

**GROTON PLANNING BOARD  
JUNE 16, 2005  
MINUTES**

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

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

Member absent: Wilson

**PUBLIC HEARING (con't) – ACADEMY HILL MODIFICATION**

The Board held the continuation of the public hearing to consider the proposed modification of the Academy Hill definitive plan. Applicant Brian Ahern of LandWest, Attorney Louis Levine, Attorney Ray Lyons, design engineers Lawrence Beals, Cynthia O'Connell and Cynthia Theriault of Beals Associates, and the Board's engineer William Maher of Judith Nitsch Engineering, Inc. (JNEI) were present.

The applicant requested that the Board wait until six members are present before convening the public hearing. The motion was made by Perkins to continue the public hearing at 8:30 PM. *The motion passed with Eliot, Clements, Perkins and Lewis in favor; Degen opposed.*

**SEVEN HILLS FOUNDATION**

The Board received a letter dated June 1, 2005 from MassDevelopment regarding the proposed bond to finance the Seven Hills Foundation construction at its children's extended care facility on Hillside Avenue. The motion was made by Degen to send a letter of support to MassDevelopment. *The motion was seconded and passed unanimously.*

**DESIGN GUIDELINES**

The Board will request that Dodson Associates submit a proposal and scope of services for the preparation of Design Guidelines to follow through with the on-going work at the Four Corners, other commercial development, and the requirements of the Affordable Housing plan.

The motion was made by Perkins to request that the Town Accountant encumber the remaining \$8000.00 in the Planning Consultant line item for the preparation of Design Guidelines. *The motion was seconded and passed unanimously.*

**PUBLIC HEARING (con't) – ROCKY HILL SPECIAL PERMIT**

The Board continued the public hearing for the Rocky Hill special permit for Planned Multifamily Residential Development. Applicant David Moulton, Attorney Robert Collins, design engineer Robert Pine, and the Board's engineer William Maher of Judith Nitsch Engineering, Inc. (JNEI) were present.

Mr. Collins submitted a letter dated June 16, 2005 with a proposed phasing plan. The first phase will consist of construction of Robin Hill Road from Route 119 to the intersection with Quail Ridge Road as well as construction of Quail Ridge Road. The second phase will consist of construction of Robin Hill Road from Quail Ridge Road to Sandy Pond Road. The third phase will include: A) Cardinal Drive; B) Mockingbird Lane; C) the starter homes; and D) the age-restricted homes.

Mr. Collins said each phase of construction will be bonded prior to commencement of construction. The road will be fully constructed prior to issuance of building permits. Planning Administrator Michelle Collette asked if both the base and final coat of pavement would be installed. Mr. Maher of JNEI suggested installing three coats including a 2" base, a 1½" base and a 1½" finish coat. Member Lewis said he two binder coats would be installed within one week each other with the top coat installed at a later date. Mr. Moulton agreed.

*(Member Barringer arrived.)*

Member Degen asked about the rate of development. Mr. Collins said the single family houses would be constructed in compliance with § 218-28 (i.e. ten permits in 24 months), the 12 starter homes would be constructed in one to three years, and the 24 age-restricted homes would be within three to eight years.

Member Degen expressed concern that too many units would be constructed in one year.

Mr. Collins noted that the applicant would like to be sure permits would not be jeopardized if the zoning freeze for this development expired. The conditions of the special permit should be clear on this point.

Mr. Collins acknowledged that other permits must be obtained, including Site Plan Review, Erosion and Sedimentation Control and Stormwater Management.

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

### **PUBLIC HEARING – AMANDA’S WAY SPECIAL PERMIT & DEFINITIVE PLAN**

The Board continued the public hearing to consider the Amanda’s Way special permit and definitive plan. Applicant James Patierno, Attorney Robert Collins, design engineers Robert Pine and Douglas Lees, and the Board’s engineer William Maher of JNEI were present.

Mr. Lees presented the proposed landscaping plan and described the trees to be planted near the entrance to provide screening for the abutters on Lowell Road. Mr. Collins added that a stockade fence would be installed along the Wallens property line.

Mr. Collins summarized the advantages of the special permit plan compared with the conventional plan. The special permit plan will protect open space and the public water supply, preserve the connecting trail network, and provide an affordable unit.

Mr. Maher stated that his report dated June 14, 2005 indicates that all engineering issues have been resolved.

Mr. Collins said the existing house will be converted to an affordable unit with a deed restriction held by the Groton Housing Authority.

Abutter Jeff Wallens said he still prefers the conventional plan.

Member Lewis agreed that the conventional plan is preferable because it results in one less unit in a Water Resource Protection District. Mr. Pine responded that the site is located in a Zone III, not a Zone II., and all the Zone III requirements have been met. Mr. Collins stated that the proposed open space provides additional protection for the Whitney Pond well site located on the abutting property to the west.

Member Degen noted that he understands why people prefer the conventional plan, but the special permit plan provides open space, trails, and an affordable unit.

Member Perkins said she still has reservations about the special permit plan because the trails will be located too close to the houses. However, she supports the creation of the affordable unit.

Member Clements said he prefers the special permit plan.

Member Barringer said he prefers the special permit plan with the affordable unit. However, he said he is concerned that the open space will not last because homeowners will encroach on it.

Chairman Eliot said she is leaning toward the special permit plan with the affordable unit.

Mr. Patierno said he plans to build three new houses, either by-right or with a special permit. The proposed affordable house with frontage on Lowell Road is part of the existing neighborhood. He said he served on the Affordable Housing Task Force and appreciates the Town’s need for more affordable units.

Mr. Wallens objected to the statement that the affordable house is appropriate in one neighborhood and not another.

He said he objects to the special permit plan because this area has two acre zoning and the special permit plan results in an additional house.

Member Clements said the affordable unit is appropriate anywhere. The special permit plan also provides open space and a trail system.

The Board voted unanimously to extend the deadline to July 30, 2005 as requested by the applicant.

The Board voted unanimously to continue the public hearing on June 30, 2005 at 7:45 PM.

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

The Board voted unanimously to extend the deadline to July 30, 2005 as requested by the applicant.

The Board voted unanimously to continue the site plan review on July 28, 2005 at 7:30 pm.

### **PUBLIC HEARING (con't) – ACADEMY HILL MODIFICATION**

The Board held the continuation of the public hearing to consider the proposed modification of the Academy Hill definitive plan.

Design engineer Larry Beals said the second access on Townsend Road will address the concerns of the Natural Heritage and Endangered Species Program (NHESP) and MEPA requirements because the turtles would be protected. The proposed development consists of 94 units including 57 single family homes on individual lots, 13 detached single-family condominiums, and 24 multifamily units on Lot B. The development does not require a special permit under the Water Resource District provisions. The applicant submitted a modified construction phasing plan with the application.

Chairman Eliot read the comments from the Fire Chief, the Police Chief, the Highway Surveyor, the Board of Health, and the Conservation Commission.

Chairman Eliot asked if any ANR lots could be created on the Bissell property. Mr. Beals said, "no," because the Bissell property is a hammerhead lot with 50 ft of frontage on Townsend Road. The existing Bissell house will be on a two-acre lot with frontage on the new subdivision road. The special permit states that there cannot be any increase in the number of dwelling units.

Member Barringer asked why the applicant did not want to construct the through road all at once. Mr. Beals said the applicant thought the Board would prefer phased construction and tried to follow the phasing plan with the emergency vehicle access as approved with the original definitive plan.

Member Barringer asked about the Highway Surveyor's question regarding the proposed easement for the subdivision road on Lot B. Mr. Beals said the Board of Health regulations require that the sewage disposal system be on the same lot, so an easement will be created rather than two separate parcels.

Planning Administrator Michelle Collette said she checked with Town Counsel on this point. A subdivision road can be constructed within either a fee-simple right-of-way or an easement – both are legal. Many towns accept roads within easements as public ways.

Mr. Beals said Fieldstone Drive will be constructed to "lane" standards to minimize environmental disturbance.

Member Clements said the Conservation Commission would prefer that the road be even narrower with no sidewalks, especially in the area near the wetlands.

Member Perkins said the proposed development on Lot B seems much too dense. She asked if a concept plan is required under Planned Multifamily Residential Development. Mr. Lyons said the development on Lot B is consistent with the special permit granted by the Planning Board under §218-26 Cluster Development on December 9, 2004.

Member Degen asked about the construction phasing plan and drainage divides. Mr. Beals said all the retention basins will be constructed. Member Degen asked if the through road could be constructed with the gated emergency vehicle access road as an option. He asked Bill Maher of JNEI to review the phasing plan to be sure the drainage system would work and to review the by-law to be sure a special permit is not required for the Water Resource Protection Districts.

Member Degen asked about the number of units to be constructed in Phase I and Phase II. He suggested that granite curbing be used on the downhill side of the road to control runoff to the catch basins. He asked JNEI to review the curbing issue. Mr. Beals said the NHESP does not want granite curbing used in the development.

Mr. Maher asked about the proposed phasing plan for road construction and noted that the Rocky Hill developer agreed to add a second 1½" binder coat of pavement.

Abutter David Solomon asked how close the road would be to the brook. Mr. Beals said the road is within the 100 ft buffer zone. About 192 square feet of wetlands must be filled and replicated for construction of the sidewalk. There will be no disturbance to the brook as required in the Conservation Commission's Order of Conditions.

Mr. Solomon said he prefers that the natural vegetation not be disturbed. Mr. Beals said the applicant is willing to plant shrubs to provide screening.

Mr. Solomon asked about impact on his well. Board members referred him to the Board of Health on any questions pertaining to his well.

Abutter Robert Hanninen requested that the Board approve the minimum road width to limit disturbance near the wetlands which flow directly to the Squannacook River.

Mr. Maher said the outstanding engineering issues include the installation of stormceptors on private property, the roundings on Townsend Road, and the amount of cut and fill greater than seven feet. Mr. Beals said they would request waivers and address all the Highway Surveyor's concerns stated in his letter dated June 16, 2005.

The Board voted unanimously to continue the public hearing on June 30, 2005 at 8:00 PM.

## **ANR PLAN – GAMLIN PROPERTY, OLD DUNSTABLE ROAD**

*(Member Degen stepped down and did not participate.)*

The Board considered the Approval Not Required plan submitted by Albert Patenaude to create one parcel on property owned by the Gamlin Crystal Spring Tree Farm on Old Dunstable Road and Bridge Street. Applicant Albert Patenaude, Robert Pine and Aleta Manugian of the Groton Land Foundation were present.

Mr. Pine said the Groton Conservation Trust has been working with Mr. Gamlin for more than twenty years to find a way to protect his land. The Commonwealth of Massachusetts Department of Fisheries and Wildlife (MassWildlife) awarded a grant to pay Mr. Gamlin \$500,000 for a conservation restriction on 127 acres of the 152 acre parcel. The ANR plan shows the remaining 25 acre parcel. Mr. Gamlin will convey the land with the conservation restriction to the Groton Conservation Trust. The conservation land contains 3000 ft along Cow Pond Brook and a significant wildlife corridor. The land abuts other conservation land in the area resulting in approximately 1000 acres of protected open space in this vicinity.

Mr. Pine said the remaining 25 acre parcel will be developed with five dwelling units. A considerable amount of this land will be protected as well. The conservation restriction on the 127 acres must go on record before June 30, 2005 to receive the grant from MassWildlife. The ANR plan creates a 24.58 acre parcel with 433 ft of frontage on Old Dunstable Road.

Member Lewis asked if Bridge Street is public or private. Planning Administrator Michelle Collette said she would research the question, but believes the Selectmen agreed that there was historical evidence the road was public when the Bridge Street residents petitioned the Selectmen to accept Bridge Street as a public way in the early 1990's.

Abutter Phil Francisco noted that former Town Counsel Peter Cole ruled that Bridge Street was a private way.

Abutter Rod Hersh said the Bridge Street Homeowners Association repairs and maintains Bridge Street. He said he has not seen any evidence that Bridge Street is a public way.

Abutter David Bonnett said the 1992 Town Report shows that the vote to accept Bridge Street as a public way was postponed indefinitely. In addition, there is a private lane agreement and homeowners association on record. He said the home owners on Bridge Street want to be part of the planning process. This is a very special area along Cow Pond Brook. The land also has frontage on Old Dunstable Road. Mr. Pine said the Groton Conservation Trust would like to meet with the neighbors to discuss the Trust's plans for this land.

Member Perkins said the Planning Board can only consider the ANR plan at this meeting. The other details will be discussed when an application to develop the land is submitted to the Planning Board.

Mr. Van Riper asked how much the Trust is paying Mr. Gamlin for the property. Mr. Pine said he is not willing to state the amount.

The motion was made by Barringer to endorse as Approval Not Required the plan entitled, "Plan of Land, Bridge Street and Old Dunstable Road, Groton, Massachusetts, Prepared for Albert Patenaude," prepared by MLC Land Surveyors, dated June 13, 2005. *The motion was seconded and passed unanimously.*

## **SITE PLAN REVIEW – WORKERS CREDIT UNION**

The Board continued its review of the site plan submitted by Worker's Credit Union to construct an 800 sq ft addition on the existing bank located at 308 Main Street. Attorney Robert Collins and Architect Patrick Slattery presented the plan.

Mr. Collins said the revised plan shows a sub-surface infiltration basin instead of the retention pond as shown on the previous plan. The yard lights have been eliminated and the lights on the back of the building will be shielded. The applicant will do the soil testing recommended in the JNEI report dated June 16, 2005 prior to installation of the basin. The Zoning Board of Appeals granted a variance for set back. Mr. Collins requested that the Board approve the Level I site plan for an 800 sq ft change to the building.

Member Lewis asked that the lighting not be too bright and that it be reviewed for compliance after it is installed. He said he is concerned that the lights may impact traffic in this area because the building is close to the road. Mr. Collins said the lights will be shielded to prevent glare.

Mr. Slattery added that four foot high shrubs will be planted to address concerns about headlight glare. Member Degen asked if junipers would be planted. Mr. Slattery said, "yes." Member Degen said he would prefer that the applicant plant yews instead of junipers because yews will survive snow plowing much better. He requested that the applicant plant 30" yews. Mr. Collins agreed.

Member Perkins asked about snow storage. Member Lewis stated that snow storage has never been a problem at this site.

Member Perkins asked about the bollards recommended in the JNEI report. Mr. Collins said this building was constructed in 1969 and no one has driven into the building yet, and there are existing curb stops in front of the building.

The motion was made by Degen to approve the Level I site plan entitled, "Site Plan in the Town of Groton, Massachusetts, Workers Credit Union, 308 Main Street," prepared by Howe Surveying Associates, dated May 4, 2005, revised June 9, 2005, with the following conditions:

1. The junipers shown on the Landscape Plan will be replaced with 30" sea green Hicks Yews as agreed by the

applicant.

2. The applicant will perform the soil testing recommended by JNEI. If the soils are not adequate to support the drainage system, the applicant will submit a modified plan to the Planning Board for its review.
3. If snow stockpiles become a problem, they will be removed from the site.
4. There shall be no net increase in the rate or volume of storm water runoff from the site as required in Section 218-25G(1)(c).
5. Vegetative screening shall be used, as shown on the plan, to minimize headlight glare onto public ways as required in Section 218-25G(1)(g).
6. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h). The lights will be fully shielded. Lighting will be turned off at 9:00 PM.
7. Parking for the disabled and access to the building shall comply with the requirements of the Architectural Access Board Regulations, 521 CMR, and the Americans with Disabilities Act.
8. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.
9. All outstanding engineering invoices must be paid in full prior to issuance of a building permit.
10. The Planning Board shall review the project one year after the granting of the occupancy permit to determine if any modifications are warranted.

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

### **KINGSBURY CIRCLE SUBDIVISION IN AYER**

The Board met with residents of Culver Road and Smith Street to discuss the court ruling on the Kingsbury Circle subdivision in Ayer on the Groton-Ayer town line. The court ruled in favor of the applicant and overturned the Ayer Planning Board's denial of the subdivision plan because the decision was not filed with the Town Clerk prior to the statutory deadline. The Ayer Planning Board has appealed the ruling to the Appeals Court.

The residents asked what the Groton Planning Board could do to assist the neighborhood because the only access to the subdivision is through Culver Road in Groton. Selectman Peter Cunningham suggested that the Town may be able to file a "friend of the court" brief. Member Perkins said that decision would be up to the Board of Selectmen since Culver Road is a public way, not a subdivision road.

Member Degen said the subdivision in Ayer will result in a 2600 ft dead-end street in Groton and Ayer. The Board should request a legal opinion on the matter.

Member Perkins said Groton's subdivision regulations may not apply because Culver Road was an existing public way that predated the subdivision. Culver Road was never discontinued in Groton.

Member Lewis said the Planning Board should ask the Selectmen to ask Town Counsel for an opinion because Culver Road is a public way.

The motion was made by Degen to recommend that the Board of Selectmen request an opinion from Town Counsel on Culver Road in Groton serving as access to the Kingsbury Circle subdivision in Ayer because Culver Road does not comply with Groton's subdivision regulations, i.e. it is not of suitable width, it will exceed the 1000 ft limit and serve more than ten houses. ***The motion was seconded and passed unanimously.***

### **MINUTES**

The Board voted unanimously to approve the May 19, 2005 and May 26, 2005 minutes.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator