

**GROTON PLANNING BOARD  
JANUARY 27, 2005  
MINUTES**

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

Members present: Eliot, Barringer Clements, Lewis and Perkins

Member absent: Degen and Wilson

**PUBLIC HEARING – SPECIAL PERMIT, BENNETT BLACK SHARED DRIVEWAY**

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 218-23D Shared Driveways to construct a shared driveway serving Lots 2, 3 and 4 as shown on the plan entitled, “Proposed Common Driveway Plan in Groton, Massachusetts, Designed for Bennett R. Black, Jr.,” prepared by David E. Ross Associates, Inc. dated November, 2004. The proposed shared driveway is on Assessors Lot 242, Parcels 5, 6 & 7, located on the northerly side of Burnt Meadow Road.

Chairman Eliot called the hearing to order at 7:30 PM. Vice Chairman Barringer read the notice published in the January 14 and 21 issues of *The Groton Herald*. Applicant Bennett Black, Jr.; design engineer Dan Wolfe of David Ross Associates, and abutter Robert Black and Peter Morrison were present.

Mr. Wolfe presented the plan to construct a shared driveway serving three lots created by a special permit for flexible development granted by the Planning Board last summer. The shared driveway will conform to the Shared Driveway Regulations except for waivers requested in the letter dated January 26, 2005 from David E. Ross Associates. Mr. Wolfe said the applicant is requesting a waiver to allow a 10% grade instead of an 8% grade as required in the regulations. Constructing the driveway with an 8% slope would result in greater change to the existing slope, creating a causeway effect. Mr. Wolfe said the regulations require a 16 ft width, but the Conservation Commission would prefer a more narrow width because the driveway is within the buffer zone.

Mr. Wolfe said he understands that there was a zoning amendment in 2003 limiting the number of lots to be served by a shared driveway to two rather than three (*see ATM 2003, Article 21 amending Major Residential Development*). Mr. Black will apply to the Zoning Board of Appeals (ZBA) for a variance for a shared driveway serving three lots.

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

The motion was made by Lewis to support Bennett Black, Jr.’s application for the variance to the ZBA. ***The motion was seconded and passed unanimously.***

Member Lewis said he would support the waiver for the 10% grade but not for the reduced width.

Member Perkins agreed that the driveway should follow the natural contours, if possible. However, the public safety officials’ opinion is a very important consideration. Mr. Wolfe said the 10% grade follows the natural contours. Construction of a driveway with an 8% slope would require adding five feet of fill creating a four-foot mound in the middle of the hay field.

Member Clements said the Wetlands Protection By-law does not allow structures in the 100 ft buffer zone. He requested that the width of the driveway be reduced if public safety officials agree. Mr. Wolfe said he would speak with the public safety officials about the driveway width. He said turn-out areas could be provided for emergency vehicles.

Member Lewis said the 10-ft wide fire truck or ambulance would have difficulty with access on a 12-ft wide driveway with a 10% grade. He noted that the 16 ft driveway width has worked well for the Town.

Member Barringer asked if the driveway would be paved. Mr. Wolfe said, “no,” it would be stone dust or gravel. Member Barringer expressed concern about the use of chemicals to deice an unpaved driveway and the impact of the deicing chemicals on the wetlands. He said a narrow driveway would become narrower with snow banks. He said he could support a waiver of the driveway width if the driveway is paved and has reinforced shoulders.

Chairman Eliot agreed that a 12-14 ft width would be acceptable if there are two-foot shoulders on each side.

Member Clements said the Conservation Commission would include a condition to minimize the use of road salt. Member Perkins asked how the Commission can enforce such a condition.

Abutter Robert Black said the Fire Chief is usually strict about constructing driveways to the required width. He said the driveway should be paved with drainage added at the bottom of the hill to prevent problems on Burnt Meadow Road. He also requested that the alignment of the driveway be adjusted to prevent headlight glare on his house.

Member Lewis asked if the trees at the base of the driveway near Burnt Meadow Road would remain. Mr. Wolfe said, “yes.”

Chairman Eliot asked if drainage from the driveway would impact the pond. Mr. Wolfe said infiltration trenches would be installed along the side of the driveway. Member Lewis said such trenches have not worked in other cases and he does not want to see water running across the driveway.

The Board voted unanimously to continue the public hearing on March 3, 2005 at 8:00 PM.

### **PUBLIC HEARING – SPECIAL PERMIT, DAVID MORTON HAMMERHEAD LOT**

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 David C. Morton for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create one hammerhead lot shown as Lot 7 on the plan entitled, “Special Permit Plan of Land in Groton, Massachusetts, Prepared for David C., Morton,” prepared by Dillis & Mische, Inc. dated January, 2000. The proposed lot is on Assessors Lot 234-18, located on the northerly side of Brownloaf Road.

Chairman Eliot called the public hearing to order. Vice Chairman Barringer read the notice published in the January 14 and 21, 2005 issues of *The Groton Herald*. Surveyor Stan Dillies represented the applicant at the hearing.

Mr. Dillis explained that the Board granted a special permit to create this hammerhead lot on August 9, 2001. However, the ANR plan and special permit decision were never recorded at the Registry of Deeds so the special permit lapsed. Mr. Morton is applying for a renewal of the special permit to create the same hammerhead lot. Brownloaf Road, a public way, is plowed and maintained by the Town.

Member Perkins asked about the “T” turn-around referenced in the 2001 special permit decision. Mr. Dillis said it is not really necessary because the plows can turn around at the end of Brownloaf Road.

Member Perkins asked if the hammerhead lot would be served by a shared driveway. Mr. Dillis said, “no.”

Chairman Eliot read the comments from the Conservation Commission, the Board of Health, and the Sewer Department.

The Board voted unanimously to close the public hearing.

The motion was made by Clements to grant a special permit to David Morton to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create one (1) hammerhead lot shown as Lot 7 on the plan entitled, “Plan of Land in Groton, Massachusetts; Prepared for: David C. Morton,” prepared by Dillis & Mische, dated January 4, 2005, with the following findings and conditions:

**Findings:**

1. **Social, economic or community needs:** A hammerhead lot does not allow duplexes by right as does a conventional ANR lot. This could reduce the number of families and traffic on this road compared to four ANR lots. The plan with the hammerhead lot reduces the need for road infrastructure.
2. **Traffic flow and safety:** The plan with a hammerhead lot has no greater impact than the four lot subdivision, less if the ANR lots are built with duplexes.
3. **Adequacy of utilities and public services:** There will be no adverse impact on water and sewer services. Without a road as depicted in the four-lot ANR plan, there will be no need for the town to plow anew subdivision road.
4. **Neighborhood character:** There will be no greater impact than four-lot ANR subdivision. Neighborhood consists of single-family homes on an acre to two acres.
5. **Impact on the environment:** Less road infrastructure with the hammerhead plan allows for less of an impact on the land.
6. **Fiscal Impact:** No greater than four lot ANR subdivision.
7. **Section 218-23.1 Hammerhead Lots:** The proposed hammerhead lot meets the minimum dimensional requirements (five acres area, 40 feet frontage, and 200 ft set back) for hammerhead lots. The reduction in frontage does not result in a hazardous concentration of egress points.

**Conditions:**

1. The “t” turn-around shall be constructed as shown on the original special permit plan entitled, “Special Permit - Plan of Land in Groton, Massachusetts; Prepared for: David C. Morton,” prepared by Dillis & Mische, dated January, 2000, revised June 24, 2001.
2. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed ANR plan are recorded at the Middlesex South Registry of Deeds as required in GL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording is submitted to the Planning Board by the applicant.
3. This special permit shall lapse in 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. The recording of the special permit and subsequently approved ANR plan shall constitute commencement of substantial use.
4. 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.***

**PUBLIC HEARING (con’t) – ANGUS HILLS MODIFICATION**

The Board continued the public hearing to consider the modification of the Angus Hills definitive plan. Applicants Meredith and Benjamin Scarlett and their attorney Ryan Pace, landowners Steven and Nancy Webber and their attorney Robert Orsi, and abutters Susan Horowitz and Robert Connolly were present.

Chairman Eliot read the comments from the Board of Health and the Water Department. The Conservation Commission issued an Order of Conditions for Lot 4.

The Board discussed the issue of whether Lots 2 and 4 would be on Town water or use private wells. The Subdivision Regulations require extension of Town water if the subdivision road within 2500 ft of the water system. The Board of Health regulations require connection to town water if the property line is within 500 ft of the water system.

Member Clements said the Conservation Commission discussed this issue at length during its public hearing on Lot 4.

Mr. Pace said Lot 2 is within 500 ft of the water system on Martins Pond Road, but Lot 4 is 900 ft from the system, according to the Water Superintendent. Mr. Pace agreed Town water was required in the original Angus Hills definitive plan approval for the 47 lot subdivision.

Member Lewis said this is a matter for the Board of Health and Water Department rather than the Planning Board. Planning Administrator Michelle Collette noted that the application is for modification of an approved subdivision plan so the Subdivision Regulations are applicable.

Mr. Pace said they want to be clear on what is required for the development of Lots 2 and 4.

Chairman Eliot said the extension of Town water to the site was part of the original decision to approve the subdivision. Mr. Pace noted that Lots 2 and 4 will be developed as shown on the ANR plan so the conditions of approval dated November 24, 1999 do not apply.

The motion was made by Lewis that Shattuck Street is adequate without change to serve Lots 2 and 4 as shown on the ANR plan. The driveways serving Lot 2 and Lot 4 will access onto Shattuck Street. ***The motion was seconded and passed unanimously.***

Abutter Susan Horowitz reiterated her concerns about potential impacts on her property. She noted that the Board of Health regulations state that Town water is required for lots within 500 ft of the water system. This is an issue for the Water Department, not the Board of Health. She noted, for the record, that she did not participate in the discussions as a member of the Board of Health because she is an abutter.

Planning Administrator Michelle Collette said that both Lots 2 and 4 are less than 500 ft from the water system. After measuring the distance on the ANR plan, Member Barringer agreed that Lot 2 is less than 500 ft from Martins Pond Road and Lot 4 is less than 500 ft from Lowell Road.

Mr. Connolly asked if water is extended from Lowell Road to Martins Pond Road, would Shattuck Street be paved. Member Perkins said that is the Town's Highway Surveyors' decision, not the Planning Board's.

Susan Horowitz said the Board of Health enforces the 500 ft requirement based upon the Water Department's recommendation to the Board of Health.

The Planning Board decided to leave the matter of extending Town water to the Water Department and Board of Health.

The Board voted unanimously to close the public hearing.

The motion was made by Perkins to modify the Angus Hills definitive plan with the following conditions:

22. The subdivider, or any successor in interest with respect to the property or successor in control of the property, shall use the property substantially in accordance with the Approval Not Required Plan entitled, "Angus Hill - Plan of Land in Groton, MA," prepared by Precision Land Surveying and Beals Associates, dated October 18, 2002., endorsed by the Planning Board on October 24, 2002 and recorded with the Registry of Deeds as Plan No. 1300 of 2002 at Book 37351, Page 572 (the "ANR Plan"). As a result of the fact that the property will not be used as originally contemplated when this subdivision decision was first issued, the subdivider, or any successor in interest with respect to the property or successor in control of the property, shall not be required to comply with the conditions and obligations that are set forth in the Angus Hills definitive plan, approval dated November 24, 1999,

other than this condition and the following conditions 23-26.

23. In light of the fact that the Conservation Restriction prohibits development on the majority of the property, the Planning Board shall release all of the land shown on the ANR Plan from the Covenant that is recorded with the Registry of Deeds at Book 3287, Page 494 (the "Covenant").
24. The subdivider, or any successor in interest with respect to Lot 2 on the ANR Plan or successor in control of Lot 2, shall comply with the terms of the Special Permit that was granted by the Planning Board on October 31, 2002 for said lot. The Special Permit was recorded on December 12, 2002 with the Registry of Deeds at Book 37351, Page 576.
25. The subdivider, or any successor in interest with respect to the property or successor in control of the property, shall provide public access to specific open areas on the property to comply with the terms of the Conservation Restriction for the property that was recorded on December 31, 2002 with the Registry of Deeds at Book 37519, Page 362.
26. The Planning Board determined that Shattuck Street is adequate without change to serve Lots 2 and 4 as shown on the ANR plan. The driveways serving Lot 2 and Lot 4 will access onto Shattuck Street.

***The motion was seconded and passed unanimously.***

The motion was made by Lewis to send a memo to the Water Department and Highway Surveyor requesting that there be no changes and that nothing be done to disturb Shattuck Street. ***The motion was seconded and passed unanimously.***

## **MINUTES**

The Board voted unanimously to approve the minutes of January 13 and 20, 2005.

## **MILL RUN PLAZA UPDATE**

The Board received reports dated January 14, 2005 and January 20, 2005 from Judith Nitsch Engineering, Inc. (JNEI) regarding drainage problems at Mill Run Plaza. The motion was made by Lewis to request that the Building Inspector not issue any temporary occupancy permits or new building permits for Mill Run Plaza for the following reasons:

1. There are significant problems with the partially constructed drainage system as outlined in the attached reports, dated January 14, 2005 and January 20, 2005, from Judith Nitsch Engineering, Inc. The Board does not want the drainage problems to be compounded by additional use or occupancy at the site.
2. The applicant has not submitted the design of the fence to be installed on top of the retaining wall as required in the Board's memoranda dated June 2, 2004 and September 2, 2004. The fence must be installed prior to issuance of occupancy permits for public safety reasons.
3. Snow stockpiled at the site is causing visibility problems for vehicles exiting the site and for on-coming traffic. The developer should remove these stockpiles immediately.

***The motion was seconded and passed unanimously.***

## **LANDSCAPE ARCHITECT PROPOSALS**

The Board discussed the proposals submitted by Landscape Architects for peer review services. Member Perkins said she liked Cecil, Dodson and Vollmer; Member Clements liked Cecil and Dodson; and Chairman Eliot liked Carol Johnson, Cecil and Dodson. Other members had not reviewed the proposals yet.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator