

**GROTON PLANNING BOARD
FEBRUARY 19, 2004
MINUTES**

Chairman Barringer called the meeting to order at 7:30 PM in the Town Hall

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

PUBLIC HEARING (con't) – ROCKY HILL SPECIAL PERMITS

The Planning Board continued the public hearing to consider the applications submitted by David Moulton, Fox Meadow Realty Corporation, for special permits, site plan and definitive plan approval for the Rocky Hill subdivision. Applicant David Moulton, Attorney Robert Collins, and design engineer Russell Wilson were present.

Attorney Collins submitted revised plans for the “starter home” portion of the development. He said the engineer revised the plans to respond to the Board’s concerns about the grades of the road and driveways. The revised plan shows grades from 6 to 9% with one driveway grade at 12%.

Chairman Barringer noted that the shared driveway regulations limit grades to a maximum of 8%. Mr. Collins said several waivers would be requested.

Mr. Collins said they augmented the lot area by adding land under the power lines to the site of the 12 starter homes to meet the area requirements in the Zoning By-law.

Mr. Collins requested that the Board close the public hearing and vote on the special permit decision. He submitted a letter dated February 19, 2004 with suggested findings and conditions.

Member Lewis said he is not ready to vote because he is still concerned about the 10% grades shown on the plan. He asked if the road would be private or public. Mr. Collins said the road would be a private lane so that the houses can be clustered closer to the road without having to meet setback requirements. Member Lewis said the Board must have a guarantee that the road will never become a public way. Mr. Collins said there would be covenants recorded stating that this is a private way to be maintained by the Homeowners Association.

Planning Administrator Michelle Collette said the land is owned in common, so there are no individual lots and no right-of-way. The road cannot be accepted as a public way unless it is within a right-of-way.

Member Perkins expressed concern that the land under the power lines does not meet the open space requirements for conservation, recreation or park purposes as required in the by-law. She said she is not willing to accept land under the power lines as open space.

Member Degen expressed concern about access over private land to the open space. Mr. Collins said the open space will be deeded to Massachusetts Audubon and public access will be provided.

Member Perkins said she is concerned about steep driveways, especially with icy conditions during the winter months.

Member Eliot said she, too, is concerned about the land to be dedicated as open space. She said she is not concerned about the 10% grades of the driveways.

Member Wilson said he shares the concerns about the steep grades on the driveways. He requested that the developer consider constructing attached units rather than single-family houses in order to protect more open space. A cluster development would have much more flexibility and better site design. This is a good plan, but it could be better.

Mr. Collins said they are trying to create starter homes for young families. This is a compromise plan. Mr. Collins said the Town does not have any other plans to create modest-size homes for young families.

Member Eliot said the individual yard areas could be reduced and children could play in a community play area.

Member Wilson said he would prefer attached condominium units rather than single-family houses.

Member Clements said he is concerned about the 10% driveway grades and stormwater runoff. Mr. Collins said the runoff would be directed into the drainage system so there will not be any sheet runoff.

Member Degen supported the starter homes concept. He expressed concerns about the driveway locations on S-1 and S-2 near the curve in the road, especially with the 10% grades. He said these driveways will not have good sight distance and should be realigned to prevent safety problems in the future. He said the plan should be designed to capture runoff before it reaches the roadway.

Planning Administrator Michelle Collette suggested that the Board consider looking at the development as a whole when determining lot area and open space requirements. The concept plan was approved for development of the entire site with approximately 400 acres to be dedicated as open space. Enlarging individual development areas may take away from the integrity of the open space.

Mr. Collins said there is enough protected open space either way. The Board can look at the plan as a whole or look at subsections of the plan. There will be 400 acres of protected open space. Mr. Collins said the land under the power lines is a "lovely area." Member Perkins noted that the power lines are sprayed with herbicides to prevent vegetative growth.

Chairman Barringer said he shares the concern about the location of the driveways serving units S-1 and S-2 and suggested that they be relocated. People should have the ability to turn around in their driveway without having to back out into the road. Mr. Collins said these driveways could be relocated.

Member Lewis said the driveway serving unit S-3 is very dangerous. He suggested that S-3 and S-4 share a driveway for safety reasons. Member Lewis said he is willing to accept land under the power lines as open space.

Member Perkins agreed that the Board should look at the entire parcel as a whole because that is how it was shown on the concept plan approved by Town Meeting.

Member Degen said each area should be able to stand on its own. Mr. Collins said no part of this development could be constructed individually. There is special permit application for the entire site – this is an "all or nothing" plan. He offered to draft a condition of the special permit tying this part of the development to the overall plan. Members of the Board agreed with this approach.

Member Degen asked if sidewalks would be constructed. Mr. Collins said they could be added to the definitive plan. Members Lewis, Perkins, Eliot, and Wilson said they would like to have sidewalks.

The Board voted unanimously to continue the public hearing on March 11, 2004 at 8:30 PM.

WALNUT RUN PERFORMANCE BOND

The Board received a report dated February 12, 2004 from Judith Nitsch Engineering, Inc. (JNEI) recommending that the Board reduce the bond to \$37,737.14 for the Walnut Run subdivision.

Member Degen noted that the bond estimate includes \$7000.00 for the street trees planted in 2000. The trees have survived a few winters, and the landscaping job is well done. He recommended that the Board not hold the funds for the street trees.

The motion was made by Degen to reduce the amount held in the performance bond for the Walnut Run subdivision to \$30,737.14. ***The motion was seconded and passed unanimously.***

PUBLIC HEARING – ACADEMY HILL SPECIAL PERMIT EXTENSION

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 LandWest, Inc. for an EXTENSION of the special permit to utilize the provisions of Groton Zoning By-law Section 218-26.1 Major Residential Development to create 106 units (94 units plus 12 transfer units) as shown on the plan entitled, "Plan to Accompany Application for Cluster Development Pursuant to Section 218-26F(2) for Academy Hill in the Town of Groton, Massachusetts – Design Concept Plan 3"; prepared by Beals Associates, dated January 15, 2002 with revisions through February 12, 2002. The proposed subdivision is located on Groton Assessors Map & Parcels 202-74 owned by Dennis & Helen Magee; 202-75 & 202-76 owned by John & Roberta Lavalley; 202-73, 204-4-0, 204-7-0, 204-10-0 owned by Habitech, Inc.; 202-77 owned by Lewis Trust; 204-6-0, 204-14-0 owned by Groton Throne Hill Realty Trust; 204-5-0 & 204-44-0 owned by LandWest, Inc.; 204-1-0, 204-2-0 & 204-3-0 owned by George G. Hayes; and Pepperell Assessors Map and Parcel 37-30 owned by Charles & Robin McCann. The properties are located on the easterly side of Townsend Road and southerly side of the Old County Road in Groton and the northerly side of the Old County Road and southerly side of South Road (Route 119) in Pepperell.

Chairman Barringer called the public hearing to order. Clerk Perkins read the notice published in the February 13 and 20, 2004 issues of the *Groton Herald*. Lawrence Beals of Beals Associates represented the applicant at the public hearing. Mr. Beals said the special permits for Academy Hill will expire on April 8, 2004. The Board approved the definitive plan, but the developer is still negotiating changes to the plan with MEPA and the Natural Heritage and Endangered Species Program (NHESP). The lots and units on the easterly side of the site in Groton may be eliminated or relocated.

Member Eliot asked where these units will go. Mr. Beals said the units will be removed to satisfy NHESP'S concerns.

Chairman Barringer read the letter dated February 13, 2004 from abutter Martha Foster, 623 Townsend Road.

Member Lewis said he did not have a problem with granting the extension because he knows the NHESP will protect the endangered species.

Member Degen said he would like to hear from NHESP before voting on the extension. He asked if all aspects of the plan in the eastern part of the site would be eliminated to address NHESP concerns. He suggested that the Planning Board endorse the definitive plan and that the developer come back in the future to modify the plan after completing the MEPA review process.

Member Clements said the Board did receive a letter from NHESP dated September 4, 2003. He suggested that the developer start the process over again. He said he prefers that the Board not extend the special permit.

Mr. Beals explained the difficulty the developer has had in working with MEPA and NHESP. He said they have done everything they can to resolve the issues. He said if the Board does not extend the special permits, then they will submit the definitive plan for endorsement and record the plan at the Registry of Deeds.

The Board requested that the Planning Administrator contact NHESP and request an update of its review process.

Member Degen said it would be fine with him if the Board endorses the plans because LandWest would have to purchase all the properties. Mr. Beals said, "no," they can record the plan without purchasing all the parcels.

Member Eliot suggested that the Board extend the special permit with a condition that the number of units be reduced by 54-66 units to reflect the elimination of the units in the eastern portion of the site. Mr. Beals said that would not be acceptable to the developer.

Member Perkins said the Board should extend the special permit and allow the NHESP process to move forward. She expressed confidence in NHESP ability to protect the endangered species. She agreed that the portion of the development in the eastern part of the site should be removed.

Member Degen said he wishes the developer had gone through the environmental process first so the Board would not

have to extend the special permit or modify the definitive plan. He said the Board can either deny the special permit extension and endorse the plan or allow the special permit to expire so the plan will be subject to new zoning requirements.

Member Eliot said she is inclined to go along with the extension.

Member Clements said NHESP takes its job very seriously and he doubts it will approve the through street.

Chairman Barringer said he is leaning toward extending the special permit because it is fair to the applicant to allow him time to complete the process with NHESP. Member Lewis agreed.

Member Clements read excerpts from the NHESP letter dated September 4, 2003 citing the adverse impact of this development on endangered species. People, pets and predators are all bad for these species.

Member Degen requested that the Board write a letter to NHESP regarding the time frame to complete its review. The Board will send a letter to Thomas French at NHESP.

Mr. Beals requested that the Planning Board continue the public hearing on March 4, 2004.

The motion was made by Lewis to continue the public hearing on March 4, 2004 at 7:30 PM. *The motion was seconded and passed with Barringer, Degen, Eliot, Lewis, Perkins, and Wilson in favor; Clements opposed.*

COMMENTS TO MRPC – EO 418 PLAN

The Board reviewed Draft II of the Executive Order 418 Plan prepared by the Montachusett Regional Planning Commission. The Board will offer the following comments to the MRPC:

1. The tables and other statistical information should be footnoted, preferably with a URL reference for easier access to the information.
2. The document should be carefully reviewed for internal consistency. There are still a number of contradictions between information contained in the “Housing Element” and the “Economic Profile” sections.
3. The “Future Housing Map” should not be utilized in its present form. The map should be the result of a thoughtful process rather than the initial “brain-storming” session that was held last August. The map should be based upon the Town’s current GIS information and should reflect policy recommendations that evolve from this study.

Member Perkins reported that the Housing Survey will be mailed with the Groton Electric Light Department bills.

(Member Clements left the meeting.)

SUBDIVISION REGULATIONS

The Board discussed the revisions to the Subdivision Regulations filed with the Town Clerk on April 10, 2003 and the applicability to the Reedy Meadow Estates definitive plan.

The motion was made by Wilson to send a letter to the applicant and engineer informing them that the definitive plan must conform with the latest revisions to the subdivision regulations. *The motion was seconded and passed unanimously.*

MINUTES

The Board voted unanimously to approve the February 12, 2004 minutes.

PERFORMANCE BOND REDUCTION – BATTEN WOODS

The motion was made by Wilson to reduce the amount held in the performance bond for the Batten Woods subdivision

to \$99,952.22 as recommended in the attached report dated February 12, 2004 from Judith Nitsch Engineering, Inc. (JNEI). *The motion was seconded and passed with Barringer, Eliot, Lewis, Perkins, and Wilson in favor; Degen abstaining.*

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator