

**GROTON PLANNING BOARD**  
**MAY 22, 2003**  
**MINUTES**

Clerk Wilson called the meeting to order at 7:00 PM in the Town Hall

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

Members absent: Degen and Barringer

**SPECIAL PERMIT DECISION – LOOKOUT RIDGE**

The motion was made by Perkins to **GRANT** a special permit to Newbury Street Development to utilize the provisions of Groton Zoning By-law Section 218-26 Open Space Residential Development to construct 130 units as shown on the plan entitled, “Plan to Accompany Application for a Special Permit Open Space Residential Development Pursuant to Section 218-26F (2) Cluster Development Lookout Ridge in the Town of Groton, Massachusetts - Alternative 5”, prepared by Beals Associates, dated March 18, 2003, revised April 23, 2003, with the following findings and conditions:

**Findings:**

1. The Applicant proposes to construct an Open Space Residential Development as shown on the plans entitled “Plan to Accompany Application for a Special Permit Open Space Residential Development Pursuant to Section 218-26F(2) Cluster Development, Lookout Ridge, in the Town of Groton, Massachusetts – Alternative 4,” prepared by Beals Associates, 31 State Street, Boston, MA, dated February 27, 2003, revised on April 25, 2003 as “Alternative 5” (the “Plan”). The proposed subdivision is located on Groton Assessors Map 220, Parcel 32, owned by the Marion D. Campbell Trust, and Map 220, Parcel 33, owned by the Strachan Family Trust, on the westerly side of Farmers Row and southerly and easterly sides of Shirley Road (the “Site”).
2. The Groton Zoning By-law, at Section 218-26, authorizes the development of an Open Space Residential Development upon the grant of a special permit by the Planning Board. While reviewing this application, the Planning Board determined that:
  - A. The Plan conforms to the Special Permit for Major Residential Development for Lookout Ridge granted on February 6, 2003 (SP 2003-3);
  - B. The Plan preserves open space with scenic beauty, prime agricultural land, a wildlife corridor to the Nashua River and Massachusetts Division of Fisheries & Wildlife’s Pheasant Farm; places most of the proposed homes out of view from Farmers Row; and opens and preserves the view to Mount Wachusett and the Nashoba Valley;
  - C. The Plan provides a variety of housing types, including single family, duplex, triplex, over 55, and housing for low – moderate income families (including two units to be conveyed to the Groton Housing Authority - one of the units is at no charge and the other unit is in exchange for 25 TDR’s from the Groton Housing Authority) one unfinished single family home, and one handicapped accessible unit;
  - D. The Plan satisfies the criteria for special permits set forth in Section 218-32.1C; and
  - E. The land is eligible for an Open Space Residential Development Special Permit;
3. The Planning Board also makes the following findings:
  - A. As shown on the Plan, Parcels A will be privately held and subject to a Conservation Restriction pursuant to M.G.L. C.184 §31-33 and Parcel B will be deeded to the Town of Groton’s Conservation Commission for open space or recreational uses.

- B. The Plan maintains (1) the historic use of Shirley Road as an unpaved way and (2) the open field along Shirley Road. The Plan provides two access points on Shirley Road and Farmers Row, both public ways, that provide safe and adequate access to all lots and housing units within the development.
- C. The Plan creates a series of neighborhoods and includes play areas for children and open space with walking paths for adults.
- D. The Plan protects critical open space and agricultural lands within the Site.
- E. The Plan provides thirteen (13) housing units affordable to low and moderate-income families (including two units to be conveyed to the Groton Housing Authority). The Applicant, with the Groton Housing Authority and Planning Board's assent, may change the location of the affordable units provided that the total number of affordable units remains at 13 and that the units are distributed throughout the development.
- F. The protected open space qualifies for seventeen (17) Transfer of Development Rights ("TDR") which are used to develop those portions of the Site with low habitat, open space, agricultural, and visual importance, as shown on the Plan.
- G. The areas providing TDR's from within the Site, the Groton Housing Authority (acquired from Robert Lacombe, Trustee, Flavell Crossing Realty Trust, to preserve land within a Secondary Water Resource Protection District) and the Ames Meadow Subdivision are of greater water resource, habitat, open space, agricultural, and visual importance than the areas designated for development as shown on the Plan.
- H. The Board reviewed and approved architectural drawings for the over 55 and Northwest Cluster housing. The Board endorsed the proposed "Neighborhood in a Box" plans created by Al Trellis for the Northwest Cluster. The Board will review architectural drawings for the other areas during Site Plan Review.

### Conditions:

1. The grant of this Special Permit shall not be construed to relieve the Applicant of the requirement to obtain definitive plan and site plan approval, if applicable, from the Planning Board pursuant to Groton's Zoning By-laws, the Subdivision Control Law and the Rules and Regulations of the Planning Board. The Applicant is encouraged to incorporate the Site Plan Review materials into the Definitive Subdivision Plan.
2. The Applicant shall establish a homeowners and/or unit owners' association (the "Association") to operate, maintain and repair all common areas. The documents establishing the Association shall set forth the obligations of the Association for the operation and maintenance of all such common areas and improvements. Prior to the issuance of any certificate of occupancy, the Applicant shall provide documents establishing such Association to the Planning Board for approval by legal counsel as to form and for verification that such documents are in conformance with this decision.
3. No trees shall be planted in the Open Space which will block or impair the views to Mt. Wachusett. The applicant shall submit a landscaping plan with the definitive plan. The Board recommends that no trees that will grow taller than 20 ft at maturity shall be planted in the open field and no trees that will grow taller than 50 ft at maturity shall be planted on the lots.
4. The right of way for Shirley Road and the primary access road from the Northeast Corner to the Southwest Corner of the Site shall be sixty feet (60') in width as offered by the applicant.
5. The Plan shows seven (7) lots with duplexes in the Northeast cluster near Farmers Row. The Definitive Plan may place single-family homes on some or all of these lots and move the removed housing units onto other house lots.
6. The Development may include up to 130 housing units, as shown on the Plan, provided that the following types,

numbers of units, and Transfers of Development Rights (“TDR’s”) are provided:

- A. Sixty-eight (68) of these housing units shall be two or three bedroom dwellings designated and restricted for persons aged 55 and older in accordance with HUD guidelines, one housing unit shall be a starter home with one bedroom and an unfinished second story, and one housing unit shall be handicapped accessible.
  - B. Eleven (11) affordable housing units, including six (6) located within the 55 and over housing, one (1) single-family unit and two (2) duplex units in the Northwest Cluster area, and two (2) duplex units in the Northeast Cluster area; all to be made available for a minimum of thirty (30) years via sale, lease or deed restrictions at terms affordable to persons or families qualifying as low or moderate income as defined by the Department of Housing and Community Development of the Commonwealth.
  - C. One (1) duplex with two (2) three bedroom units, located within the Northwest Cluster, as requested by and to be given to the Groton Housing Authority in exchange for (1.) a waiver from the Subdivision Rules and Regulations requiring granite curbing and closed drainage, and (2.) utilizing twenty-five (25) TDR’s received from the Groton Housing Authority (the Applicant shall provide a total of 13 affordable housing units, including the two units conveyed to the Groton Housing Authority).
  - D. Seventeen (17) TDR’s obtained from the protection of additional open space within the Site. This additional land shall be deeded to the Town of Groton’s Conservation Commission or made subject to a perpetual Conservation Restriction approved and recorded pursuant to M.G.L. c.184 §31 – 33.
  - E. Twenty-five (25) housing TDR’s received from the Groton Housing Authority (see C above); and
  - F. One (1) TDR drawn from land protected in the Ames Meadow Subdivision.
7. The Applicant will provide excess topsoil (if any) from the Southwest Cluster to the Town of Groton Park Department to improve the town’s baseball fields. All soil to be removed from the site must be tested and approved for removal by the Board of Health. The removal of any earth material from the site requires a permit from the Board of Selectmen.
  8. Phasing: The Applicant may construct all 55 and over housing and half the units in the Northwest Cluster in the first year and the remaining units in the Northwest Cluster in the second year. All other units shall be constructed in accordance with the Development Rate Limitation provisions (§218-28). The Applicant may use TDR’s to accelerate the development rate as provided in §218-28A(2).
  9. The 13 affordable units shall be constructed concurrently with the market-rate units. At least one affordable unit shall be constructed for every ten market-rate units.
  10. At least 89.5 acres of protected open space shall be provided. The Open Space shall include all areas to be granted to the Conservation Commission or made subject to a Conservation Restriction approved and recorded pursuant to M.G.L. c.184 §31 – 33. The conservation restriction and deed conveying the open space to the Conservation Commission 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.
  11. Parking for public use of the open space shall be shown on the definitive plan.
  12. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed definitive 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.

13. 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 definitive plan shall constitute commencement of substantial use.

14. The term "Applicant" as set forth herein shall mean the Applicant, its heirs, successors and assigns.

*The motion was seconded and passed unanimously.*

#### **AMES MEADOW – PAVING REMEDIATION**

The Planning Board discussed the Wharton Row remediation plan prepared by Beals Associates, dated May 16, 2003, with developer Joseph Falzone and design engineer Lawrence Beals. Mr. Beals said the developer hired an independent testing lab to be sure the sub base meets the requirements of the Subdivision Regulations. The existing pavement will be pulverized, the soils will be evaluated, and the sub base replaced where necessary. The road will be leveled and crowned. A 2" binder coarse will be installed, and the finish coarse will be installed later.

Member Wilson asked how many houses are not yet constructed. Mr. Falzone said 28 houses have been built to date.

Member Wilson noted that the report dated May 22, 2003 from Judith Nitsch Engineering, Inc. (JNEI) recommends the installation of under drains in some areas. Mr. Beals said he agrees with JNEI's recommendation.

Member Lewis asked how much is being held in the bond. Planning Administrator Michelle Collette said the Board is holding \$380,946.00.

Member Lewis requested that the developer notify the residents of his plans to reconstruct the road. Mr. Falzone agreed and stated that work would begin in a few weeks.

The motion was made by Perkins to accept the above-referenced remediation plan with the following conditions:

1. The developer shall comply with the recommendations in the JNEI report dated May 22, 2003 including the installation of the under drains in the areas where there is evidence of seasonal high water table. Soil testing shall be conducted at Station 6+00, 45+00, 48+00, and 51+00 to confirm the elevation of the seasonal high water table.
2. The developer shall consult with the Highway Surveyor prior to commencing work.
3. The developer shall send a letter to the Planning Board, Highway Surveyor, Wharton Row and Town Forest Road residents with a proposed work schedule and time frame to complete the remediation.

*The motion was seconded and passed unanimously.*

#### **SITE PLAN REVIEW (con't) - LOST LAKE FIRE STATION**

The Board continued its review of the site plan submitted by the Town of Groton for the renovations and addition to the Lost Lake Fire Station. Design engineer William Murray and Brooks Lyman of the Municipal Space Needs Committee were present.

Mr. Murray presented the latest revisions to the plans including the addition of vertical granite curbing at the rounds on Lost Lake Drive and a single, 12-ft wide parking space in front of the building.

Member Perkins asked if the lights on the basketball court would be on motion detectors. Mr. Lyman said a conduit would be installed under the parking lot so lights can be added to the basketball court in the future. The lights at the parking lot will shine onto the basketball court.

Member Lewis asked for a list of the lights to be installed. He suggested that the piping as well as the base for the

lights be installed now for the basketball court.

Member Wilson read the report dated May 20, 2003 from JNEI.

Member Perkins said parking for the disabled should be at the front door rather than at the door in the rear of the building near the parking lot. Mr. Murray said an audible buzzer would be installed on the rear door to address accessibility concerns.

The Board will draft conditions and vote on the site plan on May 29, 2003.

### **PUBLIC HEARING (con't) – ROCKY HILL SPECIAL PERMIT & DEFINITIVE PLAN**

The Board continued the public hearing to consider the special permit applications and Rocky Hill definitive plan submitted by David Moulton of Fox Meadow Realty Corporation. Applicant David Moulton, Attorney Robert Collins, and design engineer Drew Garvin of R. Wilson Associates were present.

Mr. Collins said the proposed subdivision plan will require two waivers: 1) a waiver of the cut and fill requirements in three areas; and 2) a waiver of the sight distance requirements for minor streets in two locations. The revised plan shows the proposed grading and road profile.

Member Lewis asked about the change in elevation. Mr. Garvin said the high point is 265 ft and the low point is 252 ft so there is a 13 ft difference. Member Lewis asked the length of the grade change. Mr. Garvin said the distance is about 500 ft.

Member Wilson asked what the finished grade of the road would be. Mr. Garvin said the road would meet the 7% maximum grade requirements in the Subdivision Regulations. Member Wilson asked about the road shoulders. Mr. Garvin said the right of way is 60 ft wide, the pavement width is 24 ft, so there will be 17 ft on each side of the road. The slopes will not be steeper than 3:1 as required in the regulations.

Member Eliot said the residential development should not be seen from Route 119. Mr. Collins said it would not be visible as long as the Board grants the cut and fill waiver. Otherwise, trees must be cleared to construct a retention basin near Route 119.

Member Wilson noted that construction of the roadway would require clearing a substantial area. He stressed the importance of plantings to minimize visibility from Route 119.

Mr. Collins said the new Flexible Development by-law may provide the applicant with more design flexibility for this site.

Member Wilson asked about the sight distance waivers. Mr. Collins said the sight distance is 240 ft rather than the required 275 ft in three locations. Mr. Garvin said 240 ft is safe sight distance at 35 mph. Member Wilson expressed concern about safety with the combination of hills and curves on the proposed road.

Member Eliot added that driveway cuts in the locations with less sight distance may be a safety issue. Mr. Collins said the driveway cuts can be relocated.

Planning Administrator Michelle Collette said JNEI must review the revised definitive plan for compliance with the regulations.

Member Lewis asked about turtle habitat. Mr. Collins said they are working with the Natural Heritage and Endangered Species Program. The wildlife study should be completed some time this fall. Mr. Collins said the applicant may be looking for waivers on the width of pavement and curbing to meet NHESP requirements.

Member Lewis asked how many units are shown on the plan. Mr. Collins said 82 as shown on the concept plan approved at the Special Town Meeting.

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

The Board voted unanimously to continue the public hearing on June 26, 2003 at 7:30 PM.

Meeting adjourned at 9:15 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

MC/lg