

**GROTON PLANNING BOARD**  
**MAY 13, 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 PERMIT & DEFINITIVE PLAN**

The Board continued the public hearing for the Rocky Hill special permits and definitive plan. Applicant David Moulton, Attorney Robert Collins, and design engineer Drew Garvin of R. Wilson Associates were present.

Mr. Collins described the plan for the housing for people 55 and older. The applicant will request a waiver of the seven foot cut and fill requirements in three locations: a 9 ft fill, a 10 ft cut, and a 9.5 ft cut. A waiver for the slope of the road will not be required if the Board grants a waiver for cut and fill. The granite bedrock formation will be visible from the new road. A low valley will surround this area of the development. The elevation changes in the roadway will be very subtle.

Member Degen noted that the elevation of the proposed road is 20 ft higher than the development. Mr. Collins said the Board would see the elevation change when it walks the site this Saturday.

Member Lewis said the plan must show both existing and proposed grades as well as the amount of material to be moved around. Mr. Collins said all the excess material would be used on the site so material will not have to be trucked in for road construction.

Member Perkins asked if the finished elevation will be 260 ft in the center of the site. Mr. Collins said, "yes," the center elevation will be lowered from 270 ft to 260 ft. He noted that a portion of this area is a former gravel pit that was never reclaimed.

Member Wilson asked if a retaining wall would be required. Mr. Collins said he is not sure yet.

Member Wilson asked about the profile of the roadway. Mr. Garvin said the slope of the road would be less than 7%. He pointed out the existing and proposed grades shown on the road profile plan.

Member Eliot asked to see the overall plan showing the relationship between the different cluster developments. Mr. Collins showed the plan including one existing single-family house, 38 single-family lots, 24 units for people 55 and older, 12 starter homes, and nine affordable units for a total of 84 units.

Member Eliot asked if the road would be clear cut and bulldozed. Mr. Garvin said they would try to work with the land to develop the site. Member Eliot asked if there would be any buffer between the road and the 55 and over housing units. Mr. Collins said this area of the development would focus on the granite outcropping at the edge of the subdivision road. Member Eliot asked if the houses would be visible from Route 119. Mr. Garvin said there would be a 100 to 150 ft vegetated buffer along Route 119.

Member Degen asked if the subdivision road could be constructed without reliance on waivers. Mr. Collins said the Board already voted to determine the Basic Number of Lots for this development.

Member Degen said Mr. Collins told the Board he would submit the plan for the roadway system first since everything else relies upon the road layout. He said he wants to be sure the road can be constructed without waivers. Mr. Collins said the road could be constructed without waivers as shown on the definitive plan submitted to the Board in January 2003.

Member Lewis said he remembered asking this same question when the definitive plan was submitted a long time ago and the issue was resolved at that time.

Member Degen said he is concerned about the amount of cut and fill in close proximity to vernal pools. He questioned the impact on the wetlands and endangered species. Mr. Collins said the applicant discussed these issues with Patricia Huckery of the Natural Heritage and Endangered Species Program (NHESP). There are methods to deal with these concerns.

Chairman Barringer said he, too, is concerned about the proposed grade changes and the impact on the vernal pools. Mr. Collins said the wetlands will be preserved and the hydraulic connection will be maintained.

The Board voted unanimously to continue the public hearing on June 10, 2004 at 7:30 PM.

### **ANR PLAN – GROTON PUBLIC LIBRARY**

*(Member Degen stepped down from the Board.)*

The Board reviewed the Approval Not Required (ANR) plan submitted by the Groton Public Library for the conveyance of a small, 265 sq ft parcel (Lot 2) from the Wheatley House Condominium Trust (abutting landowner) to the library. A portion of the walkway from Main Street to the rear of the library is located on this parcel. The Zoning Board of Appeals granted a setback variance for the existing garage on the Wheatley property. The plan states that the entirety of Lot 2 shall be reserved as a use easement for the benefit of Lot 1, owned by the Wheatley House Condominium Trust.

The motion was made by Perkins to endorse the plan entitled, “Plan of Land in Groton, Massachusetts, Prepared for the Town of Groton,” prepared by Dillis and Mische, inc., dated September 2003. ***The motion was seconded and passed unanimously.***

### **ACCESS ADEQUACY DETERMINATION – McCANN’S HILL ROAD**

The Board met with landowner Lee Edmands to discuss the adequacy of McCann’s Hill Road to serve one single-family house on a 28-acre parcel with 80 ft of frontage on McCann’s Hill Road located off Kemp Street. Ms. Edmands said the Planning Board endorsed the Approval Not Required plan in 1983. She researched deeds at the time to establish that McCann’s Hill Road, aka Sparrel Way, was a public way.

Member Degen asked if this is a hammerhead lot, which requires a special permit. She said the Building Inspector determined that the 28-acre parcel is a legal, non-conforming lot of record based upon the deeds going back prior to 1950.

Member Clements said if the road is passable and it is a public way, then it is up to the Building Inspector to determine whether or not a special permit is necessary.

Member Perkins asked about the easement for the West Groton Water Supply District. Ms. Edmands said the WGWS D easement is on Dillon’s land, not hers. However, the WGWS D accesses its water storage tank over Edmands land even though there is no easement.

Mr. Dillon said the existing easement on his land, established in 1911, does not specify above-ground access. The easement is only for the water main. Access to the tank has always been over McCann’s Hill Road.

Gordon Newell of the WGWS D said access to the tank has been over McCann’s Hill Road since 1911. The easement on Dillon’s land is not traversable.

Ms. Edmands said she is looking forward to working with the WGWS D on the easement and access issues.

Chairman Barringer asked about the width of McCann’s Hill Road. Ms. Edmands said she did not know.

Chairman Barringer noted that the Board received comments from the Police Chief, but not from the Fire Chief yet. The Fire Chief’s comments are critical.

Board members will walk the site and wait to hear from the Fire Chief before voting on the access adequacy determination.

The motion was made by Degen to request the Building Inspector's opinion on whether a special permit for a hammerhead lot is required. *The motion was seconded and passed unanimously.*

### **SITE PLAN REVIEW – EMERSON HOSPITAL OFFICES & CVS**

The Board considered the site plan submitted by Charles Giacchetti of By-Design Construction to add office space on the third floor of the Emerson Hospital medical office building. Mr. Giacchetti, attorney Robert Collins, and surveyor Stan Dillis were present.

Mr. Collins said the developer would be making improvements to the site as shown on the revised site plan. A new sidewalk will be constructed and crosswalk to the Post Office will be painted. The drainage problems at the intersection of the CVS access and Route 119 will be corrected.

Member Perkins asked about outdoor storage behind the CVS building. Mr. Giacchetti said it would be addressed.

Member Degen asked about the new planters within the parking lot. He said the trees would not survive if the roots freeze. Mr. Dillis said the trees would be planted deep enough so the roots will not freeze. The planters will be partially above and partially below ground.

The Board received comments from the Fire Chief and Water Department regarding outstanding issues with the fire protection systems in both buildings. Mr. Giacchetto said these problems would be corrected.

The motion was made by Degen to approve the Level I site plan entitled, "Wiewel Commercial Property, Boston Road, Groton, Mass., Prepared for GPL Development Group" prepared by Dillis & Mische, dated December 24, 1998 with revisions through February 23, 2004, with the following conditions:

1. Snow removal equipment shall not be stored near the northeasterly entrance to the site.
2. There shall be no overnight storage outside the CVS building.
3. A building permit shall not be issued until the Fire Chief is satisfied that all his requirements have been met (see memorandum dated May 6, 2004 from the Fire Chief to the Planning Board).
4. A building permit shall not be issued until the Water Superintendent is satisfied that all his requirements have been met (see memorandum dated May 5, 2004 from the Water Department to the Planning Board).
5. The tree planters shall not be greater than two feet above existing grade.
6. Prior to issuance of a building permit, the Building Inspector shall confirm that the number of parking spaces meets the requirements of §218-23 (See page 2, Condition #8).
7. The Planning Board reserves the right to review the improvements to the drainage system in one year and to require a modification of the site plan if the Board deems it to be necessary.

*The motion was seconded and passed unanimously.*

### **PRE-SUBMISSION REVIEW – D'AGOSTINO PROPERTY, TOWNLINE ROAD**

The Board received a letter from Attorney Robert Collins regarding Richard D'Agostino's property on Townline Road. The property is in a Business District, and the existing structure is used as a contractor's office. Mr. D'Agostino would like to add an apartment to the existing structure. Residential uses are permitted in the B-1 District. Mr. Collins requested that the Board waive site plan review requirements for the construction of the apartment.

Member Degen expressed concern that the apartment may be converted to business use in the future. Mr. Collins said change of use would require site plan review before a building permit could be issued.

Chairman Barringer asked how many parking spaces are on the site. Mr. Collins said there are more spaces than the by-law requires.

Chairman Barringer asked if there would be any new lighting. Mr. Collins said, "no."

The motion was made by Wilson to waive the requirement for site plan review on the D'Agostino property for the use described in the letter dated April 28, 2004 from Attorney Robert Collins. The motion was seconded.

Member Degen expressed reservations because this is a proposed change of use and a simple Level I site plan should be submitted. Mr. Collins said site plan review is not required for residential use, and this change will improve the property.

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

### **DEER HAVEN COMPLIANCE ISSUES**

The Board discussed outstanding compliance issues with the Deer Haven subdivision. Attorney Robert Collins and abutter Robert Black were present.

Mr. Collins submitted a copy of an easement to the Blacks as required in the definitive plan approval. However, grading changes may require that the easement be relocated.

Planning Administrator Michelle Collette said the easement must be on record before the Conservation Restriction is accepted and recorded at the Registry of Deeds.

Mr. Collins said signage would be installed for the trail system as well as signs warning people about the earth removal operations on the abutting property owned by Robert Black. The conservation restriction on Parcel C will be recorded as soon as it is approved by the Division of Conservation Services. The Groton Housing Authority will hold a lottery on the two affordable units in the subdivision.

Robert Black expressed concern that the developer has not complied with the above-referenced conditions of the special permit to date. Chairman Barringer said the Building Inspector deals with compliance issues because he is the Zoning Enforcement Officer. Mr. Collins said he spoke with the Planning Board about these matters when the lots were released. The Board agreed that the community sewage disposal system should be completed prior to the recording of the easement and conservation restriction.

The motion was made by Perkins that the access easement issues be resolved in a manner acceptable to the Blacks no later than June 1, 2004. The easement must be shown on a plan to be recorded at the Registry of Deeds. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

