

**GROTON PLANNING BOARD**  
**JULY 14, 2005**  
**MINUTES**

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

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

Member absent: Barringer

**PUBLIC HEARING – REEDY MEADOW ESTATES**

The Board continued the public hearing to consider the Reedy Meadow Estates definitive plan. The Planning Board received a letter dated July 11, 2005 from design engineer Gary Sheperd of David Ross Associates requesting an extension of the deadline and continuation of the hearing because the Natural Heritage and Endangered Species Program (NHESP) is still reviewing the plan.

The Board voted unanimously to extend the deadline to October 1, 2005 as requested by the applicant.

The Board voted unanimously to continue the public hearing on August 11, 2005 at 8:00 PM

**PUBLIC HEARING – AMANDA’S WAY**

The Board held the continuation of 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 Doug Lees were present.

Mr. Collins said the proposed subdivision is similar to Whistle Post Lane (Knowles Siding) off Pleasant Street. The benefits to the Town include the trail network, the affordable house, and additional protection for the Whitney Pond well. The Water Department, Trails Committee, and Housing Authority all support the Special Permit plan.

Chairman Clements read the letter dated June 30, 2005 from William Hienser, the letter dated July 14, 2005 from Hyman Beshansky, the comments from the Water Department, Trails Committee, and Housing Authority.

*(Member Wilson arrived.)*

Chairman Eliot agreed that the special permit plan is a better plan because it has less impervious surface, fewer lots, an affordable unit, and a gift of land to the Water Department. Member Wilson agreed.

Mr. Collins said the proposed open space will be owned by the Town. Mr. Pine said the road will be a private, subdivision road with public access. The road shoulder will be widened to provide parking for the public to use the open space.

Member Perkins said she supports the affordable unit, but she still has concerns about the trails around the houses. Mr. Collins said trails between houses have created problems in the past, but trails are laid out better now with trail markers. Homeowners are informed better about trails and open space.

Member Degen said he looked at both plans. The private road and trail access are the only benefits of the special permit plan. If duplexes are constructed on the lots as shown on the conventional plan, more moderately priced housing may be provided.

Member Lewis said he agreed with Members Perkins and Degen.

Chairman Clements stated that he prefers the special permit plan because it preserves the trail network that the abutters have been using for many years.

Dan Romano of Painted Post Road said he uses these trails frequently to access other conservation land.

Member Lewis said when trails are located this close to houses, the residents often chase the public away.

Jeff Wallens said he does not have a problem with duplexes on conventional lots. He asked if public water would be extended. Mr. Patierno said public water will be extended with either plan.

Water Superintendent Tom Orcutt said water mains must be extended to any development within 2500 ft of the water system as required in the Subdivision Regulations.

Holly Estes said she has used these trails for 15 years. Loosing the trails would create a problem for the neighborhood. She said an area in her yard has been certified as a vernal pool. The special permit plan is much better because it protects more of the upland buffer around the vernal pool.

Brooks Lyman of the Groton Housing Authority said converting the existing house to an affordable unit is preferable to building a new unit. The existing house can be renovated and qualify as an affordable unit.

Mr. Orcutt supported the special permit plan because it provides more protection for the Whitney Pond well site.

Mr. Patierno said he is willing to build either the special permit or conventional plan – it does not matter to him. He said he worked to address the abutters' concerns. Most of the abutters said that they preferred the special permit plan. Constructing the conventional plan will require cutting more trees and the trails will be lost.

Member Degen said the buffer zone around the wetland is protected by the Wetlands By-law with either plan. Mr. Pine said clearing within 50 ft is allowed under the by-law. The cleared area will become lawn and fertilizers will be used.

Mr. Lyman said the Town has better protection of its natural resources with the special permit plan.

Mr. Collins said owning the additional land will give the Water Department a higher level of protection if it has to develop a new well at the Whitney Pond site.

Craig Sullivan said the buffer zone does not provide enough protection from lawns, fertilizers and pesticides. The Groton Water Department must protect land and water resources for the Town's present and future water supply. The Town and the abutters benefit from the special permit plan.

Mr. Wallens said he disagrees. He said he believes the protections are sufficient with the conventional plan. He said he prefers the conventional, by-right plan with duplexes.

Member Perkins asked who will own the subdivision road and cul-de-sac. Mr. Collins said the homeowners association will.

Member Perkins asked how public access will be assured. Mr. Collins said an easement could be provided for the public to pass and repass, or the road could become a public way.

Mr. Pine said for many years, all the roads in the Lost Lake area were private. The Groton Conservation Trust still owns many of the roads. The subdivision plan allows public access over the subdivision road.

Member Perkins asked about the size of the lot for the affordable unit. Mr. Collins said it would be one-quarter of an acre. The driveway will come off the subdivision road instead of Lowell Road.

Member Lewis asked if the Natural Heritage and Endangered Species Program (NHESP) has jurisdiction over the vernal pool. Chairman Clements said, "Yes, if rare species are found."

Mr. Pine said this issue will be reviewed when the Notice of Intent is filed with the Conservation Commission.

Design engineer Doug Lees said they will submit a Request for Determination with the Conservation Commission. The vernal pool is outside the project area and there is no work proposed for this area.

Member Degen said he was still undecided on which plan is preferable. Member Perkins said she needed more information on the public's right to use the private way.

The Board voted unanimously to continue the hearing on July 28, 2005 at 7:30 PM.

#### **SPECIAL PERMIT DECISION – ROCKY HILL**

The Board reviewed the draft special permit decision for the Rocky Hill development. Attorney Collins suggested some language changes as well as an additional condition on exercising the grant of the special permit and the grandfathering provisions.

The Board will ask Town Counsel to review Mr. Collins' suggested condition on the zoning freeze.

The Board voted unanimously to reschedule acting on the special permit until July 28, 2005 at 7:15 PM.

#### **SITE PLAN REVIEW – PRESCOTT SCHOOL**

At the request of the applicant, the Board voted unanimously to extend the deadline for review of the Prescott School site plan until August 1, 2005.

The Board voted unanimously to continue the site plan review on July 28, 2005 at 7:00 PM.

#### **ANR PLAN – GLEASON PROPERTY, PEPPERELL ROAD & KEMP STREET**

The Board considered the Approval Not Required plan submitted by David Gleason to create two new lots – one on Pepperell Road and one on Kemp Street. The plan also showed three “unbuildable” parcels. Surveyor Stanley Dillis presented the plan.

Member Lewis expressed concern about Parcels A, B and C being landlocked. Mr. Dillis said these parcels would be conveyed to abutters. He added a note to the plan stating that the parcels would be conveyed to abutters.

The motion was made by Wilson to endorse the plan entitled, “Plan of Land in Groton, Massachusetts, Prepared for David Gleason,” prepared by Ducharme & Wheeler, dated June 15, 2005, with the condition that the following notation be stamped on the plan:

“Planning Board Note: Such endorsement shall not be determined to constitute any determination of compliance with requirements of the Zoning By-law.”

*The motion was seconded and passed unanimously.*

#### **SITE PLAN REVIEW – CROSSROADS PLAZA**

At the request of the applicant, the Board voted unanimously to extend the deadline to act on the Crossroads Plaza site plan to November 27, 2005.

The Board voted unanimously to continue its review of the site plan on September 15, 2005 at 7:30 PM.

#### **DODSON ASSOCIATES – DESIGN GUIDELINES**

The Board met with Peter Flinker of Dodson Associates to discuss the proposed scope of services for the Design Guidelines project. The scope outlined a variety of options and associated costs. The Board said it would like to review the scope and discuss it in more detail at a future meeting.

## **MILL RUN PLAZA UPDATE**

*(Note: Member Wilson left the meeting.)*

The Board met with developer Robert Walker and Peter Potenza of Ryan Development, Building Commissioner Michael Tusino, and architect Patrick Slattery to discuss progress at Mill Run Plaza.

Mr. Walker said he has completed all the outstanding work on the Board's checklist. Everything on the site is in compliance. He requested that the Board recommend that the Building Commissioner grant the permit for Building #5.

Member Degen said there are still drainage problems, erosion control issues and other outstanding items as outlined in the JNEI report dated July 14, 2005. Mr. Walker said they met all the Board's conditions, and JNEI agreed that the remaining items could be addressed later.

Member Degen noted that the third detention basin on the Groton Residential Gardens site has not been finished to date. The drainage system for Mill Run Plaza and Groton Residential Gardens are co-mingled. Mr. Walker said JNEI approved the reconstruction of the third basin. It will be enlarged to accommodate Groton Residential Gardens, but the capacity is not required for Building #5, as agreed upon by design engineer Mark Sleger and Bill Maher of JNEI. The Board of Selectmen is holding a bond to ensure construction of the road and drainage system.

Member Degen expressed concern about silt in the basins and noted that the catch basins have not been cleaned. Mr. Walker said he would clean the catch basins the next day. The retention/detention ponds are functioning as designed and as shown on the as-built plans.

The motion was made by Lewis to recommend that the Building Commissioner issue the building permit for building #5 at the Mill Run Plaza site, based upon the report dated July 14, 2005 from its consulting engineer, William Maher of Judith Nitsch Engineering, Inc. (JNEI). *The motion was seconded and passed with Clements, Lewis and Perkins in favor; Degen and Eliot opposed.*

## **WHARTON ROW - STREET ACCEPTANCE**

The motion was made by Degen to recommend that the Board of Selectmen and Town Meeting accept Wharton Row as a public way. The Board released the performance bond on June 9, 2005. The Board determined that the construction of ways and installation of municipal services in the subdivision have been fully and satisfactorily completed by the applicant in accordance with "Chapter 346 – Subdivision of Land" of the Code of the Town of Groton.

*The motion was seconded and passed unanimously.*

## **REGULATION REVIEW**

Planning Administrator Michelle Collette said representatives of the USDA Natural Resources Conservation Services offered to review the Subdivision Regulations and Site Plan Review regulations in conjunction with the Earth Removal Advisory Committee's work on the Stormwater Management by-law and regulations.

The motion was made by Degen to accept the offer to review the regulations and to thank the USDA-NRCS for its assistance. *The motion was seconded and passed unanimously.*

## **PLANNING BOARD LIAISONS**

The Board voted unanimously to appoint the following liaisons:

Board of Assessors	Scott Wilson
Finance Committee	Bruce Clements, ex officio as chairman
Trail Committee	Anna Eliot

## **ACADEMY HILL CLARIFICATION**

Prior to signing the decision approving the definitive plan modification, the Board discussed Condition # 8 regarding the rate of construction of the affordable units.

The motion was made by Lewis to amend Condition #8 to read as follows:

**“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.”

Meeting adjourned at 11:30 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator