

**GROTON PLANNING BOARD  
NOVEMBER 3, 2005  
MINUTES**

Chairman Clements called the meeting to order at 7:30 PM in the Town Hall  
Members present: Clements, Barringer, Degen, Lewis, Perkins, and Wilson  
Member absent: Eliot

**GAMLIN PROPERTY PRELIMINARY PLAN**

The Board considered the preliminary subdivision plan submitted by Albert Patenaude to create eleven lots on the property owned by Robert Gamlin located off Old Dunstable Road and Bridge Street. Robert Gamlin, Albert Patenaude, surveyor Stanley Dillis of Ducharme and Dillis, June Johnson and Robert Pine of the Groton Land Foundation, and several abutters were present.

Member Degen asked if any of the property is owned by the Groton Conservation Trust or Groton Land Foundation and if either organization is the applicant. Mr. Dillis said, "No, the Groton Conservation Trust is an abutter."

Mr. Dillis described the 25-acre wooded site with rolling topography and sand and gravel soils. The conventional plan shows 11 lots on a through road from Bridge Street to Old Dunstable Road. All lots on the conventional plan meet zoning requirements. The alternative plan shows ten lots, with approximately 40,000 sq ft each, on a cul de sac off Bridge Street.

Chairman Clements said the Board received a report dated October 27, 2005 from Judith Nitsch Engineering, Inc. (JNEI) and a letter dated November 3, 2005 from Gallant and Ervin on behalf of the Bridge Street residents. He read the comments from the Groton Water Department.

Member Lewis requested that the Chair read the letter from Gallant and Ervin. Chairman Clements read the letter.

Mr. Dillis said the issue of whether Bridge Street is a public way or not is a question for Town Counsel. Member Lewis said the burden of proof is the applicant's. The applicant must do the research to prove that Bridge Street is a public way. In the past, the Town installed a gate at the end of the paved portion of Bridge Street to prevent illegal dumping on New England Forestry Foundation's land.

Member Degen agreed that the applicant must submit proof to the Board on the legal status of Bridge Street. If it is not a public road, then the through road cannot be constructed as shown on the conventional plan.

William Maher of JNEI presented his report dated October 27, 2005 evaluating the conventional plan.

Chairman Clements noted that the preliminary plan is used to determine the number of buildable lots. Member Lewis disagreed, noting that the Planning Board only reviews compliance with the Zoning By-Law. The Conservation Commission and Board of Health must review the lots for buildability.

Member Perkins said the issue regarding the status of Bridge Street must be resolved first.

Member Wilson said he agreed that the status of Bridge Street must be resolved. However, the environmental issues are very important. The Board must determine what areas of the site are the most sensitive environmentally and should be protected.

Member Barringer asked if there are any vernal pools on the site. Mr. Dillis said, "no," the development is clustered off Bridge Street to protect the wildlife corridor from Old Dunstable Road to Cow Pond Brook. All work on the site is outside the 100 ft buffer and riparian zones.

Mr. Gamlin said the area to be developed has been reduced greatly in order to preserve as much open space as

possible. He said he wanted to protect as much of the land as he could. There is an important wildlife area on the gravel knoll off Old Dunstable Road. He said he planted the trees on the property off Old Dunstable Road after World War II.

Member Perkins told Mr. Gamlin that the Town appreciates his efforts to protect the land.

Robert Pine of the Groton Conservation Trust and Groton Land Foundation asked a question about the process regarding the preliminary plan and the Board's determination of the Basic Number of Lots.

Member Lewis noted that Member Degen wrote a letter of disclosure to the Town Clerk regarding Attorney John Gallant representing him in a case involving the Groton Conservation Trust-Groton Land Foundation.

Member Degen asked if conveyance of the open space to the Groton Conservation Trust is contingent upon the Board's approval of the plan. He asked, again, if Robert Gamlin is the landowner and Albert Patenaude is the applicant.

June Johnson of the Groton Land Foundation responded that the GLF facilitated the planning of the proposed plan. The GCT owns the abutting property, but the contract for the proposed development is between Gamlin as landowner and Patenaude as applicant.

Member Degen decided to step down and not participate.

Chairman Clements confirmed that the applicant would submit information on the legal status of Bridge Street. The applicant agreed to do the research.

The Planning Board voted unanimously to continue its review of the preliminary plan on November 17, 2005 at 8:30 PM.

The Planning Board voted unanimously to extend the deadline to act on the preliminary plan to December 31, 2005. *(Member Perkins left the meeting.)*

### **MONARCH PATH PRELIMINARY PLAN**

The Board continued its review of the Monarch Path preliminary plan located off Gilson Road. Design engineer David Buhlman of TFMoran presented the plan.

Mr. Buhlman said the wetlands were flagged by the wetlands scientist and the survey of the wetlands delineation is still in progress. The applicant will file an Abbreviated Notice of Resource Area Delineation (ANRAD) with the Conservation Commission.

William Maher of JNEI presented his report and said the plan now conforms to zoning and the subdivision regulations.

Member Barringer asked if the engineer realigned the road to meet the cut and fill requirements. Mr. Maher said, "no," but the grades of the road were altered.

Member Degen asked if the conventional plan could be built without waivers. Mr. Maher said, "yes."

Member Degen stated that this is only a preliminary plan – it is not a special permit or "yield plan." Member Lewis added that it is not a "concept" plan as defined in the Groton Zoning By-law.

Member Degen asked if there is a minimum of 80,000 sq ft of upland area per lot. Mr. Buhlman said, "yes."

John Giger requested that the applicant consider donating funds to the Fire Department for Opti-com scanners to be installed in emergency vehicles so they can go through the traffic light at the Four Corners intersection without stopping. Mr. Buhlman said he would discuss the matter with his client and the Fire Chief.

The motion was made by Degen to approve the preliminary plan entitled, "Monarch Path, Gilson Road, Groton, Massachusetts," prepared by TFMoran, Inc., dated July 1, 2005, with revisions through October 25, 2005, with the following conditions:

1. The design engineer will remove the words "conceptual plan" and "yield plan" from the text in the title box.
2. The applicant shall submit an Abbreviated Notice of Resource Area Delineation (ANRAD) to the Conservation Commission to confirm the wetland boundaries. The Planning Board cannot determine whether all the lots contain 80,000 sq ft upland area as required in Zoning By-Law Section 22G Computation of Lot Area until the Commission approves the delineation.

*The motion was seconded and passed unanimously.*

### **PUBLIC HEARING – REEDY MEADOW ESTATES**

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the applications submitted by John Lorden for special permits to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development and Section 218-26.1 Major Residential Development to create 10 new units as shown on the plan entitled, "Reedy Meadow Estates - Plan of Flexible Development in Groton, Mass. Prepared for John Lorden," prepared by David E. Ross Associates, dated May 20, 2005. The proposed subdivision is located on Groton Assessors' Map 229, Parcel 2, on the westerly side of Nashua Road.

Chairman Clements called the hearing to order. Clerk Barringer read the notice published in the October 21 and 28, 2005 issues of *The Groton Herald*. Design engineer Gary Shepard of David E. Ross Associates presented the plan.

Mr. Shepard said he spent many months working with the Natural Heritage and Endangered Species Program (NHESP) on the proposed plan and resolved all the outstanding issues. The proposed design includes 10 single-family condominiums on a 4 acre lot. Each unit will have two bedrooms. A 24 ft wide shared driveway will serve the units. Houses will be located around a village common area. The soils are well-drained, sand and gravel. Stormwater will be treated in a subsurface infiltration system. There will be no work in the 100-foot buffer zone. The developer is negotiating with the Groton and Pepperell Water Departments to bring public water to the site from the Town of Pepperell. If this does not work out, a private "community system" well will be installed. They are also negotiating with Pepperell to connect the development to the Pepperell sewer system. A total of 12 acres of open space will be donated to the Groton Conservation Commission, and an additional six acres will be subject to a conservation restriction.

Chairman Clements read the comments from the Groton Water Department.

William Maher of JNEI presented his report dated November 3, 2005.

Member Lewis asked about the status of Forester Lane. Planning Administrator Michelle Collette said it is not approved or constructed - it is shown on the proposed Reedy Meadow Estates definitive plan.

Mr. Shepard said the applicant submitted the definitive plan and two special permit applications for the Board's review and approval. All three applications are before the Board at this public hearing.

Member Degen said the applicant must request a waiver of the subdivision regulations because the access is not entirely in Groton. The subdivision road goes from Groton to Pepperell. He said the applicant must prove that the plan can be constructed without any waivers.

Member Wilson said this plan is a good design with the modest size houses around a common area. The houses will all have a view of the surrounding open space.

Member Barringer asked about the ANR lot on Nashua Road. Mr. Shepard said this lot can be an ANR lot or it can be

part of the definitive subdivision plan. Member Lewis said the Board must consider the ANR lots as part of the special permit application.

Member Barringer asked the length of Forester Drive from Nashua Road to the town line. Mr. Shepard said it is about 750 ft long. Member Barringer asked about the length of the shared driveway. Mr. Shepard said it is 400 ft long.

Chairman Clements asked why Pepperell would consider connecting the houses in Groton to its sewer system. Mr. Shepard said to protect Pepperell's Jersey Street well, which is located close to the town line.

Abutter Robert Bretton said the proposed plan would change the character of his neighborhood because it is a dense development.

Member Wilson explained that the special permit plan is the same density as the conventional plan. Member Lewis said most subdivisions in Groton are special permit flexible development plans.

Abutter Richard Hewitt asked about chemical runoff into Reedy Meadow Brook. Mr. Shepard said the development will be around 300 to 400 ft away from the brook. Planning Administrator Michelle Collette noted that the site is located within the Water Resource Protection District Zone II.

Member Barringer asked if installing a private well would have any impact on Pepperell's Jersey Street well. Mr. Shepard said he is trying to encourage connecting to public water rather than installing a private well.

Member Degen reiterated that the road with two access points – one in Groton and one in Pepperell – requires a waiver of the subdivision regulations and that the waiver request must be justified.

The Board voted unanimously to continue the public hearing on December 1, 2005 at 7:30 PM.

#### **SITE PLAN REVIEW – PUBLIC SAFETY BUILDING**

The Board considered the site plan submitted by the Town of Groton to construct temporary parking spaces at the public safety building. Design engineer Robert Pine presented the plan to create a six or seven overflow parking spaces that can be used during the winter months. The spaces will be constructed with a crushed stone surface for easier plowing and to prevent mud problems. A site plan for more permanent parking will be submitted to the Board in the spring.

The motion was made by Degen to approve the Level I site plan submitted by the Town of Groton to construct temporary parking at the public safety building as described in the attached letter (and sketch) dated October 31, 2005 from Pine & Swallow Associates. *The motion was seconded and passed unanimously.*

#### **SITE PLAN REVIEW EXTENSION – GROTON WATER DEPARTMENT**

The motion was made by Barringer to EXTEND its approval of the Level I site plan entitled, "Groton Water Department – Water System Improvements, CY 2002, SRF Project Contract No. 4," prepared by Tighe and Bond, dated December 11, 2002, with the following conditions:

1. The public safety officials must review and approve the plan, including access to the site, prior to building permit issuance.
2. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h).
3. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.
4. 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.

5. 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.
6. Three copies of the final site plan approved by the Planning Board shall be submitted to the Board for endorsement as required in Section 218-25G(3).

*The motion was seconded and passed unanimously.*

**WESTFORD WAIVER REQUEST**

The Board received a request from the Town of Westford to waive the public hearing notice requirement on a recent zoning amendment. The motion was made by Barringer to grant the waiver as requested by the Town of Westford.

*The motion was seconded and passed unanimously.*

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

