

**GROTON PLANNING BOARD
FEBRUARY 24, 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

Members absent: Degen and Lewis

PUBLIC HEARING – SCENIC ROAD REGULATIONS

In accordance with the provisions of § 184-3 of the Code of the Town of Groton, the Planning Board will hold a public hearing on Thursday, February 24, 2005 at 7:30 PM in the Town Hall (second floor meeting room) to consider adopting the “Proposed Regulations for Chapter 184 Scenic Roads,” filed with the Town Clerk on February 8, 2005.

Chairman Eliot called the hearing to order. Member Perkins read the notice published in the February 11 and 18, 2005 issues of *The Groton Herald*. Historical Commission Members Alvin Collins, Richard Dabrowski, and Robert DeGroot; Tree Warden and Highway Surveyor Tom Delaney, Robert Pine and Robert Collins were present.

Chairman Eliot read the letter dated February 24, 2005 from the Water Department.

Alvin Collins stated that the Historical Commission researched Scenic Roads By-laws in a number of communities before it submitted its draft to the Planning Board. The Commission’s draft is a compilation of provisions from a variety of communities. The Town adopted the Scenic Roads provisions in 1974, but there are no guidelines for administration. The Historical Commission recommended that the Planning Board adopt guidelines or regulations.

Mr. Delaney said he did not have any problems with the proposed regulations because they will not apply to normal maintenance or utility installations.

Chairman Eliot asked Mr. Delaney about the large mower his department uses to clear brush along the side of the road. Mr. Delaney said the shoulders of many roadways are overgrown. His department uses the mower to clear vegetation and improve sight distance. The mower cuts down brush and shrubs, but does not cut down trees or damage stone walls. The vegetation usually grows back in a season. Member Wilson agreed that this work is necessary maintenance and is not subject to the proposed regulations.

Chairman Eliot asked if the Highway Surveyor is trying to clear roadside vegetation back to maintain one year’s growth. Mr. Delaney said his department is trying to keep up with brush removal, and the machine does the work of four people. Once the vegetation is cut back, it is easier to maintain. Clearing vegetation makes the stone walls more visible.

The Board agreed that the Highway Department’s brush clearing activity is part of normal maintenance and will not be covered by the proposed regulations.

Mr. Pine said the proposed regulations are a good idea. He suggested that the diameter of trees be changed from 2 inches to 4 inches. He said according to many surveyors, stonewalls are often located at the property line and that the edge of the right-of-way may be in front of the stonewall.

Member Barringer asked about public shade trees that may be invasive species such as Norway maples. Mr. Delaney said it depends upon the tree. Some Norway maples are significantly large shade trees and should not be cut down.

Harlan Fitch asked whether hazardous trees could be removed without a public hearing. The Board said it would amend the language to clarify that the Tree Warden has the authority to remove trees that create a hazard. The new language will read as follows (*addition in italics*):

“The procedures of this By-law shall not apply when the Tree Warden acts in an emergency in

accordance with M.G.L. Chapter 87 to remove dead or damaged trees or limbs, *or trees* which may cause an obstruction to public travel or a dangerous situation with respect to utility lines.”

Mr. Dabrowski said the Historical Commission would like to provide a public process and notice to abutters before trees are cut down.

The Board voted unanimously to continue the public hearing on March 17, 2005 at 7:30 PM.

PUBLIC HEARING – ROCKY HILL AFFORDABLE UNITS SPECIAL PERMIT

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 Fox Meadow Realty Corporation to amend special permit PB 2003-09 to utilize the provisions of Groton Zoning By-law Section 218-27C Planned Multifamily Residential Development to construct three (3) structures with a total of nine (9) dwelling units as shown on the plan entitled, “Special Permit Plan for Lot 3 Affordables, Sandy Pond Road in Groton, Massachusetts,” prepared by R. Wilson & Associates, dated September 16, 2003, revised November 22, 2004. The proposed development is located on Groton Assessors Map & Parcel 120-2 and 120-3 located on the northerly side of Sandy Pond Road.

Chairman Eliot called the public hearing to order. Vice Chairman Barringer read the public hearing notice published in the February 11 and 18, 2005 issues of *The Groton Herald*. Applicant David Moulton, Attorney Robert Collins, design engineer Robert Pine and Pine & Swallow Associates, and design engineer Drew Garvin of R. Wilson Associates were present.

Mr. Collins summarized the history of the proposed project to construct affordable units in conjunction with the Rocky Hill special permit plan. He said the Board granted a special permit for eight affordable units (two buildings with four units in each building) in 2002. At the request of the Planning Board, the applicant applied for a modification of the special permit in 2003 to permit construction of nine affordable units in two buildings (four in one building and five in another building). At the present time, the applicant is requesting that the Board modify the special permit to allow construction of nine affordable units in three buildings, each containing three units. The units will be about 1200 square feet each so each building will be 3600 square feet in gross floor area. The three smaller buildings will be more attractive than two larger ones. Access and parking will be the same as shown on the previous plan.

Mr. Collins said the applicant would like to expedite construction of the affordable units and requested that the Board act on the special permit with the findings and conditions outlined in his letter dated February 8, 2005.

However, there were only five members of the Board present at the hearing so a unanimously vote of those present would be required. The Board debated whether to close the hearing and vote or continue the hearing. Mr. Collins requested that the Board continue the hearing to a time when all members would be present.

The Board voted unanimously to continue the public hearing on March 31, 2005 at 7:30 PM

PUBLIC HEARING –ROCKY HILL SPECIAL PERMIT & DEFINITIVE PLAN

The Board held the continuation of the public hearing to consider the Rocky Hill special permit and definitive plan. Applicant David Moulton, Attorney Robert Collins, design engineer Robert Pine and Pine & Swallow Associates, and design engineer Drew Garvin of R. Wilson Associates were present.

Mr. Collins requested that the Board continue the public hearing. The Board voted unanimously to continue the public hearing on March 31, 2005 at 8:00 PM.

TOWN MEETING WARRANT ARTICLES

The Board discussed which articles to submit for the 2005 Annual Town Meeting warrant. The Board decided to submit three proposed zoning amendments: 1) Shared Driveways, 2) Development Rate Limitation, and 3) Accessory Apartments. The Board will consult with Town Counsel regarding the proposed five-year extension of the Development Rate Limitation provisions.

COMMENTS TO THE ZBA – SQUANNACOOK HILLS

The Board discussed the Squannacook Hill comprehensive permit application because the Townsend Road site is located in the Water Resource Protection District – Zone III. The West Groton Water Supply District is in the process of developing new public well sites in the Town Forest.

The motion was made by Perkins to send a letter to the ZBA requesting that it review the comprehensive permit plan under the provisions of §218-28 Water Resource Protection Districts. ***The motion was seconded and passed unanimously.***

MINUTES

The Board voted unanimously to approve the minutes of January 27, 2005; February 3, 2005; and February 10, 2005.

CHAPTER 40B SEMINAR

The Board discussed the Chapter 40B Seminar sponsored by the Board of Selectmen on February 17, 2005. The Board would like clarification from Town Counsel on the Open Meeting Law questions discussed at the seminar. The Board decided to request that Town Counsel Jason Talerman provide a written response to the Board's letter dated January 3, 2005. The information on the Open Meeting Law will be used for future applications to assure compliance with the provisions of the Open Meeting Law.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator