

**GROTON PLANNING BOARD
JULY 28, 2005
MINUTES**

Chairman Clements called the meeting to order at 7:00 PM in the Town Hall
Members present: Clements, Barringer, Eliot, Degen, Perkins and Wilson
Member absent: Lewis

SITE PLAN REVIEW - PRESCOTT SCHOOL

The Board reviewed the site plan submitted by Heather Bee on behalf of the Prescott School parent volunteers to landscape an area and construct a walkway in front of the building after the windows have been replaced. The Historic District Commission is also reviewing the project. Ms. Bee detailed the proposed work and asked the Board to send a letter supporting their application for Community Preservation Act funds.

(Member Barringer arrived.)

Chairman Clements read the comments from the Board of Health, the Building Inspector, and the Water Department.

Member Eliot asked if the walkway was under the building overhang. Ms. Bee said it is about five feet away from the building. Members of the Board said the walkway should not be under the drip line for safety reasons. The Board urged the applicant to coordinate with the Selectmen, Building Inspector and Highway Surveyor to be sure the walkway is not under the drip line.

The motion was made by Perkins to approve the Level I site plan submitted by Betty Lavin, Prescott School Principal, and Heather Bee, Prescott School Parent Volunteer, to landscape the area in front of Prescott School and to construct a pedestrian walkway from the front door to the parking area on the southeast side of the building, with the following conditions:

1. The walkway shall be located beyond the drip line from the roof.
2. 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.
3. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.

The motion was seconded and passed unanimously.

The motion was made by Wilson to send a letter supporting the application for funding the Prescott School landscaping project to the Community Preservation Committee. ***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. Attorney Robert Collins represented the applicant at the hearing.

Mr. Collins noted that it would be much too expensive to place three coats (two base coats and one final) of pavement on the road as discussed at a previous hearing. Mr. Moulton will construct the entire road and make repairs as needed. The performance bond will provide guarantee that any necessary repairs will be completed.

Member Degen suggested that JNEI review the condition of the road annually. Mr. Collins agreed.

The Board reviewed and approved the phasing plan outlined in Mr. Collins' letter dated July 21, 2005. Mr. Collins said the number of permits will not exceed 20 in one calendar year.

The Board voted unanimously to close the public hearing.

The motion was made by Wilson to **GRANT** a special permit to Fox Meadow Realty Corporation to utilize the provisions of Groton Zoning By-law Section 218-26 Open Space Residential Development (Cluster) and § 218-27C Planned Multifamily Residential Development for the plan entitled, "Definitive Subdivision for Whip-o-Will Lane Groton, Mass." prepared by R. Wilson & Associates, Inc., dated June 13, 2002, with revisions through April 4, 2005, with the following findings and conditions:

Findings:

The Planning Board made the following findings based upon the criterion set forth in Zoning By-Law §§ 218-26, 218-27C and 218-32.1:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by providing a diversity of housing types which is not currently available in Groton. Social needs are addressed by helping to maintain a demographic mix in the Town.
2. **Traffic flow and safety:** A traffic light will be installed at the intersection of Boston Road and Sandy Pond Road, and the intersection will be reconfigured by MassHighway. It is not anticipated that the proposed development will adversely impact traffic flow in the surrounding area because traffic from the proposed development was taken into consideration during the design of the intersection improvement plan.
3. **Adequacy of utilities:** There are adequate public utilities at this location to serve the proposed development. The development will be served by municipal water and electricity. Municipal services will not be overtaxed by the proposed development.
4. **Neighborhood character:** While this development is to be located on land that is presently undeveloped, neighborhood character will be enhanced by a development which is of sensitive design and of a low overall density.
5. **Impacts on the environment:** Environmental impacts are minimized by this development. Components of the existing topography are to be maintained so as to maintain a topographic separation between the developed area and adjacent conservation land which contains several resource areas. Infiltration gardens are to be employed to maintain the existing hydrology of those resource areas post construction. Additionally, the proposed \pm 400 acre parcel to be donated to the Massachusetts Audubon Society significantly augments the existing public open space, protects important natural resources and wildlife habitat, protects a Zone III watershed area, and enhances quality of life for Groton residents.
6. **Fiscal impact on the Town:** The fiscal impact on the Town is likely to be positive given the intended occupancy of the housing units.
7. **Basic Number of Lots:** At its meeting on August 21, 2003, the Planning Board voted that the basic number of units for the entire Rocky Hill development is established as 82 new units, pursuant to § 218-26C(1). In November 20, 2003, the Board agreed to increase the basic number of units to 84 with the inclusion of the existing house on Assessors' Lot 121-48, purchased by the applicant, and the ninth affordable unit to be constructed on Lot 3, Sandy Pond Road, as part of Special Permit 2003-09.
8. **Consistency with the Comprehensive Master Plan:** The proposed special permit plan is consistent with the goals and objectives of the Comprehensive Master Plan, particularly by providing diversified housing, providing open space, and protecting natural resources.
9. **Consistency With Concept Plan:**
The Special Town Meeting, held on September 24, 2001, voted to approve the Rocky Hill Concept Plan (Article 8). The Planning Board's report to the Special Town Meeting included the following recommendations and

conditions:

Concept Plan Recommendations:

- The concept plan submission is complete and complies with the requirements of Groton Zoning By-law Section 218-27C.
- Approximately 400 acres will be permanently protected as open space for the enjoyment of current and future residents. The open space will be subject to a permanent conservation restriction under the provisions of Chapter 184, Sections 31-33. The land to be protected is ecologically sensitive and is one of the largest undeveloped tracts of land in the Town.
- Approximately ten (10) acres of land off Sandy Pond Road will be donated to the Town of Groton for the Groton Electric Light Department's offices and operations, for a neighborhood fire station, and potentially for offices for the Groton Water Department. In addition, approximately fifteen (15) acres off Nathan Nutting Road will be donated to the Town for the Groton Electric Light Department's future substation. The applicant is also working with the Water Department to set aside land for a future water storage tank.
- The proposed residential development with a total of 84 units will have less fiscal impact on the Town than the concept plan for the same site with 245 residential units approved by a Special Town Meeting in January, 1989.
- The proposed concept plan will provide much needed diversity in housing, including starter homes and affordable housing for people with moderate incomes.
- The site will be visually attractive with wooded buffers from the public ways and abutting properties. Several abutters expressed support of the proposed concept plan at the Planning Board's public hearing.
- In conclusion, the Rocky Hill residential concept plan is consistent with the goals and objectives of the Comprehensive Master Plan.

Planning Board Determination

As required in §218-27C(2), the Planning Board determined that the special permit plan is consistent with the concept plan approved by Town Meeting because:

- Approximately 400 acres will be permanently protected as open space, thereby protecting valuable natural resources, wildlife habitat, and Zone III watershed areas.
- The number and type of units and layout of the development are consistent with the concept plan approved by Town Meeting.

Conditions

1. **Phasing.** The subdivision roads shall be constructed in accordance with the following phasing plan:

Phase I Robin Hill Road from Route 119 to the intersection with
Quail Ridge Road

Phase II Robin Hill Road from Quail Ridge Road to Sandy Pond Road

Phase III A) Cardinal Drive
B) Mockingbird Lane

- C) the starter homes
- D) the age-restricted homes.

Phases III C & D may be constructed while A and B are underway.

2. **Paving.** *(to be discussed)* The applicant shall complete Robin Hill Road including its finish coat prior to permit issuance for any homes other than those situated in Phase I described in Condition #1 above regardless of bonding arrangements. Should damage occur to this road from construction operations prior to street acceptance, the applicant (or then owner) shall repair such sections as the Planning Board or its consulting engineer feel need repair.
3. **Development Rate Schedule.** The Rocky Hill development consists of the following housing types:

- Nine (9) affordable units on Sandy Pond Road
- Nine (9) single family on Lots 2-9
- Eleven (11) single-family on Lots 10-20
- Nineteen (19) single-family Lots 21-39
- Twelve (12) starter units
- Twenty-four (24) age-restricted units

The single family detached homes to be constructed on Lots 2 through 39 shall be subject to the provisions of §218-28A Development Rate Limitation in effect on November 14, 2001, the date of preliminary plan submission. The twelve (12) starter units, twenty four (24) age-restricted units, and the nine (9) affordable units may be constructed so that each component may be completed in one to three years. The total number of permits issued in any given year for any combination of detached or attached units shall not exceed twenty (20); provided nevertheless that the number of permits not used in any given year may be banked for use at the Rocky Hill development in future years.

4. **Affordable Housing Requirements.** Nine affordable units shall be constructed on Lot 3 in accordance with Special Permit 2005-03, granted by the Board on March 31, 2005.
5. **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. A registered land surveyor or registered professional engineer shall certify that each lot complies with Chapter 218, Zoning, on each Lotting Sheet prior to endorsement of the definitive plan.
6. **Private Stormwater Drainage Utilities - Lot 1C-5 Age Restricted Area.** A Homeowners Association shall be formed which shall be solely responsible for maintenance of the drainage system serving the age restricted cluster. The condominium documents shall require that the Homeowners Association provide for maintenance and operation of said drainage system. In the event that the Homeowners Association or the applicant, in turn, defaults, the Town shall have the ability to place a lien on the property. The applicant shall provide to the Town of Groton an agreement, suitable in form and content to the Town, setting forth this understanding including all easements required to permit said maintenance. Construction of homes within this portion of the development shall not occur until a site plan under Section 218-25 has been submitted, reviewed, and approved by the Planning Board.
7. **Private Stormwater Drainage Utilities – Lot 1C-4 Starter Homes.** A Homeowners Association shall be formed which shall be solely responsible for maintenance of the drainage system serving starter homes. The condominium documents shall require that the Homeowners Association provide for maintenance and operation of said drainage system. In the event that the Homeowners Association or the applicant, in turn, defaults, the Town shall have the ability to place a lien on the property. The applicant shall provide to the Town of Groton an agreement, suitable in form and content to the Town, setting forth this understanding including all easements required to permit said maintenance. Construction of homes within this portion of the development shall not occur until a site plan under Section 218-25 has been submitted, reviewed, and approved by the Planning Board.

8. **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. The street sign shall be installed prior to the issuance of building permits on each subdivision road.
9. **NHESP:** The applicant shall obtain a Conservation Permit pursuant to the Massachusetts Endangered Species Act, GL Chapter 131A, §3, from the Natural Heritage and Endangered Species Program.
10. **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 § 346 8C(1)(c)[1][c] prior to any site work or building permit issuance.
11. **Stormwater Management** – The Operation and Maintenance Plan for the stormwater management system must be recorded at the Registry of Deeds along with the definitive plan. The applicant must submit evidence of recording the Operation and Maintenance Plan prior to the release of lots from covenant.
12. **Earth Removal.** The removal of any excess earth materials 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, § 10 Exemptions, states:

“The above exemptions do not cover the removal of earth materials from the premises 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 streets as shown on the plan.”
13. **Soil Testing.** The applicant shall conduct additional soil testing in the vicinity of the proposed roadways and submit test pit data sheets to the Board’s consulting engineer for review and comment prior to construction of the subdivision roads.
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, the specifications of the Groton Water Supply Department, and the requirements detailed in the memoranda dated May 29, 2003, June 5, 2003 and June 26, 2003 from the Water Superintendent (copies attached herewith).
15. **Stumps & Brush.** No stumps, brush, wood waste, or construction debris shall be buried on site.
16. **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.
17. **Open Space.** As offered by the applicant, Parcel A shall be deeded to the Town of Groton by a Deed in Trust with Conservation Restrictions to be managed by the Groton Conservation Commission, Parcel B-1 shall be deeded to the Massachusetts Audubon Society subject to a Conservation Restriction to be held by the Town of Groton and administered by the Conservation Commission, and Parcels B-2, C and D are to be deeded to the Homeowners Association subject to a Conservation Restriction created in accordance with Chapter 184, sections 31-33 inclusive, of the Massachusetts General Laws. The conveyances of Parcels A, B-1, B-2, C and D described above are to occur prior to building permit issuance for any market rate (i.e. excluding the nine affordable units) housing. Lot 2A is to be conveyed to the Massachusetts Audubon Society subject to a Conservation Restriction to be held by the Town of Groton and administered by the Groton Conservation Commission; the conveyance of Lot 2A is to occur within thirty (30) days of issuance of the first building

permit for market rate housing.

18. **Site Plan Review.** The starter units and age-restricted units are subject to Site Plan Review by the Planning Board as required in Chapter 218 Zoning, § 218-25 – Site Plan Review.
19. **Trails.** The location of the trails and construction standards will be determined by the Conservation Commission and Trails Committee and is subject to the Planning Board’s review and approval.
20. **Parking** – Public parking and access to the open space shall be provided in the area shown on Lot B as “Parking and Access to Audubon Land”. Construction of this parking areas is subject to §218-25 Site Plan Review.
21. **Recording.** This decision, along with any applicable special permits, covenants, and restrictions, shall be recorded at the Registry of Deeds at the same time as the definitive plan. The applicant shall reserve the fee in all easements to be conveyed to the Town upon acceptance of the roads as public ways by the Town. No construction or site alteration, other than construction of the nine (9) affordable units, shall commence until the Applicant submits evidence of such recording to the Planning Board.
22. **Special Permits.** This subdivision is subject to Special Permits 2004-06 (starter homes), 2005-01 (age restricted), 2005-03 (affordables), and 2005-04 (flexible). All conditions of such special permits are applicable to the development of this subdivision. The construction of the 75 units shown on this definitive plan is subject to the grant of a special permit for the entire “Rocky Hill” development. Building permits may not be issued until the definitive plan is endorsed, the road and drainage system are bonded or constructed, and lots have been released by the Planning Board.
23. **Zoning Freeze.** Upon recording of the definitive plan, this special permit, and the conveyance and/or restriction of the open space parcels outlined above, the right to construct homes on Lots 2 through 31 and to construct the 12 starter homes and 24 age-restricted units envisioned by Special Permits PB 2004-06, PB 2005-01, and PB 2005-04, shall not be impacted by subsequent zoning changes in accordance with paragraph 1 of Section 6 of Chapter 40A regardless of ownership of the lots and parcels within the development at the time of such zoning change. This freeze shall not apply to subsequent modifications to the definitive plan or special permits which increase the number of units or decrease the total acreage of open space unless the Planning Board so agrees by a vote of five of the seven members.
24. **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.

SITE PLAN REVIEW – OLIVER WRIGHT MEADOWS

Attorney Robert Collins requested an extension of the Board’s deadline and continuation of the site plan review meeting to allow more time to work out engineering details with the proposed Oliver Wright Meadows housing development site plan.

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

The Board voted unanimously to continue the site plan review on September 8, 2005 at 7:30 PM.

PUBLIC HEARING - AMANDA’S WAY SPECIAL PERMIT & DEFINITIVE PLAN

The Board continued the public hearing to consider the special permit application submitted by James Patierno to create four lots as shown on the Amanda’s Way definitive plan. Mr. Patierno, design engineers Douglas Lees and Robert Pine, and Attorney Robert Collins were present.

Mr. Collins submitted a letter dated July 21, 2005 to the Board. He stated that the developer will create a private road or public way, whichever the Board prefers.

Member Barringer said he would prefer a private way to be maintained by the homeowners association.

Member Perkins asked about trail access. Mr. Pine said the trails on this site connect with the Skinner Forest and the conservation land off Painted Post Road.

Member Perkins expressed concern about the public parking along the side of a private way in order to use the trails. She said parking closer to Route 40 would be preferable. Member Degen said he liked the designated parking area for the public on the road shoulder as shown on the plan. He suggested that there be a condition in the special permit stating that the road cannot be accepted by the Town as a public way.

Members Wilson and Eliot had no additional comments.

Chairman Clements read the letter dated July 28, 2005 from abutter Jeff Wallens.

Abutter Craig Sullivan said he understands Mr. Wallen's concerns, but other abutters will benefit from the trail system. He said he did not think parking would become a problem.

Chairman Clements asked if the affordable unit would be part of the homeowners association. Mr. Collins said, "no."

Member Barringer asked if the road would be wider in the area with the parking spaces. Mr. Collins said, yes."

Abutter Holly Estes asked if any street lights would be installed. Mr. Collins said, "no."

Member Degen asked if the road is designed to meet subdivision regulations construction standards. Mr. Collins said, "yes."

Abutter Ken Ferrairo said he supports the plan with the proposed trail network. He stated that he moved to Groton for its open space.

The Board voted unanimously to close the public hearing on the special permit application.

The Board voted unanimously to extend the deadline on the definitive plan to August 30, 2005 as requested by the applicant.

The Board voted unanimously to continue the public hearing on the definitive plan on August 18, 2005 at 7:30 PM.

PRE-SUBMISSION REVIEW – GROTON PUBLIC SAFETY BUILDING

The Board met with engineer Robert Pine regarding the need to create more parking at the public safety building on Pleasant Street. He requested that the Board allow a Level I submission for the parking lot expansion. Mr. Pine described the wetland constraints with the site. He said the Town will submit a Notice of Intent with the Conservation Commission.

Member Degen asked how many parking spaces would be added. Mr. Pine said, "five."

The Board voted unanimously to require a Level I submission for the Town of Groton Public Safety Building.

BOSTON ROAD MARKETPLACE PHASING PLAN

The Board met with Michael Mates and Greg Mikalaities of Appledore Engineering to discuss phasing construction at the Boston Road Marketplace as described in the letter dated June 24, 2005 to the Planning Board.

Mr. Mates said Shaw's would like to open sometime around September 23, but a portion of the site work will not be finished at that time. He said they did not want to pave around the other buildings now and have to tear it up later. He asked that the Board allow the landscaping plan to be phased so damage to the plants would not occur during

construction of other buildings in the future. All landscaping along Route 119 will be completed, and the other areas will be loamed and seeded until the other buildings are constructed. He said Shaw's knows it cannot open until the traffic light is functional. He requested that the Board allow employee training to take place before the traffic light is operational.

Member Degen said the proposed changes require a modification of the site plan approval. He said MassHighway clear cut along Route 119 when it began construction on the intersection. He asked if Shaw's would be willing to plant additional trees, with much higher density and grade, along Route 119. He asked when MassHighway expects the intersection project to be completed.

Mr. Mikalaities said MassHighway's completion date is October 15, contingent upon Verizon moving its wires and utility poles by August 20.

Member Eliot said she would like the Board to send the phasing plan to its landscape architecture consultant for review. She agreed that the proposed phasing plan requires a modification of the site plan.

Mr. Mikalaities said Shaw's does not want to open too soon, but it needs four to six weeks lead time to meet the October 15th opening date. The site plan approval states that Shaw's cannot open until MassHighway's traffic light is 100% complete.

Member Wilson asked why Shaw's has not constructed the other buildings. Mr. Mikalaities said they do not have any tenants at this time. Member Wilson asked about the drainage system and curbing. Mr. Mates said all site drainage has been installed as shown on the plan.

Member Barringer asked what would happen if the other buildings are not constructed for five years. He said he favors a time limit on the phasing plan. After a period of time, the other parking areas should be paved and the remaining landscaping planted. He said he would prefer to see impervious surface minimized and the future parking lot areas loamed and seeded rather than paved.

Member Perkins agreed that the parking lot areas should be loamed and seeded rather than paved. She said she is concerned about the access road from Route 119. This area must be completed as shown on the plan for safety reasons. She said Shaw's cannot open until the traffic light is functional. However, she agreed that Shaw's can train its employees in the meanwhile.

Chairman Clements asked about the sequence of events. Mr. Mates said landscaping will begin on August 15 and will be completed by September 23.

Member Perkins noted that Shaw's agreed to paint the building a beige or tan color. However, the rear of the building is bright orange. She said this is not what the Board and applicant discussed during site plan review.

Planning Administrator Michelle Collette said the color of the building was a condition of the Selectmen's approval under §218-24 Harmonious Development.

Member Eliot asked if Shaw's would agreed to a peer review of the phasing plan by the Board's landscape architect. Mr. Mikalaities said, "yes."

Member Degen asked about the work near Shelters Road. Mr. Mates said Verizon is doing the work in this area. Member Degen asked if Shaw's could add vegetation to help screen Verizon's equipment.

Abutter David Martin said constructing the project in phases was never discussed during the site plan review process. He asked if the applicant would submit new architectural elevations. Member Degen agreed that modification to the approved site plan is required.

The motion was made by Degen to require a modification of the Boston Road Marketplace site plan. The motion was not seconded.

Mr. Mikalaities said they would be willing to meet with the Board's landscape architect some time next week.

Member Barringer said the Board and its consultant must know the timing of the phasing plan and what date the grocery store will open.

Mr. Mikalaities said the site plan approval says the traffic light must be operational before the store opens, but Shaw's is requesting some flexibility with this condition.

Sarah Campbell asked about the sign. Mr. Mates said the Sign Committee reviewed the sign and granted a permit for Shaw's and Osco signs.

Member Eliot asked if the applicant received the Dodson Associates report on the Four Corners intersection. Mr. Mates said, "yes."

Mrs. Campbell asked if the site plan approval is in perpetuity. Planning Administrator Michelle Collette said the site plan approval is valid for two years unless construction has commenced.

Leslie Lathrop said when the site plan was presented, all buildings were going to be constructed prior to the store opening for safety reasons. She said she did not like the red-orange color at the rear of the building.

The motion was made by Degen to require a modification of the site plan approval for Boston Road Marketplace to discuss the date of opening the supermarket, the phasing of the landscaping, and the color of the building. ***The motion was seconded and passed unanimously.***

BROOKS ORCHARD PRELIMINARY PLAN

(Note: Member Degen stepped down because he is an abutter.)

The Board reviewed the Brooks Orchard preliminary plan submitted by the Groton Land Foundation to create five new lots off Orchard lane. Robert Pine, June Johnson and Marion Stoddart of the Groton Land Foundation (GLF), architect Sheldon Pennoyer, and many abutters were present.

Ms. Johnson stated that the GLF has been working to preserve Brooks Orchard since April 2003. She said the Board granted a special permit in December 2003, and the Degens appealed the special permit decision. In the meanwhile, the Webbers placed an Agricultural Preservation Restriction on 113 of the 190 acres and then sold the entire parcel to the GLF. The real estate market has recently seen an increased interest in equestrian properties. The proposed plan shows four lots for single-family development with equestrian use possibilities.

Mr. Pennoyer said Orchard Lane will be used to access the farm, barns, pastures, and orchard. The four lots shown on the plan will have a house and barn on each lot. Parking will be established for the public to use the trails. The fifth lot, with the new water storage tank, will be owned by the Water Department. The lot will have frontage and access on the subdivision road.

Mr. Pennoyer said the plan is being submitted under the Residential Compound provisions of the subdivision regulations. Two waivers will be requested: 1) a waiver of the minimum frontage the parcel must have on a public way, and 2) a waiver to allow a 2300 ft long road. Orchard Lane will be one-way to its intersection with Chestnut Hills Road. After that point, two-way traffic will be permitted.

Member Eliot asked if there would be a limit on the number of buildings on each lot. Ms. Johnson said each lot will contain a single-family house, but 800 sq ft accessory apartments will be allowed.

Member Eliot asked if there would be any affordable housing provided with this plan. Ms. Johnson said, "no."

Mr. Pine noted that the four conventional lots could contain duplexes, but the GLF will restrict the houses to single-family with an accessory apartment. There will be a constraint on the size of the houses and accessory apartments.

Mr. Pennoyer said there would be controls on the scale and size of the buildings. Ms. Johnson said there would be covenants included in the deeds.

Chairman Clements asked the Board if everyone was comfortable acting on the application and whether anyone has a conflict of interest. None of the Board members said they had a conflict.

Member Wilson asked if the proposed subdivision road would be public or private. Mr. Pine said it would be a private way owned by the Groton Conservation Trust and maintained by the Trust and homeowners association.

Member Wilson asked if there would be a secondary access to the site. Mr. Pine said, "no," there would be only one access.

Member Wilson asked about parking for the public. Mr. Pennoyer described the parking area that will include room for horse trailers. Mr. Pine added that public vehicles cannot go beyond the parking area.

Ms. Johnson stated that Lynn Harris of Autumn Hill Orchard will maintain the orchard and the John and Laurie Smigelski will maintain the hay fields. The APR applies to 113 acres and there will be additional land with a conservation restriction.

Member Perkins asked about Parcel D. Mr. Pine said the Trust plans to sell Parcel D to the Staubs. The Trust will also sell a parcel to the McLatchy and a parcel to the McCollough. In addition, part of the APR land may be leased to adjoining homeowners.

Member Perkins asked if land subject to the APR could be leased. Mr. Pine said they must comply with the terms and restrictions contained in the APR. They have requested an opinion from the Department of Food and Agriculture.

Chairman Clements read the comments from the Board of Health.

Abutter William Norrish expressed concern about the proposed one-way traffic and commercial vehicles using the road in front of his house. He asked if the Board could restrict commercial vehicles.

Abutter Lynn Mueller said she did not like the proposed one-way street and asked if trucks with trailers could make the 90° turn.

Mr. Pine said the plan proposes Orchard Lane as a one way street to resolve problems with the existing configurations of the intersection of Orchard Lane and Martins Pond Road.

Abutter Josh Degen expressed his support for the proposed plan and the traffic flow configuration as presented. He said it would be difficult to restrict commercial vehicles because the Water Department, Autumn Hill Orchards, the Smigelski's and his own business all use commercial vehicles.

Board of Health member Susan Horowitz asked about the trail connecting with Angus Hills. She asked if the trail crosses wetlands on the other side of Martin's Pond Road. Mr. Pine said the Trails Committee laid out a route on upland areas.

Dr. Horowitz asked about arsenic levels and the hay field. Mr. Pine said the stumps will be removed and pumpkins will be planted the first year. Grass will grow in later years. Dr. Horowitz noted that the DEP regulations may apply to the pumpkins if they are sold for food.

The Board asked what information is outstanding. Planning Administrator Michelle Collette said the Board has not received a report from JNEI yet.

The Board voted unanimously to continue its review of the preliminary plan on August 18, 2005 at 8:30 PM.

SPECIAL PERMIT & SPR MODIFICATION - SAMANTHA REALTY TRUST

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. The applicant requested a continuation of the hearing because they needed more time to resolve issues with the Board of Health.

The Board voted unanimously to continue the public hearing on the special permit modification on August 11, 2005 at 8:30 PM.

The motion was made by Eliot to request that the applicant fund review of the site plan by Dodson Associates. ***The motion was seconded and passed unanimously.***

The Board voted unanimously to continue review of the site plan modification on August 11, 2005 at 8:30 PM.

CROSSROADS PLAZA CURB CUTS

The Board met with Crossroads developer Joe Wong, design engineer David Kelly, real estate brokers Frank Hartnett and Tom Hartnett to discuss the curb cuts recently installed by MassHighway.

Mr. Kelley said MassHighway installed the curb cuts serving the Crossroads development as part of the Four Corners intersection improvement plan. However, the revised site plan, presently being reviewed by the Planning Board, shows the curb cuts in different locations. Mr. Kelley asked the Board to support the application to MassHighway to relocate the curb cuts. The change must be completed prior to the completion of the project in October.

Member Barringer asked how the curb cuts were constructed in the wrong location. Planning Administrator Michelle Collette said the curb cuts were installed in the location shown on the 100% design plan, prepared the Greenman Pederson on behalf of the Town of Groton, and approved by MassHighway.

Member Eliot asked if the applicant would apply to remove the existing curb for the new curb cuts. Mr. Kelly said, "yes."

Member Degen asked if MEPA review is required for the new curb cuts. Mr. Kelly said, "no."

Member Perkins said the Board must make it very clear to MassHighway that it has not approved the site plan yet. The relocation of the curb cuts is at the applicant's risk.

Linda DeCiccio expressed concern about traffic coming out of Shaw's and cutting through the Crossroads development to avoid the traffic light.

Mrs. Campbell asked why MassHighway changed the curb cuts at Oliver's. Member Degen said the decision was made by MassHighway and the Board of Selectmen.

The motion was made by Degen to send a letter to MassHighway supporting the application submitted by Nam Hang, LLC, for curb cuts on Boston Road (Route 119) and Sandy Pond Road in Groton as shown on the plan entitled, "Massachusetts Highway Curb Cut Plan, Route 119 & Sandy Pond Road, Groton, MA," prepared by LandTech Consultants, Inc., dated July 27, 2005. The letter will emphasize that the Planning Board is in the process of reviewing the site plan for a proposed commercial development on this lot under the provisions of Groton Zoning By-law Section 218-25 Site Plan Review and that the Board has not approved the site plan to date. ***The motion was seconded and passed unanimously.***

EOT - RIGHT OF FIRST REFUSAL

The Board received notice from the Executive Office of Transportation regarding the Town's right of first refusal to purchase an 8.61 acre parcel which is part of the Boston and Maine inactive right-of-way known as the Hollis Branch. The 5000 ft long abandoned railroad right-of-way is located north of Hill Road and connects with Fitch's Bridge.

The motion was made by Eliot to request that the Selectmen exercise the Town's right of first refusal for the Hollis Branch right of way because it is a valuable trail connector. ***The motion was seconded and passed unanimously.***

LETTER TO CARL FLOWERS

The Planning Board received a letter dated July 20, 2005 from Carl Flowers regarding the legal status of Dan Parker Road. The motion was made by Perkins to send a letter to Mr. Flowers recommending that the discussion take place at a Board of Selectmen's meeting, rather than a Planning Board meeting, because the Selectmen have authority over public ways under State Statute. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator