

**GROTON PLANNING BOARD  
JUNE 30, 2005  
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

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

The Board continued the public hearing to consider the Rocky Hill special permit. The applicant's attorney, Robert Collins, requested a continuation of the public hearing.

The Board voted unanimously to continue the public hearing on July 14, 2005 at 7:45 PM.

**LAKE MANAGEMENT COMMITTEE**

The Board voted unanimously to recommend that the Selectmen appoint Robert Lewis to the Great Ponds Advisory Committee.

**DESIGN GUIDELINES**

The Board discussed the proposal submitted by Dodson Associates for work on the design guidelines. The Board will meet with Peter Flinker of Dodson Associates to discuss details on the scope of service, budget and time line.

The motion was made by Wilson to sign the contract for design guidelines in the amount of \$8000.00 with the understanding that work would not proceed until authorized by the Planning Board. *The motion was seconded and passed unanimously.*

**COMMENTS TO ZBA – GROTON RESIDENTIAL GARDENS**

*(Note: Member Wilson stepped down.)*

The Board discussed its comments to the Zoning Board of Appeals on the Groton Residential Gardens final plans. During the discussion, Board members expressed concern about compliance issues at Mill Run Plaza since the two projects share a drainage system.

The motion was made by Degen to send a memorandum to the Building Commissioner rescinding its vote of May 19, 2005 and recommending that he not grant the building permit for building #5 at the Mill Run Plaza site. The Board has the following concerns:

1. The time line proposed by Ryan Development for completion of site work has not been met.
2. The drainage system has not be stabilized to date.
3. The developer did not comply with the outstanding items by May 31, 2005 as stated by the developer at the Board's meeting on May 19, 2005.

*The motion was seconded and passed unanimously.*

The Board will discuss the Mill Run Plaza at its July 14, 2005 meeting.

The motion was made by Perkins to send the following comments to the ZBA on Groton Residential Gardens:

1. The plans include lighting, architectural elevations and floor plans. The Planning Board has not received any plans showing engineering details of the site layout, grading, drainage, or parking.
2. The Planning Board continues to have concerns about the drainage system at Mill Run Plaza. As you know, the Groton Residential Gardens drainage system is interconnected with the Mill Run Plaza drainage system.

Therefore, the Planning Board recommends that the ZBA require that the Groton Residential Gardens drainage system be completely installed and functioning prior to the issuance of the first building permit.

3. The Board questions whether the project is eligible for building permits without available sewer capacity.

*The motion was seconded and passed unanimously.*

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

The Board continued the public hearing to consider the proposed modification of the Academy Hill definitive plan. Applicant Bruce Wheeler, Attorney Louis Levine, Attorney Ray Lyons, and design engineer Lawrence Beals of Beals Associates were present.

Member Degen questioned the amount of cut and fill on Fieldstone Drive from Stations 0+00 to 24+50. Mr. Beals said the areas of cut and fill are shown on the plan and profile. The waiver of the cut and fill regulations is required to meeting the 10% maximum grades. Member Degen asked how much cut and fill above the seven foot limit is necessary. Mr. Beals said there will be 10 ft in one area and 12 ft in another area, approximately at Stations 3+00 and 8+00. The road will follow existing contours in the area near the wetlands.

Member Degen expressed concern about impact on wetlands. Mr. Beals said erosion control measures will be in place as required by the Conservation Commission.

Member Lewis said he did not want to see runoff flowing onto Townsend Road. Mr. Beals assured him that this would not take place.

Member Degen asked about the phasing plan. He requested that the applicant build the entire through road prior to issuance of any building permits. Mr. Beals said the road can be constructed in phases because the three detention basins have been designed and sized to contain a larger watershed. Member Degen asked how the basin will be controlled if it is above the roadway. Mr. Beals explained how construction of the road and drainage system would meet the requirements of the Subdivision Regulations. He said the road base consists of 8" gravel and 4" stone. If the subsoil is silty, it will be removed and more gravel will be added. He said the Board's engineer will perform construction inspections to be sure the work is done right.

Member Degen reiterated his request to build the entire through road prior to issuance of building permits. He asked if the affordable units would be constructed during Phase I. Mr. Beals said the affordable units would be constructed during Phase II. Mr. Lyons said the affordables were always in Phase II as stated in the original definitive plan approval. Member Degen said the situation has changed with the submission of many applications for Comprehensive Permits under Chapter 40B so the Town needs these units to be constructed sooner rather than later.

Member Perkins asked about the impact on the drainage system if the drainage basin does not meet percolation requirements when it is tested as recommended by JNEI. Mr. Beals said the road and drainage system were designed to meet the Subdivision Regulations. The design assumed that there would be no infiltration in the basins. They will test the basins in August and redesign them, if necessary.

Member Barringer asked if the phasing plan still includes an emergency vehicle access road via Lakin Street in Pepperell. Mr. Beals said, "yes," but the emergency vehicle access is only temporary until the through road is constructed.

Member Barringer asked about the Natural Heritage and Endangered Species Program (NHESP) issues. Mr. Beals said they have all been resolved.

Member Degen requested that the applicant consider constructing all of Fieldstone Drive, part of Arbor Way and Cherry Tree Lane during Phase I.

Member Wilson agreed that the Town needs the affordable units and they should be constructed during the first phase.

After some discussion, the applicant agreed to construct Fieldstone Drive, Cherry Tree Lane, and Arbor Way and the emergency vehicle access road to Lakin Street as Phase I. The remainder of Cherry Tree Lane from the intersection with Arbor Way to Townsend Road will be constructed during Phase II.

Chairman Eliot stated that the Highway Surveyor is satisfied with the revisions to the plan.

The Board discussed the option of allowing a stonedust walkway rather than paved sidewalk near the wetlands. The Board decided that the amount of disturbance would be the same so the paved sidewalk will be constructed as required in the regulations and as shown on the plan.

The Board discussed the waiver of granite bounds at open space lot corners. The motion was made by Lewis to allow concrete bounds with reinforced steel rods. *The motion was seconded and passed unanimously.*

The motion was made by Lewis to accept the recommendations of the NHESP on required monumentation. *The motion was seconded and passed unanimously.*

The Board voted unanimously to close the public hearing.

### **ACADEMY HILL MODIFICATION**

The motion was made by Degen to MODIFY the definitive plan entitled, "Modified Definitive Plan for the Subdivision of Land for Academy Hill in the Town of Groton, Massachusetts" prepared by Beals Associates, Inc., dated February 4, 2005, with revisions through June 29, 2005, with the following waivers and conditions.

#### **Waivers:**

The Board, after determining that to do so would be in the public interest and not be inconsistent with the intent and purpose of the Subdivision Control Law, voted to grant waiver of the following sections of the Subdivision of Land, Chapter 346 of the Code of the Town of Groton, with revisions through July 7, 2000:

1. **Waiver of Section 346-10.E.(1)** relative to temporary or permanent dead end streets serving more than ten lots or having a pavement centerline length longer than 1000 feet. Temporary waiver of centerline length and number-of-lots limitations granted to allow for the construction of Phase I as further described in the Conditions. <sup>[1]</sup>

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Permanent waivers of centerline length and number-of-lots limitations granted for:

- Arbor Way, from intersection of Cherry Tree Lane to end total length not to exceed 1033 ft.

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*Reason:* The temporary waiver supports the construction of Phase I as further defined in the Conditions. The permanent centerline waivers allow the subdivision to be constructed in accordance with the special permit plan, and thereby maximizing open space.

2. **Waiver of Section 346-3**, requirement of Collector Street, relative to number of homes (50 or more) served. This waiver is applicable to the entirety of Cherry Tree Lane, approximately 6000 feet and Fieldstone Drive, approximately 2950 feet. This waiver allows minor street requirements for Cherry Tree Lane and lane requirements for Fieldstone Drive under Section 346-3.

*Reason:* The minor street and lane pavement widths and right-of-way width are adequate for the proposed development. A reduction in right-of-way width will reduce the amount of disturbance to the environment. A reduction in the pavement width and the elimination of one sidewalk will reduce the amount of impervious surface created within the subdivision and will reduce the amount of disturbance to bordering vegetated wetlands at crossing points. Lastly, the use of a minor street *and lane* configurations are appropriate for the character of the site.

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3. **Waiver of Section 346-10.B** which states that property lines at street intersections shall be rounded or cut back at a minimum radius of 15 ft to provide for a curb radius of not less than 25 feet except 15 feet at the intersections of lanes with minor streets.

*Reason:* The portion of the Bissell property that intersects Townsend Road is not of sufficient width to allow the required radius. However, the required pavement radius at the intersection of Fieldstone Drive and Townsend Road has been provided.

4. **Waiver of Section 346-10.D.(5)**, the requirement that the proposed centerline grade not be more than seven feet above or below the existing centerline. Waivers are granted for the following areas:

#### Cherry Tree Lane

Station 38+54.59 to 39+22.28 maximum variable 1.96'  
 Station 40+51.74 to 41+24.55 maximum variable 2.86'  
 Station 44 +19.48 to 44+63.07 maximum variable 1.45'  
 Station 54+65.00 to 55+45.00

#### Fieldstone Drive

Station 0+00 to 24+50

The grant of this waiver is based upon the condition that the applicant will provide a complete analysis of the subgrade material and that the Board's engineer will be on site during excavation and filling.

*Reason:* The first three deviations from the seven-foot requirement allow separation of the road from deep topographic ravines following finger-like wetlands projecting up into the site from the south. A more northerly location of the roadway is precluded by a series of Certified Vernal Pools and their associated buffer zones. The proposed location is the best alignment relative to preserving the natural resource amenities of this area of the site.

The approximately five foot variance at Station 55 is caused by an unusual topographic situation, where another deep topographic ravine must be crossed to be able to place the cul-de-sac adjacent to an existing open space parcel, providing pedestrian access directly to Groton Conservation Trust open space parcels.

5. **Waiver of a portion of Section 346-8.B(7)**, relative to chord and tangent data.

*Reason:* It is the opinion of the Licensed Professional Land Surveyor of record that the current plan shows sufficient data to determine readily the location, direction and length of every street, way line, lot line, and boundary line. The addition of the chord and tangent data will further complicate the layout drawings, and may create text overlap, which would hinder the review of the plan.

6. **Waiver of Section 346-11.C.(1)**, which indicates that trash racks shall be installed at both ends of all culverts. Applicant requests a waiver to delete trash racks on the ten turtle passages.

*Reason:* The waiver of this requirement will ensure that larger turtles and/or mammals traveling through the open space will have unfettered access across the site.

7. **Waiver of Section 346-13.A(1)(b)**, which states that public off-street walkways, bikeways, or bridle paths may be required by the Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space, or community facilities or to break up long blocks or for such other reason as the Board may determine. Such ways may or may not be part of normal sidewalk provisions, but they shall not be

a part of any lot in the subdivision and they shall be located in separate parcels.

*Reason:* The proposed off-street walkways and trails work better with the landscape and provide a level of pedestrian safety and access comparable to more traditional sidewalks. In addition, the proposed walkways create an interconnection of existing trails through the open space portion of the site as well as to trails located on Groton Conservation Trust property, which better meets the Master Plan's goals for trail systems.

8. **Waiver of Section 346-13.F.(2)**, which states that sound granite bounds shall be used at every lot corner of conservation land or parkland. However, such bounds shall be reinforced concrete, not less than three feet long and not less than three inches square, with a one-half-inch drill hole. In addition, the applicant must comply with the Natural Heritage and Endangered Species Program (NHESP) requirements for monumentation.

*Reason:* The applicant has prepared a plan indicating the locations and types of monumentation proposed to be used at the lot corners of conservation land or parkland. The applicant created a cluster subdivision, which allows for the majority of the lots to be located adjacent to large open space parcels. The applicant proposes setting granite bounds at the major corners of the open space parcels. At proposed property points on line, the applicant proposes to set steel survey markers. Additionally, some property corners will be located on the proposed turtle wall. Drill holes will be set at these property corners. The Conservation Commission concurs with this request.

9. **Waiver of Section 346-11.D**, which states that granite curb inlets shall be provided at all catch basins within the roadway.

*Reason:* A waiver from this regulation will allow for a consistent curb edge throughout the subdivision. This will allow the Department of Public Work's vehicles to plow the roadways without fear of hitting a granite curb inlet or transition stone. Additionally, the elimination of the curb inlets will aid in keeping the catch basin sumps clear of fallen leaves or branches, thus improving the quality of the stormwater from the roadway systems.

10. **Waiver of Section 346-10.C.(1)**, relative to the requirement for a 60-foot right-of-way and pavement of 24 feet. Waiver is requested for the entirety of Cherry Tree Lane and Fieldstone Drive.

*Reason:* Cherry Tree has been designed using a 50-foot right-of-way and 22 feet of pavement. As stated previously, the minor street pavement width and right-of-way width are adequate for the proposed development. A reduction in right-of-way width will reduce the amount of disturbance to the environment. A reduction in the pavement width and the elimination of one sidewalk will reduce the amount of impervious surface created within the subdivision and will reduce the amount of disturbance to bordering vegetated wetlands at crossing points. Lastly, the use of a minor street configuration is appropriate for the character of the site.

11. **Waiver of Section 346-13.A.(1)(a)**, requiring a sidewalk on each side of a Collector street. Waiver is sought for the entirety of Cherry Tree Lane and Fieldstone Drive.

*Reason:* This waiver has been requested in an effort to reduce the amount of disturbance adjacent to the roadway and to reduce the amount of impervious surface within the subdivision.

12. **Waiver of Section 346-13.D.(1)**, relative to vertical granite curbing. Waiver is requested for Cherry Tree Lane and Fieldstone Drive.

*Reason:* The applicant proposes the use of Cape Cod berm throughout the subdivision, with the exception of the roundings located at the intersection of Cherry Tree Lane and Townsend Road, which are proposed to be sloped granite. The use of Cape Cod berm, constructed as a monolithic structure attached to the binder course of the roadway, is aesthetically more appropriate for the site and will be more environmentally friendly to small wildlife that may migrate across the roadway systems. Cape Cod berms, as shown on the plan, shall be

constructed in a manner acceptable to the Highway Surveyor.

**Conditions:**

1. **Soil Testing.** The applicant must conduct soil testing within the new detention basins (Basins #50, 51 and 52) prior to construction.
2. **Structural Engineer Certification.** A Structural Engineer registered in the Commonwealth of Massachusetts must prepare and stamp the design of the retaining wall and box culvert.
3. **Townsend Road Improvements.** The applicant must receive approval from the Board of Selectmen and Highway Surveyor for all work within Townsend Road.
4. **Bonding of Road Systems.** The road and drainage system as shown on the definitive plan, including all utilities, shall be constructed or bonded in accordance with the Town of Groton Subdivision Regulations before any lots are released from the Covenant.
5. **Emergency access.** Prior to the release of any lots from the Covenant, the owner shall either (A) establish secondary emergency access to the subdivision satisfactory to the public safety officials and tested by the Groton Fire Chief or (B) construct, through the base course of pavement, so much of the subdivision roads as are necessary to provide access from Townsend Road to Route 119. Such secondary emergency access shall be located over (i.) Lakin Street and portions of a common driveway off Lakin Street, or (ii.) Lakin Street and Old County Road.

If the secondary emergency access is by means of subparagraph (i) above, then a copy of this decision shall be sent by certified mail to those landowners that use the common driveway. Such notice is sent for the purpose of notifying the landowners Lakin Street and the common driveway from Lakin Street to the subdivision may be used for the purpose of obtaining access to the subdivision in the event of an emergency if access from Townsend Road is blocked.

The applicant shall submit copies of letters of consent from all the property owners on the common driveway off Lakin Street if the common driveway is to be used for access during emergencies.

6. **State Approvals** - There shall be no construction until the Natural Heritage and Endangered Species Program has approved the construction of all Academy Hill subdivision roads. The project requires a National Pollution Discharge Elimination System (NPDES) permit prior to the commencement of construction.
7. **Phasing.** The subdivision roads may be constructed and lots released from the Covenant in phases as follows:

*Phase I* :

Fieldstone Drive from the intersection of Townsend Road to the end  
Cherry Tree Lane from Filedstone Drive to its intersection with Arbor Way  
Arbor Way and the emergency vehicle access road

*Phase II*

Cherry Tree Lane from its intersection with Arbor Way to Townsend Road.

At the owner's option, the roads in Phases I and II may be constructed through from Townsend Road to Townsend Road.

8. **Affordable Housing Requirements.** In accordance with §218-26 F(2)(f) and Special Permits granted for this development, the applicant shall build ten (10) affordable units within the subdivision. Two of the first nine housing units constructed shall be affordable units. Thereafter, one affordable unit shall be constructed for every nine market-rate units constructed.

9. **Compliance with Zoning and Subdivision Regulations.** The definitive plan and development of lots shown on said plan shall comply with Chapter 218 Zoning and Chapter 346 Subdivision of Land of the Code of the Town of Groton.
10. **Street Names.** The name of this subdivision is "Academy Hill" and the name of the subdivision roads are, "Cherry Tree Lane, Arbor Way, and Fieldstone Drive." These names cannot be changed unless the Planning Board holds a public hearing and votes to modify the definitive plan because changing the names may result in confusion for dispatching emergency vehicles to the site. After the road is accepted as a public way, any name change must be approved by the Board of Selectmen pursuant to MGL Chapter 85, section 3.
11. **Fire Protection.** As required in § 346-12C Fire Protection and § 346-13G Street Signs, the appropriate fire hydrants shall be inspected and approved by the Fire Chief and the street sign shall be installed prior to the issuance of building permits.
12. **Erosion Control Permit.** An erosion and sedimentation control plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Soil Erosion and Sedimentation Control. The erosion and sedimentation control plan shall be appended to the definitive plan as required in Section 346-8C(1)(e)[1][c].
13. **Earth Removal.** The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions, states:

"The above exemptions do not cover the removal of earth materials from the premise involving topographical changes or soil-stripping or loam-stripping activities, nor shall the tentative or final approval of a subdivision plan be construed as authorizing the removal of earth materials from the premises, even though in connection with the construction of street as shown on the plan."
14. **Water Supply.** Public water shall be supplied to each lot in the subdivision as required in § 346-12A of the subdivision regulations. The installation of the public water supply system shall conform to § 346-12C Fire Protection and the specifications of the West Groton Water Supply District.
15. **Drainage System.** The drainage system shall be installed to prevent surface water runoff from collecting on Townsend Road.
16. **Runoff.** The Applicant will be held accountable for any surface water or subsurface water breakout of water on any part of this subdivision that results in uncontrolled runoff that was not present during predevelopment conditions.
17. **Cape Cod Berms.** The Cape Cod berms, as shown on the plan, shall be as monolithic berms and constructed in a manner acceptable to the Highway Surveyor.
18. **Street Trees.** As required in § 346-13C(1), street trees, not less than 12 feet in height and 2 1/2 inches in diameter and of a species approved by the Planning Board, after consultation with the Tree Warden, shall be placed on each side of every street in the subdivision wherever, in the opinion of the Board, existing woodlands or suitable individual trees are not retained. A landscaping plan showing street trees, plantings and specifications for grass seed to be used on the road shoulders shall be submitted to the Board for its review and approval prior to the planting of the trees.
19. **Stumps & Brush.** No stumps, brush, or wood waste shall be buried on site.

20. **ADA Requirements.** As required in § 346-13A(2) of Subdivision Regulations, access ramps for the disabled shall be provided at all intersections and driveways. The ramps shall conform to the Architectural Access Board current regulations (521 CMR) and the Americans with Disabilities Act (ANSI A117.1) current regulations.
21. **Finished Grade Certification.** As required in Section 346-8G(1) of the Subdivision Regulations, the as-built plan shall be certified by a Registered Professional Engineer that the grades on all lots have been established in compliance with the drainage and topographical plans and that said grades have been established so as not to create adverse drainage patterns onto adjoining lots or streets.
22. **Open Space.** As offered by the Applicant, Parcels A, B, C, D, E, and F totaling acres shall be deeded to the Town of Groton to be managed by the Conservation Commission. The Planning Board will not release any lots from covenant until the deed conveying the open space parcel to the Town has been recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board.
23. **Recording.** The definitive plan approval and all easements, covenants and restrictions shall be recorded at the Registry of Deeds along with the definitive plan. No construction or site alteration shall commence until the applicant to the Planning Board submits evidence of such recording
24. **Covenant or Bond.** Prior to endorsement of the definitive plan, the subdivider shall comply with Section 346-8E(1) "Final Approval With Bonds" or Surety or Section 346-8E(2) "Final Approval With Covenant." Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
25. **Special Permits.** This subdivision is subject to Special Permits 2002-07 and 2002-08 granted by the Planning Board and filed with the Town Clerk on March 18, 2002, *and Special Permit 2004-10, granted by the Planning Board and filed with the Town Clerk on November 19, 2004.* All conditions of the special permits are applicable to the development of this subdivision.
26. **Successors.** The conditions of the definitive plan approval apply to any successor in interest or successor in control.

*The motion was seconded and passed unanimously.*

#### **PUBLIC HEARING (con't) - SAMANTHA REALTY TRUST SP MODIFICATION**

The Board held the continuation of the public hearing to consider the modification of the special permit and site plan submitted by Samantha Realty Trust for property located at 785 Boston Road, aka 3 Forge Village Road.

At the request of the applicant, the Board voted unanimously to extend the Site Plan Review deadline to August 15, 2005.

The Board voted unanimously to continue the public hearing on July 28, 2005 at 9:00 PM.

*(Member Clements arrived.)*

#### **PLANNING BOARD REORGANIZATION**

The Planning Board voted to elect the following officers:

Chairman	Bruce Clements
Vice Chairman	Scott Wilson
Clerk	George Barringer

The Planning Board voted to appoint the following representatives:

Earth Removal Advisory Committee	Joshua Degen
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Community Preservation Committee  
Growth Management Advisory Committee  
Montachusett Regional Planning Commission  
Montachusett Joint Transportation

Carolyn Perkins  
Scott Wilson  
Joshua Degen  
Joshua Degen

The Planning Board voted to appoint the following members to act as liaisons to other Town Departments and Committees:

ACEC Stewardship Committee  
Board of Appeals  
Board of Health  
Board of Selectmen  
Conservation Commission  
Fire Chief  
Groton Dunstable School District  
Groton Electric Light Department  
Highway Surveyor  
Historic Districts Commission  
Historical Commission  
Housing Authority  
Housing Partnership  
Housing Task Force  
Police Chief  
Sewer Department  
Water Department  
Weed Management Committee  
West Groton Water Supply District

Bruce Clements  
Carolyn Perkins  
George Barringer  
Chairman Bruce Clements, ex officio  
Bruce Clements  
Robert Lewis  
Joshua Degen  
George Barringer  
Robert Lewis  
Scott Wilson  
Scott Wilson  
Carolyn Perkins  
Carolyn Perkins  
Carolyn Perkins  
Robert Lewis  
George Barringer  
George Barringer  
Robert Lewis  
George Barringer

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

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II *This waiver is temporary and applies only to construction of Phase I.*