

**GROTON PLANNING BOARD  
SEPTEMBER 28, 2006  
MINUTES**

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

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

**PUBLIC HEARING – BROOKS ORCHARD SPECIAL PERMIT**

*(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 218-26 Flexible Development to create three (3) lots 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, revised September 6, 2006. The proposed lots and driveway are located on Assessors Lot 232-30, located on the northerly side of Orchard Lane.

Chairman Wilson called the hearing to order. Clerk Capes read the notice published in the September 15 and 22, 2006 issues of *The Groton Herald*. Robert Pine, June Johnson and Marion Stoddart of the Groton Land Foundation (GLF) and surveyor Stan Dillis of Ducharme and Dillis were present at the hearing.

Chairman Wilson read the letter dated August 15, 2006 from Attorney Richard Gallogly representing abutter Charles McLatchy and the comments from the Board of Health.

Mr. Dillis presented the plan showing four new lots to be created under the Flexible Development provisions. Three of the lots will be used for residential development and one of the lots contains the Groton Water Department's water tank. The lots will be served by a shared driveway.

Mr. Pine said the shared portion of the driveway is only about 100 ft long. Approximately 113 acres of the site is protected by an Agricultural Preservation Restriction.

Mr. Dillis added that the proposed lots are similar to other hammerhead lots in the surrounding area; therefore the application is keeping within the intent of the Flexible Development by-law.

Tom Orcutt of the Groton Water Department said the legal frontage shown on the plan does not provide legal access to the water tank. Mr. Pine said the shared driveway is only 100 ft long. The Water Department has an easement to go over a cart path off Orchard Lane.

Member Perkins asked where the driveway would be located. Mr. Pine said the driveway will be in the same location as the existing entrance to the site. The driveway may be relocated to the west. Landvest will market the three new residential lots. The GLF may come back to the Board in the future for an additional shared driveway.

Member Perkins said there are three new lots, plus the lot with the water tank. Mr. Pine said the shared driveway will serve the water tank plus Lots 1 and 3.

Member Perkins asked if the lots have been created yet. Mr. Pine said, "no," it is all one lot with the APR on a portion of the site. The GLF applied for the special permit to use the provisions of Flexible Development to create the lots shown on the plan.

Member Perkins asked about the distance from Orchard Lane to the beginning of Lot 3. Mr. Pine said it is about 2000 feet. There are a number of potential routes, and the GLF will return to the Planning Board when it has more information. Member Perkins asked why Parcel A is being created. Mr. Pine said it will be sold to the owner of either Lot 1 or Lot 2. If it is not sold, it will be left as open space.

Member Clements asked where the frontage is for the proposed lots. Mr. Dillis noted that the frontages are: Lot 1 – 40 ft; Lot 2 – 40 ft; Lot 3 – 40 ft; Lot 4 (GWD water tank) – 25.84 ft; and Parcel E (APR) – 35 ft.

Member Clements asked why the applicant is using Flexible Development rather than creating hammerhead lots. Mr. Pine said because the lots do not meet the geometric requirements of the by-law for hammerhead lots. The GLF could not create a separate lot for the Groton Water Department as a hammerhead lot.

Member Eliot asked about the existing farm house. Mr. Pine said the house has been demolished, but one barn remains.

Member Eliot asked about the topography for the shared driveway. Mr. Pine said it is flat with a slight rise.

Member Eliot asked about access to Parcel A. Mr. Pine said Parcel A is not a lot. It has frontage on Chestnut Hills Extension, but it will never be subdivided.

Member Eliot asked about Parcel B. Mr. Pine said it would be conveyed to the Staubs who own the abutting property.

Member Eliot asked about the easement over the McLatchy property. Attorney Gallogly, representing Charles McLatchy, said the easement is for men and equipment and road purposes. Mr. Pine said the easement on the McLatchy land is not relevant because no existing rights will be changed. However, Mr. McLatchy has a new water line serving his house. The GLF will add the old easement to the plan, but there has been no change in rights or easements on the property.

Member Barringer asked if there are other easements on the plan. Mr. Dillis said there are easements for the Groton Water Department to access the tank and to install water mains.

Member Barringer asked about the number of lots served by Orchard Lane. Mr. Dillis said there would be a total of six lots including the existing lots.

Member Barringer asked if there are any grades on the driveways that exceed the regulations. Mr. Pine said there are some steep grades, but they are all within the regulations.

Member Barringer asked about the chemical spill on Lot 3 referenced in the Board of Health's comments. Mr. Pine said an old underground storage tank was removed but there were no spills

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on the site. Member Barringer requested clarification on this point from the Board of Health. Mr. Pine noted that the plan was not submitted under the Subdivision Control Law.

Member Clements asked how the lots could be created without 225 ft of frontage. Mr. Pine said the ANR lots could be created with a special permit for Flexible Development. Member Clements asked if each of the lots could be accessed through their frontage. Mr. Pine said, "yes."

Member Clements asked about other access rights. Mr. Pine said there are rights via the McLatchy property the GLF is not using.

Member Eliot asked about the APR lot. Mr. Pine said the same driveway will be used to access the parcel with the APR.

Mr. Dillis said there are additional easements that must be added to the final plan.

Member Eliot said she would like to see all easements show on the plan including access for the public to use the trails. She asked that building envelopes be added to the plan. Mr. Pine said people can park off the shared driveway and use the network of trails on the APR lot.

Member Barringer said there are about 25 lots that abut Orchard Lane and Chestnut Hill Road today. Mr. Pine said they plan to ask the Board of Selectmen if they can change the configuration of Orchard Lane.

Chairman Wilson asked about Chestnut Hills Extension. Mr. Dillis said it is not constructed but it is shown on the Chestnut Hills subdivision plan.

Chairman Wilson asked if the arsenic in the soils would be remediated. Mr. Pine said, "yes."

Chairman Wilson asked if any easements would be changed. Mr. Pine said, "no." He noted that the GLF is working on an agreement with Mr. McLatchy.

Connie Sartini asked about the total number of lots. Mr. Pine said there are three residential lots plus the lot with the Groton Water Department's tank.

Connie Sartini asked about parking for the trails. Mr. Pine said the parking area would be located on the open space/APR parcel.

Member Barringer asked about the land near Martins Pond. Mr. Dillis said this area is part of Parcel A.

Mr. Gallogly said Mr. McLatchy is concerned about his privacy. He does not want to have access to the lots over the easement on his land. Mr. Gallogly requested that the special permit require access via the frontage on Orchard Lane. Mr. Pine said the GLF strongly objects to such a condition.

Member Perkins said the condition that the driveways access from Orchard Lane does not extinguish the easement over the McLatchy property. Mr. Pine said the GLF does not want to extinguish any rights.

Member Eliot said the primary access to Lots 1, 2 and 3 is from Orchard Lane. Mr. Pine said the lot owners will have the right to go either way.

Member Eliot asked if there is a locked gate. Mr. Pine said a gate does not extinguish any rights.

Member Eliot said the primary access to the lots is from Orchard Lane. Mr. Pine said the GLF is not agreeing to such a condition and it does not want any rights extinguished.

Mr. Gallogly said the GLF wants to maintain flexibility, depending on who the buyer is.

Member Perkins said the details must be worked out between the parties.

Member Clements said he does not favor gated emergency vehicle access roads.

Abutter Amy Degen asked about agricultural use of the APR parcel. Mr. Pine said John Smigelski planted pumpkins on the area which will be converted to a hay field.

Ms. Degen asked if the lots would be sold to horse owners. Mr. Pine said that is highly probable but not required.

Ms. Degen asked about parking for the trails. Mr. Pine said there are a limited number of parking spaces there today.

Ms. Degen asked what would prevent the future subdivision of Parcel A. Mr. Pine said it will be in the deeds and on the plan that only three lots can be created. If the entire lot is sold to one buyer, they could resubdivide the land and not exercise the special permit.

Member Eliot said the conveyance to the Groton Water Department would lock in the special permit. Water Superintendent Tom Orcutt requested a continuation of the public hearing to have more time to review the Water Department's rights.

Abutter Josh Degen said he supports the proposed plan and hopes the matter can be resolved for the creation of three house lots. The Board should consider drainage and access to the trails.

The Board voted unanimously to continue the public hearings on October 19, 2006 at 8:00 PM.

#### **ANR PLAN – BRAD HARPER, BIRCHWOOD AVE**

The Board considered the Approval Not Required (ANR) plan submitted by Brad Harper to change a lot line on his property on Birchwood Avenue.

Member Degen asked why one of the lot lines was dashed rather than solid. Attorney Collins (who was present but not representing the applicant) said the shore line varies with the level of the lake. The lot line goes to the iron pin shown on the plan.

The motion was made by Eliot to endorse as Approval Not Required the plan entitled, "Plan of Land in Groton, Mass., Owner: Brad and Cheney Harper; Owner: Roger and Paula MacDonald," prepared by R. Wilson and Associates, dated September 13, 2006. *The motion was seconded and passed with Wilson, Barringer, Capes, Clements, Eliot, and Perkins in favor; Degen abstaining.*

#### **ROCKY HILL PERFORMANCE BOND**

The motion was made by Perkins to accept the Triparty Agreement in the amount of \$151,159.08 for the Rocky Hill subdivision. *The motion was seconded and passed unanimously.*

The motion was made by Perkins to release Lot 2-9. *The motion was seconded and passed unanimously.*

Mr. Collins informed the Board that he would be submitting an application to modify the special permit for the Rocky Hill subdivision to request a front yard set back of 35 ft for Lot 2 and to change internal lot configurations.

#### **AMANDAS WAY – MAINTENANCE BOND**

Attorney Robert Collins met with the Board to discuss the \$5000 maintenance bond for the Amandas Way subdivision. He said the Town Treasurer could not accept the bond because there is no statutory authority to do so. In addition, the foundation of the existing house has buckled so it will have to be demolished rather than renovated. Mr. Collins said it would be submitting an application to modify the special permit for the Amandas Way subdivision.

#### **SPECIAL PERMIT DECISION – MONARCH PATH**

The Board discussed the draft decision for the Monarch Path subdivision. The motion was made by Barringer to **GRANT** a Special Permit under the provisions of § 218-26.1 Major Residential Development to create thirteen (13) lots as shown on the plan entitled, "Subdivision Plan, Monarch Path, Gilson Road, Groton, Massachusetts," prepared by TF Moran, Inc., dated June 21, 2006.

#### **Findings:**

The Planning Board determined that the conventional plan, rather than the flexible plan, best promotes the objectives of the Code of the Town of Groton, Chapter 218, Zoning, §218-26.1 and § 218-32.1, based upon the following findings:

1. **Social, economic and community needs:** The applicant offered to construct and donate a police precinct station on the premises. This offer is subject to the approval of the Board of Selectmen and Police Chief. The applicant offered to provide two affordable housing units in a two-family structure on one of the 13 lots on the premises.
2. **Traffic flow and safety:** No traffic problems are anticipated from the proposed development of the conventional plan. The applicant's engineer stated that there would be approximately 130 two-way trips per day during weekdays. Sight line profiles were submitted by the applicant to demonstrate that the proposed road cuts would have safe sight distances. In his comments to the Planning Board, the Police Chief stated that he preferred the road lay-out shown on the conventional plan rather than the road shown on the flexible development plan.

3. **Adequacy of utilities:** The applicant will extend municipal water to the subdivision as required in §346-12A. All other utility services required to serve this development are adequate in this location.
4. **Neighborhood character:** The 13-lot conventional plan proposed by the developer fits well into the residential area with existing single-family homes. There will be a 50 ft wide buffer with natural vegetation between the houses and Gilson Road as shown on the conventional plan.
5. **Impacts on the environment:** The conventional plan shows no disturbance within 100 feet of any wetland area. The applicant agreed to use a Low Impact Development drainage system, if feasible.
6. **Fiscal impact on the Town:** There will be minimal fiscal impact because the high-end homes will contribute to the town's tax base.

**Conditions:**

1. As offered by the applicant, a ±5000 square foot parcel with a police precinct station will be constructed and donated to the Town, subject to the approval of the Board of Selectmen and Police Chief. If the precinct station is not donated, the applicant will make a financial contribution to the Town. The details of the police precinct station or financial contribution will be discussed at the definitive plan stage.
2. As offered by the applicant, a duplex shall be constructed on one of the 13 lots. The two units in the duplex shall be subject to a recorded restriction whereby the units shall be made available by lease to individuals or families qualifying as low or moderate income as defined by the Department of Housing and Community Development. This restriction shall be in effect in perpetuity, shall be recorded prior to occupancy permit issuance, and shall have a first lien position.
3. The lots in the subdivision, other than the lot containing the affordable units, shall be limited to single family houses. A deed restriction limiting use of the lots to single family dwellings shall be recorded at the Registry of Deeds. In addition, a notation shall be placed on the definitive plan stating that such lots are limited to single family use. However, accessory apartments may be created in conformance with §218-16D.
4. The drainage system must be designed, 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. As offered by the applicant, a Low Impact Development drainage system shall be designed, if feasible, to handle stormwater from the proposed development. The Planning Board and its consulting engineer shall review the proposed drainage system at the definitive plan stage for compliance with the Subdivision Regulations.

5. Use of this special permit is subject to the approval of a definitive subdivision plan for "Monarch Path." 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.
6. 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.
7. 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, Barringer, Capes, Clements, Degen, and Eliot in favor; Perkins abstaining.***

#### **STATION AVENUE REDEVELOPMENT**

The Board discussed the redevelopment of Station Avenue and its article to be presented at the Special Town Meeting. The Board will work with a citizen's advisory committee on the project.

The motion was made by Eliot to set up a Planning Board sub-committee to work on the Station Avenue Redevelopment project. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

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