

**GROTON PLANNING BOARD
AUGUST 12, 2004
MINUTES**

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

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

Members absent: Perkins and Lewis

PUBLIC HEARING (con't) – REEDY MEADOW ESTATES

The Planning Board continued the public hearing to consider the Reedy Meadow Estates definitive plan. Applicant John Lorden and design engineer Gary Shepard of David Ross Associates were present.

Mr. Shepard said he has not submitted the special permit application yet because they are still working with the Natural Heritage and Endangered Species Program (NHESP). Three different turtle species have been identified on the site so a redesign of the plan may be required. Oxbow Associates is doing a preliminary assessment for submission to NHESP. Mr. Lorden requested an extension of the deadline and a 60-day continuation of the public hearing.

The Board voted unanimously to extend the deadline to October 31, 2004.

The Board voted unanimously to continue the public hearing on October 14, 2004 at 7:30 PM.

COMMENTS TO THE BOARD OF SELECTMEN

Mill Run Earth Removal - The Board discussed the request for comments from the Board of Selectmen regarding the removal of excess material from the Mill Run Plaza site. The motion was made by Degen to recommend that the Selectmen follow the recommendations of the Earth Removal Advisory Committee. *The motion was seconded and passed unanimously.*

Blood Earth Removal – The motion was made by Wilson to recommend that the Selectmen grant an extension of the earth removal permit to Elliot Blood, noting that Mr. Blood is a good steward of the land, this is a small scale operation, and that the Selectmen follow the recommendations of the Earth Removal Advisory Committee. *The motion was seconded and passed unanimously.*

Wildflower Lane Street Acceptance – The motion was made by Clements to recommend that the Board of Selectmen accept Wildflower Lane as a public way. *The motion was seconded and passed unanimously.*

SAMANTHA REALTY TRUST SITE PLAN

The motion was made by Barringer to endorse the Samantha Realty Trust site plan for 785 Boston Road. *The motion was seconded and passed with Eliot, Barringer, Clements, and Wilson in favor, Degen abstaining.*

The motion was made by Degen to send a memo to the Building Inspector requesting that he not grant a building permit until all outstanding engineering bills have been paid. *The motion was seconded and passed unanimously.*

PLANNING BOARD LIAISON REPORTS

Selectman Virginia Wood requested time to meet with the Planning Board to discuss housing strategies outlined in the Affordable Housing Plan submitted to the Department of Housing and Community Development. The Board will discuss the housing plan at its meeting on September 23, 2004 at 7:30 PM when it meets with Attorney Mark Bobrowski to discuss the proposed accessory apartment provisions.

Member Wilson, the Board's representative on the Growth Management Advisory Committee (GMAC), said GMAC feels strongly that the Board should continue working on the Rate of Development by-law for presentation at a Special Town Meeting in the fall. He said the Board should discuss the proposed Rate of Development by-law with Mr. Bobrowski as well as the accessory apartment by-law.

Member Degen said Mr. Bobrowski's representation of developers in other towns, such as Dunstable, is a concern. The Board continued its discussion to later in the meeting.

PUBLIC HEARING – BENNETT BLACK SPECIAL PERMIT PLAN

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 Bennett R. Black, Jr. for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development to create four (4) lots as shown on the plan entitled, "Preliminary Flexible Development Plan in Groton, Massachusetts, Designed for Bennett R. Black, Jr.," prepared by David E. Ross Associates, dated July 20, 2004. The proposed development is located on Groton Assessors Map 242, Parcels 5, 6, 7, & 8, owned by Bennett R. Black, Jr. The properties are located on the northerly side of the Burnt Meadow Road.

Chairman Eliot called the public hearing to order. Clerk Degen read the notice published in the July 30 & August 6, 2004 issues of *The Groton Herald*. Bennett Black, Sr.; Bennett Black, Jr.; design engineer Dan Wolfe of David E. Ross Associates, and several abutters were present.

Bennett Black, Sr., explained the history of this land which has been in the family for generations. He told the Board about his grandfather's decision to build a house for each one of his children. The Black's 150-acre parcel has been open to the public for many years.

Dan Wolfe described the plan to subdivide the 18.5-acre parcel into four lots – one with the existing farmhouse and three new lots. The site contains a pond and bordering wetlands as well as open fields maintained for agricultural use. The conventional yield plan shows a short cul de sac serving the proposed new lots. The Special Permit Flexible plan shows three lots on a shared driveway with 7.5 acres of protected open space. The open space will be owned by the Blacks, subject to a conservation restriction, so they can continue to farm the land. No houses will be constructed within 100 ft of wetlands. Mr. Wolfe said the applicant is requesting a waiver of the requirement to submit a preliminary subdivision plan.

Mr. Wolfe stated that, in 2002, the Conservation Commission issued an Order of Conditions for a driveway to cross the wetlands to serve one single-family house. The Blacks would like to construct the proposed shared driveway in the same location. Mr. Wolfe said, as noted by the Conservation Commission, a portion of the land is located within the Conservancy District and the 230 ft contour delineating the Conservancy District will be added to the plan.

Chairman Eliot read comments from the Conservation Commission, the Board of Health, the Police Chief, and the Water Department.

Member Degen asked if the applicant is requesting a waiver on the yield plan. Mr. Wolfe said, "yes," based upon the size and scale of the project. All lots meet zoning requirements for area, frontage and upland area. Member Degen questioned whether Lot 2 has sufficient upland area with the Conservancy District on the lot. He said it would be difficult to waive the requirements for the yield plan under the circumstances.

Member Clements asked if the width of the shared driveway would still be 12 ft. Mr. Wolfe said the shared driveway regulations require a width of 16 ft. Member Clements asked if the driveway would be paved. Mr. Wolfe said not at this time. Member Clements asked if the lots would have frontage on Burntmeadow Road. Mr. Wolfe said, "yes."

Member Wilson said the Planning Board should honor the Conservation Commission's concerns about the width of the driveway.

Member Clements asked if the plan would be resubmitted to the Conservation Commission. Mr. Wolfe said, "yes."

Member Barringer asked if the grade of the driveway is 5%. Mr. Wolfe said, "yes," it is a very gentle slope. Member Barringer asked about siltation into the pond. Mr. Wolfe said recharge trenches would be constructed to collect runoff. Member Barringer asked if there would be a maintenance agreement for the shared driveway. Mr. Wolfe said, "yes."

Member Barringer asked about the size of the houses. Mr. Wolfe said they would be four bedroom houses in keeping with the character of the neighborhood. Member Barringer asked if the houses could be constructed at an angle rather than in a straight line. Mr. Wolfe said, "yes."

Member Barringer asked who certifies the location of the Conservancy District. Planning Administrator Michelle Collette said §218-10F of the Zoning By-law states,

"F. Where boundary lines are contour lines, they are at an indicated elevation above the datum which is mean sea level of the United States Geological Survey."

A Registered Land Surveyor (RLS) must determine the location of the 230 ft contour in the field and show it on a stamped plan.

Chairman Eliot asked about the easement shown on the plan. Mr. Wolfe said the easement was created in 1978 for electrical service. The transformer is on the abutting land owned by Peter Morrison. Chairman Eliot asked whether the easement is still needed. Mr. Wolfe said, "no," it could be extinguished.

Chairman Eliot asked if access to the existing house would remain where it is today. Mr. Wolfe said, "yes." Chairman Eliot asked who would own the open space. Mr. Wolfe said the Blacks would own the fee in the land so they can continue to use the land for agricultural purposes. A conservation restriction, held by the Conservation Commission or New England Forestry Foundation, will be placed on the open space.

The Board scheduled a site walk on Thursday, August 19, 2004 at 6:00 PM.

Member Barringer asked the applicant to change the driveway configuration so it meets Burntmeadow Road at a 90° angle. Mr. Wolfe said the proposed configuration keeps the driveway out of the buffer zone, but he would look at it.

Abutter Robert Black supported the proposed plan and suggested that the driveway be paved to limit dust and for easier maintenance.

Abutter Peter Morrison requested that the houses be moved back and out of the Conservancy District. Chairman Eliot said the Board would look at the proposed location of houses on the site walk. Mr. Black said he is trying to maximize the area to be hayed and kept as agricultural land. Mr. Wolfe said the sewage disposal systems are located downhill from the houses.

The Board voted unanimously to continue the public hearing on September 9, 2004 at 7:30 PM.

PUBLIC HEARING (con't) – ACADEMY HILL SPECIAL PERMIT MODIFICATION

The Board continued the public hearing to consider the Academy Hill special permit modification submitted by LandWest, Inc. Applicants Bruce Wheeler and Brian Ahern, design engineer Lawrence Beals of Beals Associates, Attorney Louis Levine, and Attorney Ray Lyons were present.

Mr. Beals requested a continuation of the public hearing because Members Lewis and Perkins were not present, and the applicant would like the full Board to be able to vote on the special permit decision.

The Board voted unanimously to continue the public hearing on August 26, 2004 at 7:00 PM.

SITE PLAN REVIEW – TOWN LINE AUTO SALES

The Board reviewed the site plan submitted by Vincent Lemire of Town Line Auto Sales to grade and eventually pave the existing 65' x 120' parking area on land owned by Yvonne Demasso at the intersection of Townsend Road and Route 119.

Chairman Eliot asked where the sewage disposal system is located. Mr. Lemire said he believes the system is behind Mrs. Demasso's house.

Member Barringer asked about lighting. Mr. Lemire said he would continue to use the existing lights that are on a timer. The lights are on from 5 PM to 8:30 PM.

The motion was made by Wilson to review the site plan as a Level I under §218-25G(1). ***The motion was seconded and passed unanimously.***

Member Wilson asked about the parking lot surface. Mr. Lemire said he plans to install the star-pack this fall and pave in the spring. Member Wilson asked if the existing parking area would be paved. Mr. Lemire said, "yes." Member Wilson asked where access would be located. Mr. Lemire said he plans to use the existing access. Member Wilson asked about the fence shown on the plan. Mr. Lemire said he just replaced the fence.

Member Wilson said drainage issues that may result from paving the parking area should be addressed. Runoff should not be directed toward the existing house, sewage disposal system or Route 119.

Chairman Eliot asked if drainage could be directed toward the wood shed near Townsend Road. Mr. Lemire said the site drains toward the low spot in the rear of the lot. The area slopes back away from the road. Member Wilson said the rain infiltrates into the ground today, but if the area is paved, runoff will sheet toward the low area. Mr. Lemire said the water flows toward the low area today and it is not a problem. There is an existing culvert under Route 119 that also drains toward the backyard.

Member Clements asked what is between the parking area and low spot now. Mr. Lemire said a fence, grass and brush are the only things there.

Member Clements asked about lighting and hours of operation. Mr. Lemire said the lights would be on until 8:00 PM when the business is open.

Member Degen agreed that drainage is an important consideration. He asked whether the use requires a special permit from the ZBA. Mr. Lemire said he has a special permit for eight used cars, but he would like to add three to five more cars. Planning Administrator Michelle Collette said the ZBA would hold a public hearing on the special permit application on September 15, 2004.

The Board scheduled a site walk for Saturday, August 14, 2004 at 9:00 AM.

Member Barringer said the proposed lighting fixtures and location of the existing sewage disposal system should be shown on the plan. Member Barringer asked about customer parking and whether there is enough room to turn around. Mr. Lemire said there is enough space for 10 customers to park with sufficient area to turn around.

Member Degen asked for more information on the star pack and paving specifications. Mr. Lemire said the star-pack base would be 1-3" and the pavement would be 2".

The Board voted unanimously to extend the deadline to September 30, 2004 as requested by the applicant.

The Board voted unanimously to continue the review on September 9, 2004 at 8:30 PM.

MINUTES

The motion was made by Barringer to approve the July 1, 2004 minutes. ***The motion was seconded and passed with Eliot, Barringer, Clements, , and Wilson in favor; Degen abstaining.***

The motion was made by Barringer to approve the July 15, 2004 minutes as amended. ***The motion was seconded and passed unanimously.***

PB LIAISON REPORTS

The Board continued its discussion of liaison reports including Member Wilson's report from the Growth Management

Advisory Committee (GMAC). Member Wilson said GMAC would like the Board to propose the Development Rate Limitation by-law again this fall. He expressed his concerns that Mr. Bobrowski stated that the by-law presented at the Annual Town Meeting was flawed. The problems should have been identified and addressed before Town Meeting. He suggested that Mr. Bobrowski review the draft by-law prepared by GMAC member Steve Webber.

Member Wilson said he, too, has concerns about Mark Bobrowski's role representing 40B developers in Dunstable because of the impact on the Groton-Dunstable Regional School District. He suggested that the Board discuss the matter directly with Mr. Bobrowski.

Planning Administrator Michelle Collette said the Board is scheduled to meet with Mr. Bobrowski on September 23, 2004 to discuss accessory apartments and scenic roads. Member Degen said the discussion should take place prior to the September 1, 2004 public hearings with the Zoning Board of Appeals. The Board agreed to meet with Mr. Bobrowski before, but not on, September 1, 2004.

The motion was made by Wilson to send a letter to Mark Bobrowski asking him to meet with the Planning Board to discuss the Board's concerns about the perceived or real conflict of interest with Mr. Bobrowski's role representing developers in Dunstable and about the Board's concerns regarding the problems with the Development Rate Limitation by-law defeated at the Annual Town Meeting. *The motion was seconded and passed unanimously.*

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator