

GROTON PLANNING BOARD
APRIL 24, 2003
MINUTES

Chairman Degen 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 – 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 following proposed zoning amendment:

To see if the town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton by amending Section 218-25.1 Personal Wireless Services Facility, subsection 218-25.1 H Development Regulations, by striking out existing item (3) which reads as follows:

“(3) Silver paint or galvanized finish shall be used on the portion of the outside of a personal wireless services tower that rises above the tree line in order to blend into the landscape.”

And by inserting in its place:

"(3) In order to blend into the landscape and minimize the visual impact of a personal wireless services tower that rises above the tree-line, the tower shall be finished in a manner acceptable to the Planning Board."

Chairman Degen read the notice published in the April 11 and 18, 2003 issues of *The Groton Herald*.

Chairman Degen explained that the proposed amendment would give the Board more flexibility in the type and color of finish of telecommunication towers. Town Counsel Patricia Cantor drafted the zoning amendment.

There were no questions from the public.

The Board voted unanimously to close the public hearing.

The motion was made by Barringer to support the proposed amendment to §218-25.1 Personal Wireless Services Facilities. The motion was seconded and passed unanimously.

PUBLIC HEARING (con't) – ZONING AMENDMENTS

The Board continued its public hearing on proposed zoning amendments including Development Rate Limitation and Subdivision Phasing, Flexible Development, Major Residential Development, and Water Resource Protection Districts.

§ 218-28 Development Rate Limitation - Planning Administrator Michelle Collette said Attorney Mark Bobrowski would re-write the paragraph on exemptions if the Board wishes. Mr. Bobrowski recommended that the Board consider exempting Flexible Development subdivisions from the Development Rate provisions.

Member Perkins said she cannot support the proposed amendment unless Flexible Development plans are exempt. She said she is still uncomfortable with the proposal because it will be too difficult and complicated to administer. Under the existing provisions, everyone has an opportunity to build a certain number of units per year, and everyone has a fair chance. She expressed her concerns with a system that allows only four permits per month.

Member Lewis said he did not support the proposed amendment either. He said the Town will have more comprehensive permits if it tries to stop people from building altogether.

Member Clements did not agree that the Town should provide such a strong incentive for flexible development.

Reporter Carrie Kneeland asked how long the existing Development Rate provisions have been in effect. Planning Administrator Michelle Collette said the by-law was adopted in 1980 and has been in effect since 1983 when town-wide permit issuance reached 120 in 24 months. However, the town-wide permits have been less than 120 since November 2001.

Member Lewis said the Board should consider dropping the threshold from 120 to 80 or reducing the number of permits per subdivision.

Chairman Degen said the proposed amendment is a response to the number of new houses and demand on public services. The Planning Board must be pro-active in this area.

Member Barringer said the increased tax rate is evidence of the impact of growth on the Town's infrastructure.

Member Perkins said she appreciates the Board's desire to control growth. The existing by-law is more reasonable and fair. The proposed by-law does not include any provisions on how permits will be distributed each month.

Chairman Degen suggested that the Board continue to work with Mark Bobrowski on the details of the proposed amendment. He agreed that limiting permits to four a month could create a quagmire.

Member Lewis noted that the Board said "no" to a five-lot subdivision on Route 40 that is now a Comprehensive Permit application.

Growth Management Advisory Committee (GMAC) member Susan Horowitz asked if the threshold and number of permits were reduced, would flexible development plans be exempted. Member Perkins said, "no," the provisions should be the same for all subdivisions.

Member Lewis said if flexible development is working for the town, why should the number of permits be limited. Susan Horowitz said it is a very subjective opinion. Some people believe flexible development is too open-ended.

Chairman Degen asked the Board if members would support the amendment if flexible development is exempt or should the Board postpone the article indefinitely. Board members agreed that the article should be postponed and that the Board should continue to work on the revisions with Mark Bobrowski and GMAC.

The motion was made by Lewis to postpone indefinitely the proposed amendment entitled, "Development Rate and Subdivision Phasing." The motion was seconded and passed unanimously.

§218-26 Flexible Development – The Board was still waiting for minor language changes to be drafted by Mark Bobrowski.

§ 218-26.1 Major Residential Development and § 218-30 Water Resource Protection Districts – The Board will go forward with the proposed amendments as written.

The Board voted unanimously to continue the public hearing on April 28, 2003 at 6:30 PM.

PUBLIC HEARING (con't) – RESIDENTIAL COMPOUND REGULATIONS

The Board continued the public hearing to consider the proposed revisions to the Subdivision Regulations entitled, "Residential Compound Plan".

The only outstanding issue was the minimum lot size. Members Barringer, Degen, and Lewis favored a two-acre minimum, while Members Clements, Eliot, and Perkins favored three acres. Member Wilson was not present at the time.

The Board voted unanimously to continue the public hearing on May 15, 2003 at 7:30 PM.

PUBLIC HEARING (con't) – ROCKY HILL DEFINITIVE PLAN

The Board continued the public hearing on the Rocky Hill definitive plan and special permit applications. Applicant David Moulton, Attorney Robert Collins, engineers Russell Wilson and Drew Garvin were present.

(Member Wilson arrived.)

Mr. Collins said the applicant learned that a wildlife study may be required by the Natural Heritage and Endangered Species program (NHESP) because blanding's turtles are located on the site. A wildlife expert will be conducting a study to satisfy NHESP's requirements, but such a study may take months to complete. The applicant is very concerned about the September deadline in the Zoning By-law (24-months after concept plan approval by Town Meeting) if mitigation measures must be incorporated into the plan. Mr. Collins said the applicant may want to amend the special permit applications and change the lot configurations in the future. However, it is unrealistic to complete the process by September.

Chairman Degen said the Board walked the centerline of the proposed road on Saturday, and there are extraordinary grade changes shown on the plan. He asked if a bridge could be constructed to avoid the need for the waiver of the cut and fill regulation. He suggested that the applicant focus on the road lay-out for the time being and go back to Town Meeting with a new concept plan if necessary.

Mr. Collins said the proposed road was shown on the concept plan and the need for a cut and fill waiver was noted at the public hearing on the concept plan. The road will be located in the area with the least amount of disturbance. He said the amount of fill in this area would provide a barrier for the turtles. Mr. Collins asked the Board to appoint a liaison to work with NHESP.

Member Barringer agreed with other members' concern about eighteen feet of fill in this location. He said the fill would create a causeway across the wetlands as well as a barrier for turtles.

Member Lewis said the applicant must show how the road can be constructed without a waiver, and then show how the plan is better with the waiver. Mr. Collins said they could submit an alternative plan and discuss it in more detail in two weeks. Member Lewis said the NHESP review may require a redesign of the road system.

Mr. Collins said the applicant's biggest concern is concluding the process before September. The Board said it would request an opinion from Town Counsel on the 24-month time period from concept plan approval by Town Meeting.

The motion was made by Barringer to appoint Bruce Clements as the Board's representative to NHESP. The motion was seconded and passed unanimously.

The Board voted unanimously to continue the public hearing on May 8, 2003 at 7:30 PM.

PUBLIC HEARING (con't) – MILL STREET RELOCATION DEFINITIVE PLAN

The Planning Board continued the public hearing on the definitive plan showing the proposed relocation of the intersection of Mill Street and Route 119. Attorney Collins was present at the hearing.

Mr. Collins said there are still outstanding engineering issues between LandTech, the design engineer, and JNEI, the Board's engineer. JNEI's report states that the plan does not comply with the regulations so all the outstanding engineering issues must be resolved.

Chairman Degen said this definitive plan creates a new parcel in the B-1 District that is prime for development. The parcel is located adjacent to the land with the 48-unit, 40B application.

Mr. Collins said the proposed plan shows the relocation of Mill Street at the intersection of Mill Street and Route 119 for safety reasons. The proposed intersection realignment is a good thing for the Town.

Member Lewis expressed concerns about cars stacking on Mill Street and blocking Anthony Drive. He said the creation of the business-zoned parcel in this location may create a safety concern. Other members agreed.

Mr. Collins said he would withdraw the application for approval of the definitive plan.

The motion was made by Wilson to accept the withdrawal of the definitive plan without prejudice. The motion was seconded and passed unanimously.

PUBLIC HEARING (con't) – LOOKOUT RIDGE SPECIAL PERMIT

The Board continued the public hearing on the Lookout Ridge special permit plan. Applicant Joseph Falzone, design engineer Cynthia O'Connell of Beals Associates, and Attorney Ray Lyons were present.

Ms. O'Connell said they met with the Conservation Commission to address the Commission's concerns about work in the buffer zone. She said they would try to modify the plans to keep work out of the 100 ft buffer as much as possible. The developer will submit a Notice of Intent when the definitive plan is submitted. Attorney Lyons added that the Conservation Commission prefers open drainage with natural landscaping.

Ms. O'Connell submitted information on the request to waive the granite curbing. The waiver is for a 12,620 linear feet of curbing with a value of \$201,920. Mr. Falzone offered to donate an affordable unit to the GHA in exchange for the waiver. The market-rate value of this unit is \$400,000.

Attorney Lyons said this means the GHA will receive two units instead of one, bringing the total number of units up to 130 including 13 affordable units. Ten percent of the units will be affordable as requested by the Board.

Ms. O'Connell said the land with the community sewage disposal system was not used for the open space calculations. The open space above the 35% requirement equals 16 TDR's. One TDR will be used from the Ames Meadow subdivision.

Chairman Degen suggested that the applicant verify the value of the curbing with Fletcher Granite in Westford because the \$201,920 cost estimate seems too low. Mr. Falzone submitted a quote from Severino, Inc. of \$16.00 per linear foot to install granite curbing. Chairman Degen asked if this price includes the cost of the curbing as well as the installation.

Ms. O'Connell pointed out the location of the affordable units with six units in the age-restricted area, two single-family condominiums in the northwest area, and four duplex units in the northeast area.

Attorney Lyons said if the Board agrees with the additional affordable unit for the GHA, two units (in a duplex) in the northeast area would be deeded the GHA.

Ms. O'Connell submitted architectural designs as requested by the Board. The architect is Al Trellis, author of "Neighborhood in a Box." These units will have 2000 sq ft in two stories. The Board responded favorably to the architectural elevations.

Member Eliot said they should be careful about that they do not plant trees that would obstruct the vista in the future.

Ms. O'Connell said a balloon test was done to demonstrate the proposed height of the buildings on the landscape. She showed the Board photographs of the site that were taken the day of the balloon test.

Member Barringer asked if the age-restricted units would have two bedrooms each. Mr. Falzone said, "no," the units would have three bedrooms.

Ms. O'Connell described the proposed phasing plan with the road system to be constructed in the first year. The age-restricted housing will be constructed with no limitations on permit issuance. 50% of the northwest cluster will be constructed in the first year, and 50% of the northwest cluster constructed in the second year. The northeast area and ANR lots will be subject to the Development Rate Limitation provisions.

Member Barringer asked how the developer determined the value of the unit to be donated to the GHA to be

\$400,000. Attorney Lyons said units in the Still Meadow cluster development are selling for \$395,000.

Member Clements said he is very pleased with the architectural elevations submitted at the hearing. However, he is not as impressed with design of the age-restricted units. Mr. Falzone said these units would be duplexes and triplexes with farmer's porches. The design is very flexible.

Member Wilson asked if the units could be offset for some variety. More articulation is needed. Ms. O'Connell said they would work with the builder on these details.

Chairman Degen asked if the new affordable unit to be donated to the GHA is a duplex that was a single-family house on the previous 129-unit plan. Ms. O'Connell said the choice is between one unit on 15,000 sq ft and a duplex on 45,000 sq ft. Member Perkins asked if the GHA has agreed to own and rent the units. Attorney Lyons said the GHA is looking for family units. He requested that the Board close the hearing with the understanding that the Board will receive confirmation from the GHA on accepting the additional affordable unit.

Member Wilson asked about the architectural design of the houses in the northeast area. Mr. Falzone said they would be traditional, larger units. Member Wilson asked if the colors would be darker. Attorney Lyons said even white houses will blend into the landscape with the farmhouses.

Member Eliot requested that there be a restriction on the deed that no trees taller than 20 ft be planted in the open field and no trees taller than 50 ft be planted on the lots.

Member Eliot asked about improvements to Shirley Road. Ms. O'Connell said the road would be regraded. Member Eliot said Shirley Road should remain gravel and not upgraded. Member Lewis said the Board cannot place a condition on Shirley Road because it is a public way. Attorney Lyons said details about improvements to Shirley Road would be shown on the definitive plan.

Member Perkins asked if the road serving the condominiums would be a private way. Attorney Lyons said, "yes," and the condominium association will maintain it.

Member Perkins asked who would hold the conservation restriction on the agricultural land. Attorney Lyons said the Conservation Commission.

Member Eliot asked about parking for the public to use the open space. Ms. O'Connell said parking would be shown on the definitive plan.

Member Lewis reiterated his request for a play area for children and the donation of topsoil for the Town's playing field in West Groton.

Member Barringer requested that the siting of the houses on the ANR lots be staggered for variety. Mr. Falzone said the houses will be set back as far as they can. There is plenty of room on these lots.

Chairman Degen said it makes sense to grant the waiver for granite curbing in exchange for the donation of the affordable unit to the GHA. This is a very significant donation.

Chairman Degen asked if a bike path could be constructed in exchange for the sidewalk waiver. Member Lewis said a 10 ft minimum pavement width is recommended for bike paths. Ms. O'Connell said these issues can be discussed during the definitive plan.

Carrie Kneeland said the developer's offer to donate an affordable unit results in one more unit. She said the Board does not have to accept the offer.

The Board voted unanimously to close the public hearing and to leave the record open for comments from the GHA on the donation of the affordable unit.

AMES MEADOW REMEDIATION

Mr. Falzone informed the Board that soil testing is currently underway on Wharton Row in the Ames Meadow subdivision. He said he will correct the problem with the condition of the road as soon as possible. The Board requested that Mr. Falzone keep the Board and the residents of the subdivision informed.

LINE ITEM TRANSFER

The motion was made by Perkins to transfer \$10,000 from its engineering line item to the Town's health insurance line item at the May 5, 2003 Special Town Meeting. The motion was seconded and passed unanimously.

Meeting adjourned at 10:45 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

MC/lg