

**GROTON PLANNING BOARD**  
**MAY 15, 2003**  
**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

**CORRECTION - FOR THE RECORD**

Member Clements stated, for the record, his interview with the Groton Herald contained a factual error. The article stated, "We [the Planning Board] are *not* hoping to being the development planning process by looking at the land proposed for development, and working with the developer or landowner and consultants in landscape and subdivision design to arrive at a plan that fits the land while providing a mix of housing types."

Member Clements said the text he submitted to the newspaper said, "We [the Planning Board] are *now* hoping to being the development planning process by looking at the land proposed for development, and working with the developer or landowner and consultants in landscape and subdivision design to arrive at a plan that fits the land while providing a mix of housing types."

**SITE PLAN REVIEW – BULL DOG REALTY, 14 STATION AVENUE**

The Board reviewed the site plan submitted by Bull Dog Realty Trust to renovate five residential units in an existing structure located at 14 Station Avenue. Applicant Michael Bushnell, Attorney Aleta Manugian, and engineer Bernard Hamill of H-Star Engineering were present.

Attorney Manugian said Bull Dog Realty Trust includes Michael Busnell, Ken Bushnell and Bob Busnell who would like to convert the five rental units on Station Avenue to five condominium units. The proposed conversion will result in the same number of units (5) and same number of bedrooms (9).

Mr. Hamill presented the site plan including a paved parking area and drainage system. The existing site has no parking other than the driveway. Garages will be provided for each of the five units so cars will not park on the street. Two new catch basins will be installed to handle runoff. The applicant submitted a Request for Determination of Applicability to the Conservation Commission. The Zoning Board of Appeals granted a special permit to convert the non-conforming structure.

Member Lewis stated that the soils in the Town Center are full of clay so the catch basins may not work well. Mr. Hamill agreed that the soils are not good and the groundwater is high in the spring. He said the system is designed for minimal flow. Member Lewis said he would like the soil tests done in the area of the proposed catch basin.

Member Lewis asked where the snow would be stockpiled. Mr. Hamill said the snow would be plowed to the rear of the site. It will be easier to plow if the site is paved.

Member Lewis said he is concerned about runoff flowing into Station Avenue. Mr. Hamill said they would install a catch basin so water will not flow into Station Avenue.

Member Lewis asked about runoff from the roof. Mr. Hamill said it will be sheet flow, but gutters could be installed. *(Member Eliot arrived.)*

Member Lewis asked about lighting. Mr. Bushnell asked the Planning Board for suggestions. Member Lewis suggested that the lights be on motion detectors. Mr. Bushnell agreed.

Member Perkins asked if there is an increase in the number of bedrooms. Mr. Bushnell said, "no," there are nine bedrooms today and nine bedrooms are proposed.

Member Perkins asked if the ZBA special permit addressed the additional floor space. Mr. Bushnell said, "yes." The

renovated building will have 3200 sq ft on two floors.

Member Perkins asked about landscaping. Mr. Bushnell said they would plant grass.

Member Eliot asked about the parking spaces. Mr. Hamill said there will be seven (7) parking spaces that are 9' x 20'.

Chairman Degen read comments from the Board of Health, the Police Chief, the Conservation Commission, and noted that the ZBA granted a special permit on March 11, 2003.

Member Clements asked about the number of parking spaces. Mr. Bushnell said there are six spaces in the parking lot and seven garage spaces.

Member Barringer asked about trash pick-up. Mr. Hamill said individual trash receptacles would be used.

Member Barringer asked if there would be a garage for each unit. Mr. Hamill said, "yes." Member Barringer said the applicant cannot count the ten on-street parking spaces because there is a parking ban on overnight parking during winter months.

Member Barringer said the applicant should submit a landscaping plan and lighting glare should be minimized. He recommended that the applicant check with the Building Inspector on compliance with the Americans with Disabilities Act (ADA).

Chairman Degen said the plan does not comply with the submission requirements in § 218-25 for a Level II site plan. He suggested that the applicant submit a revised plan and drainage calculations.

Planning Administrator Michelle Collette asked if the Board wanted to send the plan to Judith Nitsch Engineering (JNEI) for review. Mr. Hamill requested that he submit a revised plan before the Board sends it to JNEI. Mr. Bushnell asked how much the engineering review would cost. The Board said it will ask JNEI for an estimate.

The Board will walk the site on Saturday, May 31, 2003 at 9:00 AM.

The Board voted unanimously to extend the deadline to June 30, 2003 as requested by the applicant.

The Board voted to continue its review on June 12, 2003 at 7:00 PM.

### **PUBLIC HEARING (con't) – RESIDENTIAL COMPOUND PLAN**

The Board continued the public hearing on the proposed "Residential Compound" regulations to be incorporated into the Subdivision Regulations. The Board debated whether the required lot area should be two or three acres.

Member Perkins said since the regulations allow reduced frontage, it makes sense to increase the required area. Member Barringer said the purpose of reducing frontage is to eliminate driveway cuts and get away from ANR lots. Chairman Degen agreed that the proposed regulations are an alternative to ANR development.

Robert Pine said if the Board increases the area to three acres, it will reduce the overall density of the project, but it will also reduce the potential amount of open space. He added that the Board can always waive the area requirements because they are part of the subdivision regulations and not part of zoning.

*(Member Wilson arrived.)*

Member Lewis said the Flexible Development by-law is designed to address open space issues. The Residential Compound regulations are another type of development – not another version of Flexible Development. He expressed concern that residents will ask the Selectmen to accept these private roads as public ways.

Member Wilson said the Residential Compound provisions would protect the views from the public ways. It is one way the Board can deal with the issue of ANR development, permitted by State Statute. These developments may be very desirable with larger, private lots away from the public street. Homeowners will understand that the road will not become a public way if there is such a restriction on the deed. Member Barringer said the Board has no control over what information is provided to buyers.

Member Lewis asked who has enforcement authority. Planning Administrator Michelle Collette said the Planning Board and Building Inspector. Member Lewis stated his concerns about providing adequate access as required in the Subdivision Control Law. He said there would be problems if the roads are not plowed or maintained properly.

The Board voted unanimously to close the public hearing.

The motion was made by Perkins to adopt the "Residential Compound Plan" regulations as detailed in the draft dated April 23, 2003 including the requirement that:

"Each lot shall have at least 50 feet of frontage on the Common Private Way and shall contain one hundred fifty (150%) percent of the minimum area requirement for the district in which it is located."

The motion was seconded and passed with Degen, Barringer, Clements, Eliot, , Perkins, and Wilson in favor; Lewis opposed.

## **PUBLIC HEARING – BROOKS ORCHARD**

*(Member Degen stepped down because he is an abutter.)*

In accordance with the provisions of Chapter 40A, §§ 9 and 11, M. G. L., the Groton Planning Board held a public hearing to consider the application for a special permit submitted by the Groton Land Foundation to utilize the provisions of Groton Zoning By-law Section 218-26 Open Space Residential Development to construct 14 dwelling units as shown on the plan entitled, "Brooks Orchard Limited Development Plan," prepared by Pine and Swallow Associates, dated April 28, 2003. The proposed development is located on land owned by Brooks Orchard, LLC, shown as Assessors' Lot 232-30, located on the northerly side of Orchard Lane.

Vice Chairman Barringer called the public hearing to order. Clerk Wilson read the notice published in the May 2 and 9, 2003 issues of the *Groton Herald*. Groton Land Foundation Directors Robert Pine, June Johnson, Aleta Manugian, and Marion Stoddart; landowners Steven and Joshua Webber, and many abutters were present.

Mr. Pine presented the plan to create a limited development on the 190-acre Brooks Orchard site. He stated that the plan is the optimum way to use the property. A portion of the site will be conveyed to the Groton Water Department for a new storage tank. The site consists of three drumlins with bordering vegetated wetlands in the center. The land abuts Martins Pond to the east. A stream flows through the property and joins Unkety Brook. The land to be preserved as open space abuts other conservation land including the 100-acre Sorhaug Woods to the north. There is important wildlife habitat throughout the area, an important trail system, and wonderful views.

Mr. Pine said in September 2002, the Special Town Meeting approved a concept plan to develop 18 units on the site. The Groton Land Foundation is proposing to build 14 units. In April 2003, Jeff Collins of Massachusetts Audubon prepared a wildlife study that identified important wildlife corridors along the edge of the wetlands and along the wooded side of Martins Pond.

The architectural plans, prepared by O'Neil Pennoyer Architects, are designed to fit into the landscape. The GLF is working with the Staubs, who own the abutting land, to swap land in order to relocate the existing farm road. The GLF is also negotiating with the McLatchys to use the existing access as an emergency vehicle access road.

Architect Sheldon Pennoyer presented the proposed development plans for the area with the existing farmhouse. This area will be developed as a traditional New England farm complex. The existing barn will be renovated for a common building with a courtyard area. Each unit will contain 1600-2600 square feet with a wrap-around porch. The farm house and carriage house will be accessible without ramps.

Mr. Pennoyer said the woodland site would contain two-story buildings set around a common, green space with private yard areas on the downhill side. He noted that this site requires two different building types to work well with the landscape.

Vice Chairman Barringer read the comments from the Board of Health, the Conservation Commission, and the Water Department. He said the Board also received a letter dated May 15, 2003 from Harlan Fitch.

Member Clements commended the carefully thought-out plan that fits with the land. He asked if there are any rare or endangered species on the site. Mr. Pine replied they are not aware of any, but they will continue to look for protected species. Member Clements asked if the GLF is working with the Natural Heritage and Endangered Species Program (NHESP). Mr. Pine said the project is not under the jurisdiction of NHESP, but the GLF will work with them to protect species on this site.

Member Clements asked about the proposed emergency vehicle access road. Mr. Pine said it is a well-constructed gravel road. There will be a maintenance agreement between Mr. McLatchy and the Groton Water Department for access to the water storage tank.

Member Clements asked if primary access to the site is over Orchard Lane. Mr. Pine said, "yes." Member Clements asked about traffic flow. Mr. Pine said the GLF would work with the Planning Board to address the traffic issues.

Member Clements asked if the GLF plans to retain use of the entire parcel or if any land would be sold to abutters. Mr. Pine said the GLF is negotiating with five abutters to sell a total of six to eight acres.

Mr. Pine said two lots will be owned by the homeowners association, and the open space will be conveyed to the Groton Conservation Trust. The GLF is negotiating with the Department of Food and Agriculture for an Agricultural Preservation Restriction (APR). Lynn Harris of Autumn Hill Orchard will help the Trust restore the orchard on the site. Mr. Pine said the Department of Food and Agriculture said the land subject to the APR must be kept as one unit and maintained in agricultural use, preferably food production.

Member Clements asked if there would be either an APR or Conservation Restriction (CR) on the open space. Mr. Pine said, "yes."

Member Clements asked if the trail network would be preserved. Mr. Pine said, "yes." He added that this site is one of the most beautiful places to walk because it is a wonderful landscape. The trail connects to the Mayfield (Sorhaug) area, the Mason land on Old Dunstable Road, as well as Angus and Gibbet Hills.

Mr. Pine stated that the GLF would work with the Board of Health to remediate the soil contamination issues. Extensive testing was done and the report will be submitted to the Planning Board and Board of Health.

Member Wilson said he has been involved in many phases of the process to protect this land. This is a wonderful project with good architectural design for this site. Member Wilson asked for clarification on how the proposed project compares with the concept plan approved by the Special Town Meeting in September 2002. He said the concept plan stated that the maximum number of units to be developed would be 18, but the amount of development would be kept to a minimum. He said the applicant told Town Meeting that the abutters would be given every opportunity to participate in the process. The overall objective was to protect the land with an APR or CR.

Member Wilson continued that the GLF's plan is to create 14 units to offset the cost of the purchase, but the abutters have proposed a purchase of the land with far fewer units. The GLF has denied this proposal for a minimal, four-unit development in favor of the 14-unit plan. He stated that there would be more open space, less infrastructure, fewer

children, and less impact on the town with the alternative, four-unit plan.

Mr. Pine responded that this hearing is not the appropriate forum to discuss this matter. He stated that the GLF is negotiating in good faith with the abutters. The APR program will fund \$800,000.00, which adds value to the proposal. The land subject to the APR should be under the control of one entity to ensure that the land continues in agricultural use. The Department of Food and Agriculture prefers food production and not nursery use.

Mr. Pine said several groups worked together on the purchase of the restrictions on Gibbet Hill and Angus Hills. The ANR lots on Martins Pond Road were excluded from the restriction to preserve value in the land for the Webbers. The GLF's proposed 14-unit development would eliminate the ANR lots on Martins Pond Road. Mr. Pine said he believes there is more impact from four larger, single-family homes than there will be from the 14 smaller units shown on the proposed plan. The GLF reduced the total number of units from 18 to 14. This is the minimum number of units and the best proposal for the land.

Member Wilson asked how many acres will be developed. Mr. Pine said at least 160 acres of the 190-acre parcel will be permanently protected by an APR or CR as promised at the Special Town Meeting.

Member Wilson asked about the number of bedrooms in the units. Mr. Pine said there would be an equal number of units with two bedrooms and three bedrooms. Member Wilson asked how many units will be affordable. Mr. Pine said, "one."

Member Eliot said this is a beautiful concept with a very attractive architectural rendering. She asked if the emergency vehicle access road would be gated. Mr. Pine said, "yes."

Member Eliot suggested that the Board have its traffic engineer review the plans for the intersection of Orchard Lane, Chestnut Hills Road and Martins Pond Road.

Member Eliot asked about construction standards. Mr. Pine said they would like to use a stone dust surface rather than pavement.

Member Perkins asked about the length of the road. Mr. Pine said the length of the road and shared driveway totals approximately 2000 feet.

Member Perkins asked if the road will become a public way. Mr. Pine said the road would be constructed to subdivision regulation standards with deed restrictions requiring maintenance by the Water Department and Homeowners Association. The GLF would like to discuss these details with the Planning Board.

Member Perkins suggested that the Orchard Lane issue be discussed with the Board of Selectmen.

Member Perkins asked how many houses use Orchard Lane today. Mr. Pine said the Perrys Staubs, Degens and Muellers use Orchard Lane as access.

Member Perkins asked about the width of the proposed subdivision road. Mr. Pine said it would be 18 ft wide with a stone dust surface on a very solid base.

Member Perkins asked if there would be public water and fire hydrants. Mr. Pine said, "yes."

Member Perkins asked if any additional farm buildings would be constructed. Mr. Pine said they might move the existing metal barn. Mr. Harris plans to maintain the orchard from the Autumn Hills Orchard on Chicopee Row.

Member Perkins asked about public access. Mr. Pine said the open space would be open to the public unless they are spraying the orchard or the fruit is ready for harvest.

Member Lewis stated that he agrees with other members about the plan and amount of land to be set aside. However,

he said he has concerns about the stone dust road surface. He recommended that asphalt pavement be used for safety reasons. In addition, gravel roads create a lot of dust. Mr. Pine said they could use the right materials to reduce the dust.

Vice Chairman Barringer asked if all the units would be condominiums. He said the engineering details and waivers could be discussed at the definitive plan and site plan review stage. He asked if the applicant would submit a traffic study. Mr. Pine said he would like to walk the land with the Board first.

Joshua Degen, speaking as an individual and not a Planning Board member, stated that he worked with the Town and the Millers to correct the problems with Orchard Lane. He said he would submit a copy of an agreement with the Town stating that Orchard Lane cannot be altered for the Planning Board's review.

Mr. Degen referred to the 1999 letter from the State Ethics Commission to Planning Board member Richard Curtis. The letter indicates that a member of the Board who steps down can participate from the audience as an abutter at the public hearing.

Member Clements asked about the existing farmhouse. Mr. Pennoyer said they considered moving it or renovating it. However, it would be very expensive and there were wildlife corridor considerations. Member Clements asked about the age of the farmhouse. Mr. Pennoyer said it was constructed between 1910 and 1920.

Vice Chairman Barringer expressed his concerns about the 2000-ft long, unpaved access. Mr. Pine said there would be an emergency vehicle access road. Vice Chairman Barringer said sometimes emergency vehicle access roads are not maintained very well.

Alan Hoch, 29 Old Ayer Road, stated that the abutters offered to pay \$400,000 for the orchard operations, \$325,000 for the existing farmhouse, and \$75,000 for an additional 9 to 11 acres for a total of \$800,000. Mr. Hoch said Chris Chisholm of the Department of Food and Agriculture said using a portion of the land as a nursery would reduce the APR funding by \$200,000. Mr. Hoch said they are proposing to build three new single family homes on hammerhead lots accessed by a shared driveway. The alternative plan proposes development of 21 acres with 171 acres subject to the APR. The wildlife corridor would be enhanced by less density.

Vice Chairman Barringer stated that the Board has only one plan under consideration at this public hearing. The Board can only discuss the plan presented by the applicant. If Mr. Hoch has an alternate plan, it is a matter for discussion between Mr. Hoch and the landowner.

Mr. Hoch said at the Special Town Meeting, the Groton Conservation Trust said that it would minimize the amount of development on the site and that it would work with the abutters. The plan submitted by the applicant is not consistent with the concept plan presented at the Special Town Meeting. Residential development is a tax loss, and the Board must consider the financial impact on the taxpayers of unnecessary development.

Mr. Pine said this is not the forum for this discussion. The GLF has met with abutters and the plan is consistent with the concept plan approved by Town Meeting.

Robert Connolly, Lowell Road, said the plan with only four units is preferable to the 14-unit plan. Vice Chairman Barringer reiterated that the Board could only consider the plan submitted by the applicant.

Mr. Pine said counting the number of units is not the whole story. The 14-unit plan will create smaller units with fewer children than large, single family homes. The style of development is more modest and one affordable unit will be constructed. The units are relatively small with 1600 – 2600 sq ft.

Member Wilson asked if the GLF would be willing to restrict units to only one bedroom and one bathroom.

Member Lewis said he believes this application is consistent with the concept plan approved at the Special Town Meeting.

Landowner Joshua Webber said he agrees that this plan is consistent with the Town Meeting vote. He said he has been involved in the discussions about the APR as well as the negotiations with the abutters. He stated that the plan presented by the GLF is the best solution for the property.

Mr. Degen said the alternative plan is a valid plan. The Planning Board must determine whether the proposed plan is consistent with the concept plan approved at the Special Town Meeting.

Member Perkins said how the Webbers sell the land is not the Planning Board's decision. The Board must consider the merits of the plan submitted by the applicant.

Member Clements asked if fewer, larger units could be designed to fit into the landscape. Mr. Pine said the large estate structures would change the character and the feeling of the land.

Member Eliot stated that four large homes on this site is not in keeping with the Town Meeting vote. The proposed plan with open space accessible to the public is consistent with the concept plan. It would be egregious for the Planning Board to deviate from the Town Meeting vote.

Member Clements said fewer, larger units would consume less space. Mr. Pine said Town Meeting approved 18 units, but the GLF is proposing to construct only 14 units. The original plan showed single-family lots. The plan has been changed to show all condominium units.

Lynn Mueller said the number of children who will live in the development is pure speculation. People will move to this site to send their children to the Groton Dunstable schools because they cannot afford houses in other developments. There will be more impact with more homes and more people.

Marion Stoddart said it has been a pleasure working with architect Sheldon Pennoyer on this project. He has been very helpful in guiding the design of the proposed plan.

Alan Hoch said the value of units is 7 times \$250,000 plus 7 times \$400,000 for a total of \$4,550,000. He asked the applicant to speak to the intent of this development plan. Member Lewis said that question is not pertinent to the Planning Board's proceedings.

Abutter Gerry Perry expressed concern about making Orchard Lane a one way street especially during the winter when it is difficult to get up the hill.

The Board will walk the site on Saturday, June 7, 2003 at 8:15 AM.

The Board voted unanimously to continue the public hearing on June 12, 2003.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

MC/lg

