

## **GROTON PLANNING BOARD**

**JUNE 1, 2006**

### **MINUTES**

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

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

Member absent: Barringer

#### **PUBLIC HEARING – REEDY MEADOWS ESTATES**

The Planning Board held the continuation of the public hearing to consider the Reedy Meadow Estates definitive plan and special permit applications. Attorney Robert Collins and design engineer Gary Shepard of David E. Ross Associates were present.

Mr. Shepard said they received the report dated June 1, 2006 from JNEI and the outstanding engineering issues are minimal.

Chairman Wilson said the Board received copies of comments to MEPA from the Natural Heritage and Endangered Species Program (NHESP), the Groton Conservation Commission and the Pepperell Board of Health. He stated that the concerns about sewerage should be addressed with the appropriate departments.

Member Degen said he supports the 10-unit development connecting with the Pepperell sewer system rather than utilizing a community sewage disposal system as suggested in the comments to MEPA.

Member Eliot said as long as the plan complies with Groton's regulations, the Board cannot hold up the plan subject to approval by the Pepperell Water and Sewer Commissions. She said the Board should let the applicant pursue the matter in Pepperell. The development must be able to sustain itself in Groton.

Member Degen said the Board should take a broader view. Mr. Collins said the Board should not consider matters that are not Planning Board issues in its special permit decision. However, the Board could recommend that the applicant work with the Town of Pepperell Sewer Department rather than having a mandatory condition.

Mr. Shepard said the applicant has pursued this discussion several times, both in Groton and Pepperell. Groton has concern about using up its capacity because there are others on the priority list. He said the sewage disposal system must meet all Title Five requirements for nitrogen sensitive areas. He said he would submit the plans to the Pepperell Board of Health for comments to the Groton Board of Health.

Member Degen agreed with this suggestion since the impact on the environment in Pepperell is very important because of the close proximity of the Jersey Street well in Pepperell.

Mr. Collins said once the plan is approved, the other issues may be resolved as a result.

Member Degen asked the applicant to meet with the Pepperell Board of Health and the Groton Board of Health.

Planning Administrator Michelle Collette read the comments dated February 2, 2004 from the Groton Board of Health requesting more information from the applicant. Mr. Shepard said the plans change over time so they waited to submit the sewage disposal system plans to the Board of Health.

The Board voted to close the public hearing on the special permits.

The Board voted to extend the deadline on the definitive plan to July 30, 2006.

The Board voted to continue the public hearing on July 13, 2006 at 7:30 PM.

The motion was made by Degen to grant a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development for construction of ten new units as shown on the plan entitled, "Reedy Meadow Estates, Definitive Plan of Land in Pepperell & Groton, Mass., Prepared for John Lorden," prepared by David E. Ross Associates, dated January 2002 with revisions through May 20, 2006, based upon the following findings and with the following conditions:

### **Findings:**

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by providing ten housing units which are all of modest size, with approximately 1850 square feet each. The set back of the house sites away from Nashua Road minimizes the visual impact of the proposed development.
2. **Traffic flow and safety:** There are adequate sight distances at this location, and it is not anticipated that the proposed development will adversely impact traffic flow.
3. **Adequacy of utilities:** The applicant has offered to work with the Groton Water Department to extend public water to this site from the Town of Pepperell.
4. **Neighborhood character:** The proposed development is set back from Nashua Road and will be hidden from public view by a tree-covered ridge. The development will blend into the visual environment thus neighborhood character will remain largely unchanged.
5. **Impacts on the environment:** Given the relatively small scale of the proposed development and the careful siting of homes, the environmental impacts will be minimal. The proposed 12.60-acre open space parcel augments the existing public open space in the surrounding area. The open space includes an area more than 300 feet wide for a distance of 1000 feet along the eastern bank of Reedy Meadow Brook. This open space provides valuable wildlife habitat and protects a wildlife migration corridor. All wetland resource areas and buffer zones will be protected within the open space area.
6. **Fiscal impact on the Town:** The proposed development, with smaller modest homes, will not have a significant fiscal impact on the Town.

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### **Conditions:**

1. All homes shall be modest in size of approximately 1850 square feet as offered by the applicant in the letter dated October 11, 2005 from David E. Ross Associates.
2. The four requested density bonus units are granted as follows:
  - a. Two units will be restricted to occupancy by persons over age 55, permitting one bonus unit under §218-26H(3)
  - b. One transfer lot permits the addition of up to two bonus units, not to exceed 10% of the Basic Number of Units, permitting one bonus unit under §218-26H(3).
  - c. Two bonus units will be affordable as specified in §218-26I with a deed restriction in perpetuity as offered by the applicant.
3. The private driveway serving the ten (10) homes, drainage system, and community sewage disposal system shall be maintained by a homeowners association, to be created by the applicant.

4. The landscaping and engineering plans of the private way shall be submitted to the Planning Board as part of § 218-25 Site Plan Review.
5. The drainage system must be constructed and maintained in full compliance with “Massachusetts Stormwater Management Guidelines: Volume One: Stormwater Policy Handbook and Volume Two: Stormwater Technical Handbook,” prepared by Massachusetts Department of Environmental Protection, dated March 1997.
6. A sidewalk shall be installed along the access driveway, the location of which and construction specifications for which shall be approved by the Planning Board as part of Site Plan Review.
7. Use of this special permit, and thus the construction of the ten (10) homes envisioned by this special permit, is subject to the approval of a site plan and the approval of the definitive subdivision plan for “Reedy Meadow Estates.” Building permits may not be issued until the definitive plan is approved and endorsed, the road and drainage system are bonded or constructed, and lots have been released by the Planning Board.
8. The Planning Board urges the applicant to work the Town of Groton and Town of Pepperell to extend public water to the site. The installation of the public water supply system shall conform to the specifications of the Groton Water Department, the Pepperell Water Department and any intermunicipal agreements that may be in effect.
9. The Planning Board urges the applicant to work the Town of Groton and Town of Pepperell to extend public sewer to the site. The applicant shall present the plans for the proposed community sewage disposal system to the Pepperell Board of Health for comments to the Groton Board of Health because the system is located in a nitrogen sensitive area – Zone II of Pepperell’s Jersey Street well.
10. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording the special permit and definitive plan is submitted to the Planning Board by the applicant.
11. As offered by the applicant, an easement for public trail access shall be provided over Parcel K. The location of the easement and trail shall be shown on the definitive plan. The easement shall be reviewed by Town Counsel prior to recording the easement and plan at the Registry of Deeds. The trail shall be marked on the ground as required in §381-13K.
12. The 12.60-acre open space parcels, shown as Parcels G and H shall be made subject to a permanent conservation restriction held by the Town pursuant to MGL chapter 184, §§ 31 to 33. The conservation restriction shall meet the requirements of the Groton Conservation Commission and Natural Heritage and Endangered Species Program (NHESP). The conservation restriction must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Inspector prior to the issuance of any building permits or commencement of construction, whichever occurs first.
13. This special permit shall lapse in 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. The recording of the special permit and endorsed definitive plan shall constitute commencement of substantial use.
14. This special permit runs with the land and applies to any successor in interest or successor in control.

***The motion was seconded and passed with Wilson, Clements, Degen, Eliot, Perkins in favor; Capes abstaining.***

The motion was made by Degen to grant a special permit to utilize the provisions of Groton Zoning By-law Section 218-26.1 Major Residential Development for construction of ten new units, in addition to one existing units, for a total of eleven units as shown on the plan entitled, “Reedy Meadow Estates, Definitive Plan of Land in Pepperell & Groton, Mass., Prepared for John Lorden,” prepared by David E. Ross Associates, dated January 2002 with revisions through

May 20, 2006, based upon the following findings and with the following conditions:

# **Findings:**

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by providing ten housing units which are all of modest size, with approximately 1850 square feet each. The set back of the house sites away from Nashua Road minimizes the visual impact of the proposed development.
2. **Traffic flow and safety:** There are adequate sight distances at this location, and it is not anticipated that the proposed development will adversely impact traffic flow.
3. **Adequacy of utilities:** The applicant has offered to work with the Groton Water Department to extend public water to this site from the Town of Pepperell.
4. **Neighborhood character:** The proposed development is set back from Nashua Road and will be hidden from public view by a tree-covered ridge. The development will blend into the visual environment thus neighborhood character will remain largely unchanged.
5. **Impacts on the environment:** Given the relatively small scale of the proposed development and the careful siting of homes, the environmental impacts will be minimal. The proposed 12.60-acre open space parcel augments the existing public open space in the surrounding area. The open space includes an area more than 300 feet wide for a distance of 1000 feet along the eastern bank of Reedy Meadow Brook. This open space provides valuable wildlife habitat and protects a wildlife migration corridor. All wetland resource areas and buffer zones will be protected within the open space area.
6. **Fiscal impact on the Town:** The proposed development, with smaller modest homes, will not have a significant fiscal impact on the Town.
7. **Preferred Development Alternative:** The Board determined that the Flexible Development plan best promotes the objectives of §218-26.1 G and the Groton 2020: comprehensive Master Plan for the reasons stated in 1 – 6 above

# **Conditions:**

1. All homes shall be modest in size of approximately 1850 square feet as offered by the applicant in the letter dated October 11, 2005 from David E. Ross Associates.
2. The four requested density bonus units are granted as follows:
  - a. Two units will be restricted to occupancy by persons over age 55, permitting one bonus unit under §218-26H(3)
  - b. One transfer lot permits the addition of up to two bonus units, not to exceed 10% of the Basic Number of Units, permitting one bonus unit under §218-26H(3).
  - c. Two bonus units will be affordable as specified in §218-26I with a deed restriction in perpetuity as offered by the applicant.
3. The private driveway serving the ten (10) homes, drainage system, and community sewage disposal system shall be maintained by a homeowners association, to be created by the applicant.
4. The landscaping and engineering plans of the private way shall be submitted to the Planning Board as part of § 218-25 Site Plan Review.

5. The drainage system must be constructed and maintained in full compliance with “Massachusetts Stormwater Management Guidelines: Volume One: Stormwater Policy Handbook and Volume Two: Stormwater Technical Handbook,” prepared by Massachusetts Department of Environmental Protection, dated March 1997.
6. A sidewalk shall be installed along the access driveway, the location of which and construction specifications for which shall be approved by the Planning Board as part of Site Plan Review.
7. Use of this special permit, and thus the construction of the ten (10) homes envisioned by this special permit, is subject to the approval of a site plan and the approval of the definitive subdivision plan for “Reedy Meadow Estates.” Building permits may not be issued until the definitive plan is approved and endorsed, the road and drainage system are bonded or constructed, and lots have been released by the Planning Board.
8. The Planning Board urges the applicant to work the Town of Groton and Town of Pepperell to extend public water to the site. The installation of the public water supply system shall conform to the specifications of the Groton Water Department, the Pepperell Water Department and any intermunicipal agreements that may be in effect.
9. The Planning Board urges the applicant to work with the Town of Groton and Town of Pepperell to extend public sewer to the site. The applicant shall present the plans for the proposed community sewage disposal system to the Pepperell Board of Health for comments to the Groton Board of Health because the system is located in a nitrogen sensitive area – Zone II of Pepperell’s Jersey Street well.
10. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording of the special permit and definitive plan is submitted to the Planning Board by the applicant.
11. As offered by the applicant, an easement for public trail access shall be provided over Parcel K. The location of the easement and trail shall be shown on the definitive plan. The easement shall be reviewed by Town Counsel prior to recording the easement and plan at the Registry of Deeds. The trail shall be marked on the ground as required in §381-13K.
12. The 12.60-acre open space parcels, shown as Parcels G and H shall be made subject to a permanent conservation restriction held by the Town pursuant to MGL chapter 184, §§ 31 to 33. The conservation restriction shall meet the requirements of the Groton Conservation Commission and Natural Heritage and Endangered Species Program (NHESP). The conservation restriction must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Inspector prior to the issuance of any building permits or commencement of construction, whichever occurs first.
13. This special permit shall lapse in 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. The recording of the special permit and endorsed definitive plan shall constitute commencement of substantial use.

14. This special permit runs with the land and applies to any successor in interest or successor in control.

***The motion was seconded and passed with Wilson, Clements, Degen, Eliot, Perkins in favor; Capes abstaining.***

#### **SITE PLAN REVIEW – OLIVER WRIGHT MEADOW**

The Board continued its review of the Oliver Wright Meadows site plan submitted by James Patierno to construct 48 units of housing for people 55 and older on a parcel on Cow Pond Brook Road. James Patierno, Attorney Robert Collins, and design engineers Robert Pine and Gerard Foley were present.

Mr. Foley presented a draft Operating and Maintenance Plan as requested by the Planning Board.

Mr. Collins said the Police Department’s shooting range will be relocated at the applicant’s expense. New landscaping

and screening will be installed along the property line between the project and the Town's Highway Department's site. Mr. Collins said he submitted a list of waiver requests dated March 2, 2006 for the Board's consideration. The asphalt curbing will be monolithic rather than Cape Cod berm.

Mr. Foley described the landscaping plan that does not include any invasive species. He submitted a cross section of the pond. The bottom of the pond will be separated from the high groundwater level.

Member Perkins asked if the Homeowners Association will maintain the pond. Mr. Collins said, "yes." Member Perkins said the grounds surrounding the pond must be maintained as well. Mr. Foley said all the maintenance responsibilities are described in the Operating and Maintenance plan.

Member Perkins asked if the Homeowners Association will include all the units – both rental and condominium. Mr. Collins said, "yes," the rental units will be owned by one entity.

Member Degen asked about the size of the berm to be constructed along the Town's property line. Mr. Pine said a detail would be added to the plan. The berm will be five feet high and 12 – 14 feet wide.

Member Eliot asked if the berm will be constructed on an easement. Mr. Pine said, "no," it is subject to an agreement with the Highway Surveyor.

Member Eliot asked who will maintain the berm and landscaping. Highway Surveyor Tom Delaney said the applicant will install and maintain the berm. Mr. Collins said the work must be consistent with an agreement between the Town and the developer approved by Town Meeting. Mr. Delaney concurred that the scree

Member Eliot asked if buyers will be informed about the nearby shooting range. Mr. Collins said they could be notification on record about the shooting range, highway garage, and transfer station.

Member Degen asked about signage. Mr. Pine said the signs were moved about 500 ft.

Member Eliot asked about soil testing. Mr. Collins said the testing would be done prior to the installation of the drainage system.

Member Perkins asked about the HVAC units. Mr. patierno said they would be in the wall like they are in hotels.

The motion was made by Clements to grant the following waivers:

1. § 218-25G(2)(g) requiring a traffic impact analysis;
2. § 21825G(2)(h) requiring a scale model;
3. § 345A(1)A requiring a locus map at 1"=100' because the applicant submitted a locus map at 1"+1000';
4. § 345A(1)G requiring full topography within 200 feet of the site because the applicant submitted topography in the area influencing surface water runoff;
5. § 345A(2)D(2) to allow the roadway widths as shown on the plan;
6. § 345A (2)D(5) and § 345A(2)D(7) to allow Cape Cod berm with the understanding the applicant will install monolithic asphalt berm.

***The motion was seconded and passed with Wilson, Clements, Degen, Eliot, Perkins in favor; Capes abstaining.***

The motion was made by Perkins to approve the Level II site plan, submitted by Missic Realty Trust, entitled, "Proposed Site Plan: Residences at Oliver Wright Meadows," prepared by Belanger & Foley, dated December 20,

2004, with revisions through March 30, 2006 (sheets C-2, C-2A, C-3, L-1 and L-2), with the following conditions:

1. The applicant shall submit soil and percolation testing information satisfactory to the Planning Board and its engineer for ponds 2, 3, 4, and 5 to determine seasonal high groundwater and infiltration rates prior to drainage system construction. If these tests indicate unsatisfactory conditions, the drainage system shall be redesigned to the satisfaction of the Board and its engineer.
2. The Operation and Maintenance Plan submitted by the applicant shall be reviewed to require inspection and maintenance subsequent to weather events resulting in 2" or more rainfall in a 24-hour period.
3. Any deviations from the approved site plan as to materials, construction details, and/or the location and site of any site improvements shall require approval of the Planning Board unless it is a minor field change approved by the Board's engineer.
4. As offered by the applicant, the applicant shall design and construct a new Groton Police Department shooting range on the adjacent municipal property of a design and location approved by the Chief of Police and the Highway Surveyor.
5. As offered by the applicant, the applicant shall install suitable screening between the proposed development and the adjacent municipal property on the municipal land comprised of a combination of earthen berm, shrubs, trees, and fencing consistent with the plans submitted. The final design is to be approved by both the Highway Surveyor and the Planning Board prior to endorsement of the site plan. The improvements shall be at the applicant's expense and shall be subject to a use/maintenance agreement if required by the Town.
6. The tree planting plan shall include a chart showing caliper and species of the trees to be planted.
7. A homeowners association shall be established for the Operation and Maintenance of the stormwater management system, landscaping, snow plowing and other site improvements.
8. The curbing shall be monolithic asphalt in accordance with the waiver of § 345A(2)D(5) granted by the Planning Board.
9. The gates to the access road shall not be locked as requested by the Police Chief.
10. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.
11. 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.
12. 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, if applicable.
13. 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).
14. All outstanding engineering invoices must be paid in full prior to issuance of a building permit.
15. The plan is subject to Special Permit 218-04 for Subsidized Elderly Housing granted by the Zoning Board of Appeals on January 12, 2005.

***The motion was seconded and passed with Wilson, Clements, Degen, Eliot, Perkins in favor; Capes abstaining.***

### **ANR PLAN – CRANSTON CONSTRUCTION, SANDY POND ROAD**

The Board considered the Approval Not Required (ANR) plan submitted by Cranston Construction to change a lot line for the lot with the nine affordable units on Sandy Pond Road. Attorney Collins presented the plan and told the Board that a portion of the lot would be subject to a conservation restriction as required in the Special Permit for the Rocky Hill subdivision.

The motion was made by Perkins to endorse as Approval Not Required the plan entitled, “Plan of Land for Rocky Hill in Groton, Mass.” prepared by R. Wilson and Associates, dated April 18, 2006. ***The motion was seconded and passed with Wilson, Clements, Degen, Eliot, Perkins in favor; Capes abstaining.***

### **SURRENDEN FARMS UPDATE**

The Board discussed the Surrenden Farms conservation project and the use of the 14-acre reserve area in response to the proposal by developer Steven Gillis to construct townhouses for people 55 years and older as shown on the approved definitive plan.

Chairman Wilson said any use of the property must be consistent with the Town Meeting vote to approve the project.

Member Perkins, the Board’s representative on the Community Preservation Committee, said the use of the land must be consistent with the Community Preservation Act since CPA funds are being used to purchase the land. The fund can be used for affordable housing, but not for a 55 years and older market rate project.

Member Eliot said she would like to see an affordable component with the market rate units. Access to the site could be over Shirley Road in Ayer.

Member Perkins said she would be reluctant to approve a project with a large number of units depending on access through Ayer. Member Degen said you cannot approve housing in Groton with access through Ayer, not Groton.

Member Perkins said this discussion is premature at this time since the Town does not own the land yet.

### **MILL RUN UPDATE**

*(Chairman Wilson left the meeting; Member Capes stepped down.)*

The Board discussed a meeting with Town Counsel and hydrogeologist William Beyer of Fay, Spoffard and Thorndike (FST) to discuss proposed modifications to the Mill Run Plaza-Groton Residential Gardens drainage system.

The motion was made by Clements to authorize Vice Chairman Degen to attend the meeting on behalf of the Planning Board. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator