

**GROTON PLANNING BOARD
AUGUST 24, 2006
MINUTES**

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

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

Members absent: Barringer and Perkins

ROCKY HILL PERFORMANCE BOND

The motion was made by Degen to accept the amount of \$151,159.08 as performance bond for Phase I of the Rocky Hill subdivision as recommended in the report dated August 22, 2006 from Judith Nitsch Engineering, Inc. The motion was seconded and passed with Degen, Wilson, Capes and Clements in favor; Eliot abstaining.

PUBLIC HEARING – CRYSTAL SPRINGS ESTATES

(Member Degen stepped down and did not participate.)

The Board voted unanimously to continue the public hearing on the special permit application for the Crystal Springs Estates subdivision to October 19, 2006 at 7:30 PM.

PUBLIC HEARING – BROOKS ORCHARD

(Member Degen stepped down and did not participate.)

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 the Groton Land Foundation for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create three (3) hammerhead lots and a special permit to utilize the provisions of Section 218-23D Shared Driveways to construct a shared driveway serving Lots 1, 2 and 3 as shown on the plan entitled, "Plan of Land in Groton, Massachusetts, Prepared for Groton Land Foundation," prepared by Ducharme & Dillis Civil Design Group, Inc., dated May 15, 2006. The proposed lots and driveway are located on Assessors Lot 232-30, owned by Groton Land Foundation, and Assessors Lot 233-28, owned by Richard and Arestothea Staub, located on the northerly side of Orchard Lane.

Chairman Wilson called the public hearings to order. Clerk Capes read the notices published in the August 11 and 18, 2006 issues of *The Groton Herald*.

The Board voted unanimously to continue the public hearing on September 7, 2006 at 8:00 PM.

AMANDAS WAY PERFORMANCE BOND

The motion was made by Eliot to execute the Triparty Agreement for the Amandas Way subdivision in the amount of \$94,915.24 as recommended in the report dated August 10, 2006 from Judith Nitsch Engineering, Inc. ***The motion was seconded and passed unanimously.***

PUBLIC HEARINGS – AMANDAS WAY SHARED DRIVEWAY & MODIFICATION

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Millstone Hill Realty Trust for a special permit to utilize the provisions of Section 218-23D Shared Driveways to construct a shared driveway serving Lots 2 and 3 as shown on the plan entitled, "Definitive Subdivision – Amanda's Way, Groton, Massachusetts," prepared by Land Engineering & Environmental

Services, LLC, dated January 25, 2005, with revisions through August 7, 2006. The proposed driveway is located on Assessors Lot 250-90 located on the southerly side of Lowell Road.

In accordance with the provisions of Chapter 41, Sections 81-U and 81-T, the Groton Planning Board held a public hearing to consider the application submitted by Millstone Hill Realty Trust for modification of Special Permit 2005-07 as shown on the plan entitled, "Definitive Subdivision – Amanda's Way, Groton, Massachusetts," prepared by Land Engineering & Environmental Services, LLC, dated January 25, 2005, with revisions through August 7, 2006, approved by the Planning Board on September 8, 2005. The subdivision is located on land owned by Millstone Hill Realty Trust shown on Assessors Map 250, Parcel 90, located on the southerly side of Lowell Road.

In accordance with the provisions of Chapter 41, Sections 81-U and 81-T, the Groton Planning Board held a public hearing to consider the application submitted by the application submitted by Millstone Hill Realty Trust for modification of the plan entitled, "Definitive Subdivision – Amanda's Way, Groton, Massachusetts," prepared by Land Engineering & Environmental Services, LLC, dated January 25, 2005, with revisions through August 7, 2006, approved by the Planning Board on September 8, 2005. The subdivision is located on land owned by Millstone Hill Realty Trust shown on Assessors Map 250, Parcel 90, located on the southerly side of Lowell Road.

Chairman Wilson called the public hearing to order. Clerk Capes read the notice published in the August 11 and 18, 2006 issues of *The Groton Herald*. Applicant James Patierno and his attorney Robert Collins, Selectman George Dillon, and Water Superintendent Thomas Orcutt were present at the hearing.

Chairman Wilson read the comments from the Board of Health and the Water Department.

Mr. Collins said Mr. Patierno would like to modify Special Permit 2005-07 to increase the width of pavement from 16 ft to 18 ft so Amandas Way would be eligible for acceptance as a public way. Mr. Collins requested that the Board remove Condition #6 of SP 2005-07 which states:

"The subdivision road will be a private way to be maintained by the Homeowners Association. Public access will be permitted. The road will not be eligible for acceptance by the Town as a public way."

Mr. Collins stated that the prospective buyer of Lot 3 is concerned about public access over the private way and the easement for public parking for the trail network. It makes more sense to have the subdivision road become a public way.

Member Eliot asked about the width of the subdivision road in relation to the abutting homes. Mr. Collins said the pavement width would be increased, but the right-of-way would not change. Set backs are measured from the edge of the right-of-way.

Member Degen said there is a financial component to the Town if the road becomes public because the Town will have to plow and maintain the road. Mr. Collins said the developer is willing to donate \$5000 to the Town for long-term maintenance.

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Member Capes asked about public access to the open space and whether this parcel abuts other conservation land. Mr. Collins said, there is public access and there is a considerable amount of protected open space in this area.

Member Capes asked what the Town would be responsible for if the road becomes public. Chairman Wilson said, "Plowing, paving, and maintaining the drainage system."

Member Clements said he supports the road becoming a public way.

Chairman Wilson said he understands the buyer's concern about the easement for parking along the side of the subdivision road if it is a private way.

Mr. Collins said if the road is public, the developer will be able to provide the Wallens, owners of the abutting lot, with access to the public water system. An easement from the subdivision road to the Wallens property line could be added to the plan.

Mr. Wallens explained that he expected the extension of the water main in Lowell Road to run along his frontage. However, the developer connected to the water system by extending the main in the opposite direction on Lowell Road. Mr. Wallens said he understood that he would be able to connect to Town water when the subdivision was constructed.

Water Superintendent Thomas Orcutt said the Water Department has access to its land through abutting land owned by the Water Department and does not need to have access through this subdivision. He said Mr. Patierno should extend water to the Wallens property line from the subdivision road. Mr. Patierno agreed to do so.

Ned Joyner, the buyer of Lot 3, said he objected to the public parking space because his insurance company recommended that they purchase commercial insurance for the public parking space if the road is a private way.

Member Degen said the Board spent a considerable amount of time reviewing this plan and the alternative conventional plan. He said he does not support changing the conditions of approval at this time. The road should remain private as offered by the applicant.

Mr. Patierno said this is a small, three lot plan with an existing house to be converted to affordable housing which will benefit the town.

Member Degen said he does not want to change conditions of the original special permit. He said he does not think the public will use the parking space.

Chairman Wilson said the application gives the Board an opportunity to consider whether the road should be private or public.

Mr. Joyner suggested that the public park on Lowell Road rather than in the subdivision. The Board said parking on Lowell Road is not an option because it is not safe. Member Degen said the public can park on Painted Post Road and access the open space from the cul de sac at the end of Painted Post Road, a public way.

Mr. Wallens said he still would like access to public water. Originally, the water system was going to be looped so he would have access to the water main on Lowell Road. However, this will not happen until another development is constructed. Mr. Patierno said he discussed this issue with the Water Department. If Oliver Wright Meadows goes forward, a 12" main will be connected along Lowell Road.

Mr. Wallens said one of the benefits of the Flexible Development plan was the extension of the water main in front of his house. However, this did not happen because water was extended in the opposite direction on Lowell Road

Member Degen asked if an easement could be provided for the Wallens water connection. Mr. Patierno said he did not want to encumber the private way with such an easement. He was willing to do so only if the road was public.

Mr. Wallens asked if the Board considers the needs of the people who live there today or the needs of the future owners.

Mr. Collins suggested that the Board modify the special permit by deleting the condition that requires public parking within the right-of-way of the public road. The Board agreed that this would be acceptable.

The Board voted unanimously to close the public hearings.

AMANDAS WAY SHARED DRIVEWAY

The motion was made by Eliot to **GRANT** a special permit to Millstone Hill Realty Trust for a special permit to utilize the provisions of Section 218-23D Shared Driveways to construct a shared driveway serving Lots 2 and 3 as shown on the plan entitled, "Definitive Subdivision – Amanda's Way, Groton, Massachusetts," prepared by Land Engineering & Environmental Services, LLC, dated January 25, 2005, with revisions through August 7, 2006, with the following findings and conditions:

Findings:

1. **Social, economic and community needs:** The community will be better served by having fewer driveway cuts on Amandas Way.
2. **Traffic flow and safety:** Traffic flow and safety will be improved by having one driveway cut in a safer location instead of two driveway cuts.
3. **Adequacy of Utilities:** Utilities will not be impacted by the proposed development.
4. **Neighborhood character:** There will be less impact on neighborhood character with fewer driveway cuts rather than individual driveways serving each lot.
5. **Impacts on the environment:** Fewer driveway cuts means less environmental impact on the land.
6. **Fiscal impact on the Town:** There will be no fiscal impact on the Town.

Conditions:

1. The proposed shared driveway shall meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996.
2. A homeowners association shall be established and a maintenance agreement shall be recorded at the Registry of Deeds or Land Court. Evidence of such recording shall be submitted to the Building Inspector prior to the issuance of a building permit.
3. This special permit shall not be in effect until a certified copy of the special permit decision is recorded at the Middlesex South Registry of Deeds as required in GL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording is submitted to the Planning Board by the applicant.

The motion was seconded and passed unanimously.

AMANDAS WAY SPECIAL PERMIT MODIFICATION

The motion was made by Degen to **MODIFY** Special Permit 2005-07 as shown on the plan entitled, "Definitive Subdivision – Amanda's Way, Groton, Massachusetts," prepared by Land Engineering & Environmental Services, LLC, dated January 25, 2005, with the following conditions:

Conditions:

1. Condition #4 of Special Permit 2005-07 shall be removed in its entirety. The condition states:

"Public access to the trail network on Parcel B shall be permitted. Parking for the public along the shoulder of the subdivision road shall be provided as shown on the definitive plan revised on June 6, 2005."
2. Sheet #3 or 6 of the definitive plan shall be modified to remove the easement for the "Prop. Gravel Parking Space."
3. All other findings and conditions remain in full force and effect.
4. This special permit shall not be in effect until a certified copy of the special permit decision is recorded at the Middlesex South Registry of Deeds as required in GL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording is submitted to the Planning Board by the applicant.

The motion was seconded and passed unanimously.

AMANDAS WAY DEFINITIVE PLAN MODIFICATION

The motion was made by Degen to **MODIFY** the plan entitled, "Definitive Subdivision – Amanda's Way, Groton, Massachusetts," prepared by Land Engineering & Environmental Services, LLC, dated January 25, 2005, with the following conditions:

5. The easement for parking for the public within the right of way of the subdivision road shall be removed in its entirety.
6. Sheet #3 or 6 of the definitive plan shall be modified to remove the easement for the "Prop. Gravel Parking Space."
7. All other findings and conditions remain in full force and effect.

The motion was seconded and passed unanimously.

PUBLIC HEARING – LEE EDMANDS SHARED DRIVEWAY

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Lee Edmands for a special permit to utilize the provisions of Section 218-23D Shared Driveways to construct a shared driveway serving Lot 206-54 and Lot 206-55, as shown on the plan entitled, "Driveway Construction Plan, McCanns Hill Road, Groton, MA", prepared for Lee Edmands," prepared by Marsden Engineering Associates and Colonial Land Surveying, dated February, 2006. The proposed driveway is located on Assessors Lot 206-54 on the easterly side of Kemp Street.

Chairman Wilson called the public hearing to order. Clerk Capes read the notices published in the August 11 and 18, 2006 issues of *The Groton Herald*. Applicant Lee Edmands, Gordon Newell of the West Groton Water Supply District (WGWS), and design engineer Kenneth Kalinowski of Marsden Engineering & Associates were present at the hearing.

Chairman Wilson read the comments from the Police Chief and the Board of Health.

Mr. Kalinowski presented the plan to construct a shared driveway serving Ms. Edmands' house lot and the WGWS which contains the water tank. The WGWS lot has an area of 100' x 100' with no legal frontage. The shared portion of the driveway will be 360 ft long before it divides to serve the house lot and the water tank. Stone swales and cross culverts will be installed to control runoff on the steep slope.

Mr. Kalinowski said the applicant is requesting three waivers of the Shared Driveway regulations:

1. To construct the driveway at a width of 12 ft rather than 16 ft;
2. To allow a maximum grade of 16%;
3. To pave a 2½ inch binder with no top course.

Member Degen said he would like to hear from the Fire Chief on the proposed 16% grades.

Mr. Newell said a truck and trailer access the water tank once every three years to inspect and clean the tank. The dirt road is adequate now, but a paved 12 ft wide driveway would accommodate fire trucks.

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Ms. Edmands said she spoke with the Fire Chief who agreed that the proposed driveway is fine for single-family use.

Member Clements asked about plowing during the winter. Mr. Newell said they walk up to the tank or plow when they need vehicular access. GWSD will pave with a 3" binder, not just 2½".

Connie Sartini asked about the proposed drainage swales. Mr. Kalinowski pointed out the swales on the plan.

Abutter George Dillon expressed concern about erosion control during construction because his daughter's land is across the street from the proposed shared driveway.

Mr. Kalinowski said the culvert under Kemp Street is 2/3 blocked now. The proposed stone trench swale will help control runoff. Settling basins will be used to remove sediment.

Chairman Wilson asked if the catch basin is on town land. Mr. Kalinowski said, "yes," it is within the public right-of-way. Member Degen noted that the applicant must obtain approval from the Board of Selectmen, the Highway Surveyor and the Earth Removal Advisory Committee.

The Board voted unanimously to continue the public hearing on September 21, 2006 at 7:30 PM.

PUBLIC HEARING – ORCHARD REALTY TRUST SHARED DRIVEWAY

The Board held the continuation of the public hearing to consider the application submitted by Orchard Realty Trust for a special permit to construct a shared driveway off Reedy Meadow Road. Surveyor Stan Dillis was present at the hearing.

Mr. Dillis said the plan will be revised to address the Conservation Commission's concerns about impact on the wetlands. The existing 48" oak tree can be saved if the Board grants a waiver to allow a 12 ft wide driveway for a distance of 20 ft. After the first 20 ft, the driveway will be widened to 16 ft. The grade of the proposed driveway is 12%. The existing drainage problems from this site will be corrected by the proposed plan.

Chairman Wilson said he would like to hear from the public safety departments. Member Degen suggested asking the Fire Chief to attend the site walk.

Chairman Wilson asked how the tree can be protected from the snow plows.

Member Degen suggested that the applicant ask a certified arborist to examine the tree.

The Board voted unanimously to continue the public hearing on September 21, 2006 at 8:00 PM.

PRE-SUBMISSION REVIEW – HUGHES-ORTIZ SITE PLAN

(Member Clements stepped down and did not participate.)

Kevin Hardiman of David Ross Associates met with the Board to discuss the site plan for the Hughes-Ortiz property located at 60 Boston Road. The 300-year old house presently contains a roofing company. The owner would like to add a silk-flower shop. The parking by-law requires 14 parking spaces, but there is only room for seven spaces on the site. Wetlands comprise about

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one-half of the site. The roofing company has no customers – only employees who come to the site.

Member Capes asked if the garage would be moved closer to the wetlands. Mr. Hardiman said, “yes,” and the parking lot would be expanded.

Member Degen suggested that the applicant submit a Notice of Intent to the Conservation Commission for the work in the buffer zone to see if the project is feasible before submitting a site plan to the Planning Board.

Pat Hughes said the roofing company has four trucks that go home with the employees. The silk-flower store will only be operated on the weekends. She said the silk flowers are more of a hobby than a business.

Mr. Hardiman said they already went to the Conservation Commission about moving the garage. The Commission prefers to have the garage close to the wetlands rather than the parking lot.

Chairman Wilson asked if the proposed retaining wall and paved area is within 50 ft of the wetlands. Mr. Hardiman said, “yes.” Chairman Wilson asked if this is a previously disturbed site. Mr. Hardiman said, “yes.” He said there is no drainage system on site now and the proposed site plan will utilize an innovative drainage system.

Member Degen said a Level II site plan is required based upon the number of parking spaces and stormwater management system. The Board agreed.

AMANDAS WAY LOT RELEASE

The motion was made by Degen to release Lots 1 – 3 in the Amandas Way subdivision. *The motion was seconded and passed unanimously.*

BLOOD EARTH REMOVAL PERMIT

The motion was made by Degen to recommend that the Board of Selectmen renew the earth removal permit for Elliot Blood. *The motion was seconded and passed unanimously.*

GROTON-DUNSTABLE MIDDLE SCHOOL LIGHTS

The Board discussed the proposed lights to be installed for the Youth Football League at the Groton-Dunstable Middle School. The Board agreed that a Level I site plan and photometric diagram should be submitted for review.

Meeting adjourned 10 PM.

Respectfully submitted,

Michelle Collette
Planning Administrator

