Collins said, "yes."

Chairman Degen asked if the roads would be public or private. Mr. Collins said they would become Town roads.

Member Perkins noted that the Board received a report dated January 23, 2003 from Judith Nitsch Engineering, Inc. (JNEI). Mr. Collins responded that JNEI never saw the concept plan and did not understand the history of this project. He said he would prepare a written response to JNEI's comments.

Member Eliot asked when the public water line would be available. Mr. Collins said when the road is constructed.

Member Wilson asked if the units would have three bedrooms each. Mr. Collins said, "yes," but they can be expanded to four bedrooms.

Member Wilson asked if the applicant would consider a restriction so there could be no expansion of the footprint in order to maintain housing diversity. Mr. Collins said such a restriction could be included in the condominium documents.

Member Perkins said she would like to see the homeowners maintain the cul de sac area. Mr. Pine said they are not sure whether there will be one large association or several smaller ones. They would like to have an integrated community.

Chairman Degen asked about the requested waivers. Mr. Collins said they are requesting waivers for:

- §346-B8 so only site features in the area to be developed must be shown;
- §346-8B15 Street Trees because natural vegetation will be maintained;
- §346-B21 Utilities so the poles in the power line easement need not be located;
- §346-10A2 so no projections of street right-of-ways be shown;
- §346-10D5 to exceed cut and fill limits along the street centerline;
- §346-13A1(a)(2) so a sidewalk is only required on one side of the road;
- §346-13E1 so Cape Cod berm can be used rather than granite curbing.

Member Perkins asked if the road would be constructed to collector street standards. Mr. Pine said, "yes." Mr. Collins said the waivers for granite curbing, one sidewalk and cut and fill are the only significant ones.

Member Perkins asked about streetlights. Mr. Collins said they would like to install more decorative lights instead of standard streetlights. Planning Administrator Michelle Collette suggested that the applicant work with the Groton Electric Light Department on alternative streetlights.

Member Perkins requested more detail on the cut and fill waiver.

Member Clements asked about access to the open land to be donated to Audubon. Mr. Pine said access would be from the subdivision road to a 4 or 5-space parking lot adjacent to the conservation land. Member Clements asked if Audubon plans to construct any buildings on the land. Mr. Pine said, "no." Mr. Collins said they might be allowed to construct a visitors' center in the future.

Member Clements asked if the public would have access to the open space within the development. Member Eliot said the extended neighborhood may want to use the open space in this area. Member Clements said the internal open space could be owned by the homeowners association with a provision for public access.

Member Barringer asked if a revised definitive plan had been submitted yet. Mr. Pine said, "no," but a revised plan will be submitted.

Member Barringer said the area near Boston Road with the proposed cut and fill waiver will have very steep driveways. Mr. Pine said they will look at a cross-section of this area.

Member Barringer said the utilities poles in the vicinity of GELD's and the Water Department's access in the New England Power easement should be located on the plan.

Chairman Degen said he supported this concept plan at Town Meeting, but the applicant's reliance on waivers may not be in the Town's best interest. He said the applicant must justify the request for waivers. He added that granite curbing is very important for snowplowing. He suggested that the applicant consider a reduction in square footage of the units, an increase in the number of empty nester units, or elimination of the four single-family units near Sandy Pond Road. Chairman Degen suggested that more affordable units could be provided in exchange for the waiver of granite curbing. Mr. Collins said they will look into these suggestions and come back to the Board with a response.

Member Eliot said not all the units should be aged-restricted, but some should be.

Member Clements asked about access to the land from the adjacent business site. Mr. Pine said there is a path that connects the residential area with the business area.

Carrie Kneeland asked about the number of bedrooms in the empty nester units. Mr. Collins said most of the units would have three bedrooms.

The Board voted unanimously to continue the public hearings on the definitive plan and special permit application to March 20, 2003 at 7:00 PM.

The Board voted unanimously to extend the deadline on the site plan to March 30, 2003 as requested by the applicant.

ANR PLAN – PETERBOROUGH OIL, BOSTON ROAD

The Planning Board considered the Approval Not Required (ANR) plan submitted by Peterborough Oil Company to change a lot line between two non-conforming lots of record located on Boston Road and Old Ayer Road. Attorney Robert Collins presented the plan that will not create any new building lots and will eliminate the need for an easement for the sign and access to the service station.

The motion was made by Eliot to endorse as Approval Not Required the plan entitled, "Approval Not Required Plan for 1-6 Boston Road in Groton, MA (Middlesex County)," prepared by Waterman Design Associates, dated January 15, 2003. The motion was seconded and passed unanimously.

DRAFT SPECIAL PERMIT DECISION – GIBBET HILL ORCHARD

The Board reviewed the draft special permit decision for Gibbet Hill Orchard prepared by Attorney Mark Bobrowski. The Board will add a finding regarding consistency with the Comprehensive Master Plan. The Board will vote on the

special permit at its meeting on February 6, 2003 when all members are present.

INFORMAL DISCUSSION – AFFORDABLE HOUSING ON LOWELL ROAD

The Board met with Attorney Ray Lyons for an informal discussion regarding a comprehensive permit application for 44 units of housing on Lowell Road. The land is owned by Gloria Fuccillo and was the subject of a previous preliminary plan application reviewed by the Planning Board.

Mr. Lyons said 11 of the 44 units would be affordable under state guidelines. The structures will be a minimum of 50 ft from the wetlands and 200 ft from Martins Pond Brook, if possible.

Board members expressed concern about steep slopes, the amount of cut and fill required to develop this site, and poor sight distances on Lowell Road. The land abuts the GELD substation and is located in a Water Resource Protection District.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

MC/lg

