

**GROTON PLANNING BOARD  
JANUARY 13, 2005  
MINUTES**

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

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

Member absent: Lewis and Degen

**MILL RUN PLAZA SITE PLAN**

The Planning Board received a report dated January 5, 2005 from Judith Nitsch Engineering, Inc. (JNEI) confirming that the twin 15" culverts are of sufficient size to replace the 24" culvert under Mill Street as shown on the Mill Run Plaza site plan.

Attorney Robert Collins, representing Ryan Development, said this was a change made due to circumstances in the field. There was not sufficient cover to use the 24" pipe so the design engineer authorized the use of two 15" culverts. The change will be shown on the as-built plan.

The motion was made by Perkins to accept the field change with the condition that the change in culvert is shown on the as-built plan. ***The motion was seconded and passed with Eliot, Barringer, Clements and Perkins in favor; Wilson abstaining.***

**ROCKY HILL SPECIAL PERMIT & DEFINITIVE PLAN**

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

The Board received a report dated January 10, 2005 from JNEI. Mr. Collins requested that the Board discuss the requested waivers outlined in his letter dated November 4, 2004. The Board said it did not want to grant the waivers without consultation with JNEI. The Board will request that its engineer, William Maher of JNEI, attend the next public hearing.

The Board voted unanimously to extend the deadline to act on the definitive plan to March 30, 2005 as requested by the applicant.

The Board voted unanimously to continue the public hearing on February 3, 2005 at 7:30 PM.

**SPECIAL PERMIT DECISION – ROCKY HILL HOMES FOR PEOPLE 55 & OLDER**

The Board reviewed and edited the draft special permit decision for Planned Multifamily Residential Development and Open Space Residential Development for the portion of the Rocky Hill development with 24 housing units for people 55 and older.

The motion was made by Perkins to **GRANT** a special permit to Fox Meadow Realty Corporation to utilize the provisions of Groton Zoning By-law Section 218-26 Open Space Residential Development (Cluster) and § 218-27C Planned Multifamily Residential Development to create twenty-four (24) units as shown on the plans entitled, "Empty Nester Area – Rocky Hill", prepared by Pine and Swallow Associates, dated September 16, 2003, with revisions through August 20, 2004, with the following findings and conditions:

**Findings:**

*The Planning Board made the following findings based upon the criterion set forth in Zoning By-Law §§ 218-26, 218-27C and 218-32.1:*

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by providing a housing type which is not currently available in Groton. Social needs are addressed by helping to

maintain a demographic mix in the Town.

2. **Traffic flow and safety:** A traffic light will be installed at the intersection of Boston Road and Sandy Pond Road, and the intersection will be reconfigured by MassHighway. It is not anticipated that the proposed development will adversely impact traffic flow in the surrounding area because traffic from the proposed development was taken into consideration during the design of the intersection improvement plan.
3. **Adequacy of utilities:** There are adequate public utilities at this location to serve the proposed development. The development will be served by municipal water and electricity. Municipal services will not be overtaxed by the proposed development.
4. **Neighborhood character:** While this development is to be located on land that is presently undeveloped, neighborhood character will be enhanced by a development which is of sensitive design and of a low overall density.
5. **Impacts on the environment:** Environmental impacts are minimized by this development. Components of the existing topography are to be maintained so as to maintain a topographic separation between the developed area and adjacent conservation land which contains several resource areas. Infiltration gardens are to be employed to maintain the existing hydrology of those resource areas post construction. Additionally, the proposed  $\pm$  400 acre parcel to be donated to the Massachusetts Audubon Society significantly augments the existing public open space, protects important natural resources and wildlife habitat, protects a Zone III watershed area, and enhances quality of life for Groton residents.
6. **Fiscal impact on the Town:** The fiscal impact on the Town is likely to be positive given the intended occupancy of the housing units.
7. **Basic Number of Lots:** At its meeting on August 21, 2003, the Planning Board voted that the basic number of units for the entire Rocky Hill development is established as 82 new units, pursuant to § 218-26C(1). In November 20, 2003, the Board agreed to increase the basic number of units to 84 with the inclusion of the existing house on Assessors' Lot 121-48, purchased by the applicant, and the ninth affordable unit to be constructed on Lot 3, Sandy Pond Road, as part of Special Permit 2003-09.
8. **Consistency with the Comprehensive Master Plan:** The proposed special permit plan is consistent with the goals and objectives of the Comprehensive Master Plan, particularly by providing diversified housing, providing open space, and protecting natural resources.
9. **Consistency with Concept Plan:**  
The Special Town Meeting, held on September 24, 2001, voted to approve the Rocky Hill Concept Plan (Article 8). The Planning Board's report to the Special Town Meeting included the following recommendations and conditions:  
**Concept Plan Recommendations:**
  - The concept plan submission is complete and complies with the requirements of Groton Zoning By-law Section 218-27C.
  - Approximately 400 acres will be permanently protected as open space for the enjoyment of current and future residents. The open space will be subject to a permanent conservation restriction under the provisions of Chapter 184, Sections 31-33. The land to be protected is ecologically sensitive and is one of the largest undeveloped tracts of land in the Town.
  - Approximately ten (10) acres of land off Sandy Pond Road will be donated to the Town of Groton for the Groton Electric Light Department's offices and operations, for a neighborhood fire station, and potentially for offices for the Groton Water Department. In addition, approximately fifteen (15) acres off Nathan Nutting Road will be

donated to the Town for the Groton Electric Light Department's future substation. The applicant is also working with the Water Department to set aside land for a future water storage tank.

- The proposed residential development with a total of 84 units will have less fiscal impact on the Town than the concept plan for the same site with 245 residential units approved by a Special Town Meeting in January, 1989.
- The proposed concept plan will provide much needed diversity in housing, including starter homes and affordable housing for people with moderate incomes.
- The site will be visually attractive with wooded buffers from the public ways and abutting properties. Several abutters expressed support of the proposed concept plan at the Planning Board's public hearing.
- In conclusion, the Rocky Hill residential concept plan is consistent with the goals and objectives of the Comprehensive Master Plan.

### **Planning Board Determination**

As required in §218-27C(2), the Planning Board determined that the special permit plan is consistent with the concept plan approved by Town Meeting because:

- Approximately 400 acres will be permanently protected as open space, thereby protecting valuable natural resource, wildlife habitat, and Zone III watershed areas.
- The number and type of units and layout of the development are consistent with the concept plan approved by Town Meeting.

### **Conditions:**

1. All twenty-four (24) housing units shall be restricted for persons aged 55 and older in accordance with applicable HUD guidelines. The applicant shall submit the proposed restrictions for the Planning Board's review and approval prior to the issuance of any building permits.
2. The house designs shall be consistent with those submitted with this special permit application. As required in §218-25 Site Plan Review, the applicant shall submit architectural plans to the Planning Board with the site plan review submission.
3. The private way serving the twenty four (24) units shall be maintained in perpetuity by a homeowners association to be created by the applicant. Any change in the status of the private way or maintenance thereof shall require modification of this special permit.
4. The development cluster is subject to §218-25 Site Plan Review during which engineering aspects of the development, including but not limited to private way construction standards, lighting drainage, and landscaping shall be submitted to the Planning Board for its review and approval. The applicant shall submit a revised site plan with fully engineered drawings and detail sheets showing the various components of the development.
5. A sidewalk shall be installed, the location and construction specifications for which shall be approved by the Planning Board as part of Site Plan Review.
6. Use of this special permit, and thus the construction of the twenty four (24) units envisioned by this special permit, is subject to the approval of a site plan showing this portion of the "Rocky Hill" development, and the approval of the definitive subdivision plan for the entire "Rocky Hill" development. Building permits may not be issued until the definitive plan is approved and endorsed, the road and drainage system are bonded or constructed, and lots have been released by the Planning Board.

7. Use of this special permit is made upon the recording thereof; the time period during which the applicant may make use of this special permit shall not begin to toll until the date of endorsement of the definitive subdivision plan.
8. Public water shall be extended to the site as offered by the applicant. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
9. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording the special permit and definitive plan is submitted to the Planning Board by the applicant.
10. The ±400-acre open space parcel shall be made subject to a permanent conservation restriction held by the Town pursuant to MGL chapter 184, §§ 31 to 33. The conservation restriction 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. This special permit runs with the land and applies to any successor in interest or successor in control.

*The motion was seconded and passed unanimously.*

#### **SITE PLAN REVIEW (con't) – OLIVER WRIGHT MEADOWS**

The Board continued its review of the Oliver Wright Meadows site plan for Subsidized Elderly Housing submitted by Missic Realty Trust. Applicant James Patierno, Attorney Robert Collins, and design engineer Robert Pine were present.

Chairman Eliot read the comments from the Board of Health, the Water Department, the Sewer Department, and the Highway Surveyor.

Attorney Collins said the Zoning Board of Appeals granted the special permit pursuant to §218-27B Subsidized Elderly Housing. He said they will meet with the Board of Health to discuss the history of the site and they will meet with the Water Department to discuss the 6000 ft extension of the water main to the adjacent parcel owned by the Highway Department. A fence and berm will be constructed along the property line with the Highway Department to provide a visual and noise barrier.

Member Perkins asked about landscaping. Mr. Pine said he submitted the landscape design plans at this meeting.

Member Perkins asked who will be responsible for maintaining the site. Mr. Collins said Mr. Patierno will own the three apartment buildings and individual homeowners will own the duplex units. The Homeowners Association will be responsible for maintenance. Mr. Patierno said the condominiums will have “exclusive use” areas so each homeowner will have their own yard. However, overall maintenance will be the responsibility of the Homeowners Association. The details will be spelled out in the condominium documents.

Mr. Pine described the site including the man-made pond, walkway around the pond, and community gathering areas defined by plantings.

Member Perkins asked if this project was submitted as a Local Initiative Plan (LIP). Mr. Collins said, “no,” it was submitted under §218-27B of the Zoning By-law so it is not a comprehensive permit. There will be a total of 48 units with 24 affordable units to meet the 50% requirement. Mr. Collins said the by-law requires that 24 of the units be age-restricted, but it is the applicant’s intent that all 48 units be for people 55 and older. All 36 rental units should qualify for the Town’s affordable housing inventory.

Member Clements said he likes the proposed development. He asked if architectural drawings have been submitted. Mr. Collin said, “yes.”

Member Barringer asked about the proposed length of pavement to the last dwelling unit. Mr. Pine said about 900 ft. Member Barringer asked if an emergency vehicle access road could be constructed to connect with access roads on the Highway Department's land. Other members of the Board agreed that a secondary emergency vehicle access road is needed. Mr. Collins said they would meet with the Police Chief and Fire Chief to discuss the matter.

Chairman Eliot asked if the slabs would be at existing elevations. Mr. Pine said the basement floors will be at existing elevations with the first floor constructed eight (8) feet higher.

The Board voted unanimously to extend the deadline to act on the site plan to March 30, 2005 as requested by the applicant.

The Board voted unanimously to continue the public hearing on February 3, 2005 at 8:30 PM.

### **ANGUS HILLS DEFINITIVE PLAN MODIFICATION**

*(Member Wilson stepped down from the Board and did not participate.)*

In accordance with the provisions of Chapter 41, Sections 81-U and 81-T, the Planning Board held a public hearing to consider the application submitted by Meredith Beeuwkes Scarlet and Benjamin S. Scarlet for modification of the definitive plan entitled, "Angus Hills", prepared by Beals Associates, Inc., dated May 14, 1998, with revisions through October 8, 1999, approved by the Planning Board on November 17, 1999. The subdivision is located on land owned by Gibbet Hill Farm, LLC, shown on Assessors Map 233, Parcel 140; Map 233, Parcel 142; Map 234, Parcel 1; Map 234; Parcel 1.1; located on the northerly side of Lowell Road, easterly side of Shattuck Street, southerly side of Martins Pond Road, and westerly side of Schoolhouse Road.

Chairman Eliot called the hearing to order. Vice Chairman Barringer read the notice published in the December 30 and January 6, 2005 issues of *The Lowell Sun*. Landowner Steven Webber, Attorney Robert Orsi (representing Mr. Webber), applicants Meredith Beeuwkes Scarlet and Benjamin S. Scarlet, and Attorney Ryan Pace (representing the Scarlets) were present.

Mr. Orsi explained that the Webbers plan to sell the Angus Hills property to the Scarlets. The land to be sold includes the farmland subject to the conservation restriction, Lot 1 with the existing farm house and barns, and Lots 2 and 4.

Mr. Pace said the Angus Hills definitive plan approval of the 47-lot subdivision plan with conditions and covenant are on record and still in effect. The land with the conservation restriction cannot be developed, so the Scarlets are requesting that the Board modify its approval of the definitive plan as described in the letter dated December 28, 2004 submitted with the application.

Member Perkins asked if the conservation restrictions are in perpetuity. Mr. Pace said, "yes."

Chairman Eliot asked if there are existing houses on Lots 2 and 4. Mr. Pace said, "no," but there could be in the future. The Scarlets plan to move into the existing farm house and use the land for a horse farm. Mr. Pace requested that the conditions of the definitive plan approval not apply to the land being developed as shown on the ANR plan recorded in 2002 with the conservation restrictions.

Member Perkins requested that Mr. Pace submit proposed language to the Board for its consideration.

Member Perkins asked about the special permit on Lot 2, a hammerhead lot with frontage on Shattuck Street. Planning Administrator Michelle Collette said the special permit and plan are on record so the special permit and its conditions are still in effect.

Member Clements said the application is straightforward and he did not see any problem modifying the conditions as requested by the applicant. Member Barringer agreed.

Chairman Eliot asked if there are any changes to the hammerhead lot or special permit decision. Mr. Pace said, “no.”

Abutter Robert Connolly expressed concern about the proposed development on Lot 4 because there are existing drainage problems. He said development of this lot and any changes to Shattuck Street will impact his property.

Chairman Eliot said Lots 2 and 4 are existing lots that can be sold or built upon. Mr. Pace reiterated that the Scarlets are moving into the farmhouse on Lowell Road and do not plan to build on these lots at the present time.

Mr. Connolly said the Webbers submitted a Notice of Intent and plans to the Groton Conservation Commission to develop this lot. He said they are willing to accept a building with a 3000-3500 sq ft footprint. If a very large house is built on this lot, it may cause groundwater problems. A hydrologist determined that there are groundwater breakout problems that impact their property today.

Mr. Orsi said the contract requires the Webbers to show house locations and demonstrate that the lots are buildable. Mr. Connolly said the proposed house on Lot 4 is less than 25 ft from their property line as shown on the plan submitted to the Conservation Commission. Member Perkins asked about the size of the lot. Mr. Connolly said it is about three acres.

Dr. Susan Horowitz said she and her husband attended Conservation Commission hearings on the lot and they are happy that there will not be any changes to Shattuck Street. The water problems are from groundwater, not surface water. She said they would like to work with the Town to correct drainage problems on Shattuck Street.

Chairman Eliot read comments from the Building Inspector, the Water Department, the Sewer Department, the Board of Health, and the Police Chief.

Chairman Eliot asked about public access to the land. Mr. Pace said the Scarlets must comply with all the terms of the conservation restriction which allows public access in specified locations. Mr. and Mrs. Scarlet said they would welcome public use of the designated trails. Mr. Orsi added that a plan showing the public access trails went on record with the conservation restriction.

The Board voted unanimously to continue the public hearing on January 27, 2005 at 8:30 PM.

### **PUBLIC HEARING (con’t) – REEDY MEADOW ESTATES DEFINITIVE PLAN**

The Board continued the public hearing to consider the Reedy Meadow Estates definitive plan submitted by John Lorden for land located on Nashua Road at the Groton-Pepperell townline. Design engineer Gary Shepherd of David E. Ross Associates was present.

Mr. Shepherd updated the Board on the process with the Natural Heritage and Endangered Species Program (NHESP). He said the applicant submitted a Notice of Intent for a drainage basin in the 100 ft buffer zone. Oxbow Associates evaluated the land for endangered species. No species were found on this land, but there are endangered species in the vicinity.

Mr. Shepherd said the applicant would like to submit a cluster plan to maximize the preservation of open space. NHESP wants a barrier constructed between the open space and developed area. He requested that the Board continue the public hearing until some time in March to allow him more time to work out the details with NHESP. At that time, he will submit revised plans and a special permit application to the Planning Board.

Member Perkins said she prefers a cluster plan to the conventional plan submitted by the application.

Member Clements expressed his concerns about access for the lots in Pepperell. Mr. Shepherd said they will create a separate parcel so the lots in Pepperell do not have frontage in Groton. Member Barringer questioned if this is a “reserve strip” prohibited in §346-10A(4). Mr. Shepherd said it is not a reserve strip if there is an easement. He said he would submit case law to the Planning Board on this point. Planning Administrator Michelle Collette said the

Board received an opinion from Town Counsel on a similar situation in the Ames Meadow subdivision.

The Board voted unanimously to extend the deadline to act on the definitive plan to March 30, 2005 as requested by the applicant.

The Board voted unanimously to continue the public hearing on March 3, 2005 at 7:30 PM.

### **AMES MEADOW STREET LIGHTS**

The Board met with developer Joseph Falzone and design engineer Lawrence Beals to discuss street lights in the Ames Meadow subdivision. Mr. Falzone requested that the Board waive the requirement to install street lights and sent a copy of the letter by certified mail to every property owner in the subdivision.

Members of the Board agreed that the street light in the interior of the subdivision is not necessary. Board members did not want to waive the installation of the streetlight at the intersection of Wharton Row and West Main Street for safety reasons. Mr. Falzone said the Groton Electric Light Department (GELD) informed him that, even if the light is installed, it would not be turned on unless the Selectmen authorized it.

The motion was made by Wilson to waive the requirement for installation of the street light at the interior of the Ames Meadow subdivision but not at the intersection of Wharton Row and West Main Street. The Board recommended that the developer work with GELD to install the infrastructure at this intersection. ***The motion was seconded and passed unanimously.***

Mr. Beals asked the Board for its opinion on the developer's obligation to repair pavement on Town Forest Road. He submitted copies of the preliminary plan approval (1996), the definitive plan approval (1997) and a memo (1999) from the Highway Surveyor accepting the improvements to Town Forest Road and recommending the Board release the bond. Mr. Beals said the pavement may be in poor condition over the trench where the water main was installed to serve the subdivision, but Mr. Falzone improved the road as required in the approval of the definitive plan. The Board recommended that Mr. Falzone work with the Highway Surveyor to improve the deteriorating pavement on Town Forest Road.

### **BAY COMMUNICATIONS TELECOMMUNICATIONS TOWER PAINT COLOR**

The Board received color samples from Bay Communications regarding the paint color for the proposed tower on Cow Pond Brook Road.

The motion was made by Barringer to select color #335-1 Warm Chinchilla. ***The motion was seconded and passed unanimously.***

### **BUDGET REQUEST – FY 2006**

The Board agreed to submit a level-funded budget request for FY 2006. Funding for the Design Guidelines will be from the consultant line item in the FY 2005 and FY 2006 budgets.

### **MINUTES**

The Board voted unanimously to approve the minutes of October 21, 2004 and November 4, 2004.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

