

**GROTON PLANNING BOARD
SEPTEMBER 9, 2004
MINUTES**

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

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

ACCESS ADEQUACY UPDATE – WACHUSETT TRAIL

(Member Degen stepped down and did not participate.)

The Board discussed the adequacy of Whitney Pond Road and Wachusett Trail to serve the house under construction by Habitat for Humanity. Excavation contractor Robert Black was present for the discussion.

Member Lewis expressed concerns about the condition of Whitney Pond Road and erosion undermining the stability of the road. Planning Administrator Michelle Collette said the Earth Removal Advisory Committee did a site inspection and requested that the Highway Surveyor help address the erosion problems in Whitney Pond Road, a public way. Mr. Black said he is installing the water main to serve the Habitat House and will work with the Town to regrade and stabilize the road. The Planning Board's condition about improving the road to provide adequate access must be completed prior to issuance of an occupancy permit.

PUBLIC HEARING (con't) – BENNETT BLACK SPECIAL PERMIT

The Board continued the public hearing to consider the application submitted by the Bennett Black Realty Trust for a special permit to create three new lots on Burnt Meadow Road. Application Bennett Black, design engineer Dan Wolfe of David E. Ross Associates, and abutters were present.

Mr. Wolfe said during the site walk, the group discussed the possibility of moving the new houses farther back on the lot. The revised plan shows the new location of the houses, but a variance is required for the amount of open space to be set aside. The Flexible Development by-law requires 35% open space. The revised plan has about 25 – 30% open space. Mr. Wolfe said the true elevations are shown on the revised plan including the location of the Conservancy District at elevation 230 ft. The Conservancy District is contained in the pond and bordering vegetated wetlands.

Member Lewis asked if these were hammerhead lots. Chairman Eliot said, "no," the plan is subject to the new Flexible Development provisions. Member Lewis said the appropriate section of the by-law must be clearly noted on the plan.

Member Degen thanked the applicant for changing the plan in response to concerns expressed by the Board and the abutters. He said this is a much better plan.

Member Perkins asked if the Basic Number of Lots plan could be built without any variances or waivers. Mr. Wolfe said, "yes." Member Perkins noted that the required 35% open space must not include any wetlands or the pond. She asked about the 100 ft buffer zone. Mr. Wolfe said the 100 ft buffer zone begins at the edge of the delineated wetlands. The buffer zone can be included to meet the open space requirements. Member Perkins noted that the revised plan shows a significant reduction in the amount of open space. She asked if the proposed open space is contiguous to other open space. Mr. Wolfe said, "yes," it abuts land owned by the New England Forestry Foundation (NEFF). Mr. Black currently leases and hays a portion of the adjacent NEFF land. Member Perkins asked about the length of the shared driveway. Mr. Wolfe said it is 800 ft long.

Member Wilson said this a better design because the houses are farther away from the pond. He expressed concern about the impact of fertilizers on water quality.

Member Wilson disclosed, for the record, that he has purchased cords of firewood from Mr. Black.

Member Perkins asked if the lots have frontage on a public way and whether the applicant had requested a waiver under §218-26F(1). Mr. Wolfe said, "yes."

Member Barringer agreed that the revised plan is a better plan. He asked how often the hay fields are fertilized. Mr. Black said, "once a year."

Member Degen asked if the lots on the Basic Number of Lots plan have the required upland area. Mr. Wolfe said, "Yes, each lot has 80,000 SF upland."

Member Lewis asked if the open space requirements could be met by reducing the frontage along the driveway so a variance would not be needed. Mr. Wolfe said he would investigate, but the sewage disposal systems are located on the lower plateau because the hilltop is ledge. The sewage disposal systems must be contained within the individual lots.

Member Perkins asked about the use of the open space area. Mr. Wolfe said it would be subject to a conservation restriction so Mr. Black can continue to farm the land.

Abutter Peter Morrison asked about the lot area calculations and whether any wetlands were included. Mr. Wolfe said the wetlands area must be subtracted from the lot area calculations in order to meet the 80,000 SF upland requirements. Mr. Morrison said the Conservancy District encompasses the pond, and the intent of the Conservancy District is to protect the pond. Mr. Morrison expressed concern about the impact of proposed shared driveway on the wetlands. The Conservation Commission issued an Order of Conditions to allow an individual driveway in this location, and the Commission was not happy with the single driveway. He asked the Board how it could accept a Basic Number of Lots plan if it could not be constructed legally.

Member Degen said if the Conservation Commission issued an Order of Conditions for a single driveway in 2003, then the applicant must go back to the Commission for a new Order of Conditions for a shared driveway. Mr. Wolfe agreed.

Chairman Eliot read previous comments submitted by the Conservation Commission and the Board of Health.

Member Perkins asked who would own the open space. She said she is not comfortable with the open space being held in private ownership. The Board will ask for clarification from Attorney Mark Bobrowski on this point.

Conservation Commission member Bruce Easom said the proposed driveway is a structure within 50 ft of the wetlands and must be reviewed by the Conservation Commission. He said he likes the revised plan better than the previous plan, but expressed concerns about the view scape from the road.

Peter Morrison agreed that the revised plan is a better plan. However, he said he is concerned about traffic on Burnt Meadow Road because cars cannot turn left onto Route 40. He also expressed concern about light pollution.

The motion was made by Wilson to request clarification from Mark Bobrowski on whether the open space could be held in private ownership with a conservation restriction and to send the Basic Number of lots plan to Judith Nitsch Engineering, Inc. (JNEI) for review. ***The motion was seconded and passed unanimously.***

The Board voted unanimously to continue the public hearing on October 7, 2004 at 8:30 PM.

PUBLIC HEARING – ROCKY HILL SPECIAL PERMIT & DEFINITIVE PLAN

The Board continued the public hearing to consider the Rocky Hill special permit and definitive plan. Applicant David Moulton and Attorney Robert Collins were present.

Mr. Collins submitted a letter dated September 9, 2004 to the Planning Board with suggested findings and conditions for the special permit for the 24 units of housing for people age 55 and older. The engineer will begin the design on the road and drainage system next week.

The Board voted unanimously to continue the public hearing on October 7, 2004 at 8:30 PM.

SITE PLAN REVIEW (con't) – TOWN LINE AUTO SALES

Mrs. Lemire requested that the Board extend the deadline and continue the site plan review. Mr. Lemire is working on drainage plans for the site.

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

The Board voted unanimously to continue the site plan review on October 21, 2004 at 7:30 PM.

MILL STREET RELOCATION PLAN

Attorney Robert Collins, representing Ryan Development, met with the Board to request that the Board endorse the Mill Street relocation plan. The Board received a letter dated September 9, 2004 regarding endorsement of the plan and the status of the agreement between the Selectmen and Ryan Development.

Member Degen expressed concern that the use of the area is more intense than what was shown on the site plan approved by the Planning Board on February 13, 2003. This applicant has not acted in good faith. Mr. Collins noted that the Board of Selectmen is requesting endorsement of the plan, not Ryan Development. No extraordinary uses are going into Mill Run Plaza – only those consistent with the approved site plan.

Member Wilson asked if the funds required in the Agreement with the Town had been provided yet, including the cost of the signalization. Planning Administrator Michelle Collette said the signed agreement is between the Selectmen and the applicant, and the details have been worked out through the Zoning Board of Appeals 40B process. Member Barringer asked if the agreement was with Ryan Development or Groton Residential Gardens. Mr. Collins said, “both.”

Member Lewis said he still has concerns about drainage at this intersection.

Mr. Collins said the endorsement of this plan is only for the relocation of Mill Street, which is separate from both Mill Run Plaza and Groton Residential Gardens. Mr. Collins said if the Planning Board does not endorse the plan, then the Selectmen will. However, the Planning Board has no authority to withhold endorsement of a plan that shows the road as laid out by the Board of Selectmen and Town Meeting. The Selectmen signed the Order of Taking on August 23, 2004 and must record the Order and relocation plan within 30 days (September 22, 2004). If the Order of Taking and plan are not recorded, then the acceptance of the road must go back to Town Meeting.

The motion was made by Perkins to allow the Board of Selectmen to endorse the plan rather than the Planning Board. The motion was withdrawn.

The Board will ask JNEI to verify that the runoff from Mill Run Plaza can be contained on site, noting that retention basin #3 was enlarged to accommodate runoff from Groton Residential Gardens. The Board will also ask JNEI to confirm the drainage calculations for both sites. The Board discussed whether the approved site plan should be modified to incorporate the changes to the drainage system.

The Board will post a meeting for September 13, 2004 at 6:45 PM to meet jointly with the Board of Selectmen.

COMMUNITY PRESERVATION ACT

(Note: Members Clements and Perkins stepped down because they are members of Groton Citizens for Community Preservation)

Bruce Easom of Groton Citizens for Community Preservation met with the Board to ask for its endorsement of the ballot question to adopt the Community Preservation Act (CPA).

The motion was made by Wilson to endorse the CPA ballot question. The motion was seconded.

Member Lewis expressed his reservations and opposition to the CPA because, in his opinion, it is a tax on a select group of people. He stated his philosophical objections to taxes in general.

Mr. Eason said if Groton adopts the CPA, it would receive matching funds from the State. Carolyn Perkins noted that Groton residents are paying into the State CPA fund every time property is recorded at the Registry of Deeds. The adoption of the CPA will enable Groton to receive its share of State funds. If the Town does not adopt the CPA, the State funds will be allocated to other communities that have adopted the CPA.

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

TOWN MEETING WARRANT ARTICLES

The motion was made by Degen to support the Highway Surveyor's request and recommend that the Board of Selectmen lay out Pacer Way, Madeline Drive, and Hayden Road as public ways. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette
Planning Administrator