

**GROTON PLANNING BOARD  
NOVEMBER 16, 2006  
MINUTES**

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

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

**PUBLIC HEARING – ROCKY HILL SPECIAL PERMIT MODIFICATION**

The Board held the continuation of the public hearing to consider the application submitted by Fox Meadow Realty Corporation to modify the special permit for the Rocky Hill subdivision. Attorney Robert Collins represented the applicant at the public hearing.

Mr. Collins described the requested changes to the plan as outlined in his letter dated October 4, 2006. The house on Lot 2, near the former Drubin property, has dimensional constraints because it contains an intermittent stream, wetlands and buffer zone. In addition, the setbacks for the sewage disposal system must be considered. Mr. Collins asked the Board to allow the house to be setback 35 feet from the road rather than 50 ft. Section 218-26 allows the Board to modify dimensional requirements with the grant of a special permit.

Mr. Collins said he would like to change lot lines with the submission of an Approval Not Required (ANR) plan. The proposed change would relocate Lot 3, as shown on the definitive plan, to an area near Lot 36. The relocation of the lot would provide a better visual buffer from Route 119 and would eliminate the need to construct a retaining wall in this area. The Lot 3 area would be combined with Lot 4 to form one larger lot on Quail Ridge Road. The new lot (Lot 36A) will be located in the vicinity of Lots 35-39 adjacent to the age-restricted housing area.

Member Degen asked if the proposed change affects any drainage easements. Mr. Collins said, “no.” Member Degen asked if a clearing limitation could be added to the plan to protect the views. Mr. Collins said, “yes.”

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

**SITE PLAN REVIEW – ROCKY HILL AGE-RESTRICTED HOUSING**

The Board reviewed the site plan submitted by Fox Meadow Realty Corporation to construct 24 units of age-restricted housing in the Rocky Hill Development. Attorney Robert Collins presented the plan including a landscaping design prepared by Lorayne Black. The road is 18 ft wide but narrows down to a width of 12 ft. Mr. Collins said more engineering detail is required on the site plan. He requested that the Board extend the deadline and continue the meeting.

The Board voted unanimously to extend the deadline to December 31, 2006.

The Board voted unanimously to continue the site plan review on December 7, 2006 at 7:30 PM.

**AMANDAS WAY WAIVER REQUEST**

Attorney Collins, representing developer James Patierno, requested that the Board waive the November 15, 2006 deadline to allow paving the top course at the Amandas Way subdivision within the next two weeks.

Member Degen stated that such a waiver must be dependent upon weather conditions and approval by Nitsch Engineering in advance. Mr. Collins agreed.

The motion was made by Degen to allow paving at the Amandas Way subdivision after November 15, 2006 but before December 1, 2006 with the condition that Nitsch Engineering approves the paving 48 hours in advance based upon weather conditions. ***The motion was seconded and passed unanimously.***

#### **PUBLIC HEARING – SHEPLEY HILL SHARED DRIVEWAY SPECIAL PERMIT**

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 Daniel Racicot (landowner of Lot RA-2) and Robert Hohmann (landowner of Lot RA-1) for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to construct a shared driveway serving Shepley Hill Farm Residence Area 1 and Residence Area 2 as shown on the plan entitled, "Shared Driveway Plan Prepared for Robert Hohmann (Lot RA-1) and Daniel Racicot (Lot RA-2)" prepared by David E. Ross Associates, dated October, 2006. The proposed shared driveway is on Assessors Map 225, Parcel 25, located on the northerly side of Longley Road.

Chairman Wilson called the public hearing to order. Clerk Capes read the notice published in the November 3 and 10, 2006 issues of *The Groton Herald*. Applicants Robert Hohmann and Daniel Racicot, design engineer Neal Gorman of David E. Ross Associates, and several residents of the Shepley Hills development were present.

Mr. Gorman described the proposed plan to construct a shared driveway serving two residence areas in the Shepley Hills single-family condominium development. He said the original access off Sheple Lane, approved as part of a special permit in 1987, does not meet today's Shared Driveway regulations for cut and fill or centerline grades. Extensive land disturbance would be required to construct a driveway off Sheple Lane. Therefore, the applicants would like to construct a shared driveway off Longley Road in the area of an existing farm access. The sight distances on Longley Road are 227 ft to the north and 240 ft to the south. The grade of the proposed driveway is about 4%. There is less impact on the environment and the existing neighborhood with the driveway on Longley Road. Mr. Gorman said the applicants understand that a modification of the 1987 special permit may be required to change the location of the drive way.

Member Perkins asked about the original driveway design. Mr. Gorman said it was a shared driveway off Sheple Lane with a wetlands crossing. The culvert to cross the wetlands was installed when the development was constructed. Construction of this driveway would require cut and fill greater than seven feet and the driveway would have grades steeper than 10%.

Member Degen asked what the distance is between Sheple Lane and the proposed shared driveway on Longley Road. He asked if the sight distances are adequate considering the speed of traffic in this location. He said he would prefer to see access off Sheple Lane as shown on the special permit plan approved in 1987,

Member Eliot said the change would require a modification of the 1987 special permit decision. Mr. Gorman said he understood such a modification is required.

November 16, 2006

Page 3

Member Capes asked how much clearing would be required and how stormwater would be handled. Mr. Gorman said there is a proposed trench on the north side of the driveway to contain stormwater.

Member Clements said he preferred the proposed driveway over the driveway shown on the original plan, but he would like to hear from the Police Chief about sight distances.

Member Eliot disclosed that the land once belonged to her family but more than seven years has past. She said she no longer has an interest in the project and she is not an abutter. She said the proposed change requires a modification of the original special permit. In addition, the sight distances are not good in the location of the proposed shared driveway.

Member Barringer said the original driveway off Sheple Lane may be grandfathered by the 1987 special permit so it would not have to meet today's standards. The Board will ask Town Counsel for an opinion on this question.

Member Barringer asked about the sewage disposal system. Mr. Gorman said it is a shared, community system approved in 1987.

Chairman Wilson said the Board must hear from Town Counsel and the public safety departments about the proposed shared driveway. It is a tradeoff between aesthetic considerations with the driveway off Sheple Lane and safety issues with the driveway off Longley Road.

Mr. Gorman said the proposed shared driveway off Longley Road meets the AASHTO regulations for sight distances based upon the design criteria.

Sheple Lane resident John Brunette said the proposed plan is a good plan, but Longley Road is a very busy road. Commuters use this road and normally travel around 40 mph. The curve and hill on Longley Road can be difficult at night. The proposed driveway cut is about 150 ft from Sheple Lane.

John Radford, 61 Longley Road, said his driveway goes into Sheple Lane. He said the Town shut off the street light at the intersection making it more difficult at night. He said the Town should turn the street light on again if the driveway is constructed. He noted that the impact is less if the driveway is on Longley Road, but he agrees that the speed of traffic is very high in this area.

The Board will walk the site on Saturday, December 2, 2006 at 9 AM.

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

#### **SPECIAL PERMIT DECISION – TRUST FOR PUBLIC LAND**

The motion was made by Perkins to **GRANT** a special permit to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create one (1) hammerhead lot shown as Lot 2 on the plan entitled, "Plan of Land – The Marion Danielson Strachan Family Trusts, Shirley Rd, Groton, Massachusetts," prepared by Beals Associates, Inc., dated November 6, 2006, with the following findings and conditions:

### **Findings**

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law §§ 218-23.1 and 218-32.1:

1. **Social, economic and community needs:** The proposed hammerhead lot will address the economic and community needs by contributing funds toward the purchase of 327 acres of open space in the Surrenden Farms conservation project.
2. **Traffic flow and safety:** Traffic flow will be not be changed by the creation of one 17-acre hammerhead lot.
3. **Adequacy of utilities:** Utilities will be provided through conventional methods with on-site sewage disposal system and town water.
4. **Neighborhood character:** The neighborhood character will be maintained by the creation of a hammerhead lot for residential use and by the preservation of the surrounding open space.
5. **Impacts on the environment:** Preservation of open space surrounding the proposed hammerhead lot will minimize environmental impact.
6. **Fiscal impact on the Town:** The fiscal impact to the Town will be minimal from the creation of the hammerhead lot on 17 acres.

### **Conditions**

1. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed ANR plan are 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.
2. 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 subsequently approved ANR plan shall constitute commencement of substantial use.
3. This special permit runs with the land and applies to any successor in interest or successor in control.

***The motion was seconded and passed unanimously.***

### **ANR PLAN – TRUST FOR PUBLIC LAND, SHIRLEY ROAD**

The motion was made by Degen to endorse as Approval Not Required (ANR) the plan entitled, Plan of Land – The Marion Danielson Strachan Family Trusts, Shirley Rd, Groton, Massachusetts,” prepared by Beals Associates, Inc., dated November 6, 2006. ***The motion was seconded and passed unanimously.***

### **SITE PLAN REVIEW – ACADEMY HILL PUMPING STATION**

Contractor Matthew Goodfriend and West Groton Water Supply District (WGWS) Superintendent Gordon Newell met with the Board to provide more information on the proposed booster pump station to serve the Academy Hill subdivision. Mr. Newell said the Fire Chief does not have a problem with the plan or the proposed access off Cherry Tree Lane. Drainage will be installed as shown on the plan and lighting will be limited. Access to the water tank is from Cherry Tree Lane and from Townsend Road. This driveway serve as another access for emergency vehicles.

The motion was made by Barringer to approve the site plan with the following conditions:

1. The lights will be installed with a motion detector.
2. There will be only one light at the entrance to the site.
3. A gate will be installed within 100 ft of Cherry Tree Lane.

*The motion was seconded and passed unanimously.*

### **ACADEMY HILL PERFORMACE BOND**

Matthew Goodfriend submitted executed copies of a triparty agreement in the amount of \$778,964.06 for the Academy Hill subdivision.

Member Degen reminded the developer that the open space must be conveyed to the Conservation Commission as required in the Academy Hill definitive plan approval prior to the release of lots from covenant.

The motion was made by Degen to establish the bond amount at \$778,964.06 as recommended in the report dated November 13, 2006 from Nitsch Engineering and to accept the triparty agreement dated November 15, 2006 for the Academy Hill subdivision. *The motion was seconded and passed unanimously.*

### **PUBLIC HEARING – BROOKS ORCHARD SPECIAL PERMIT**

*(Member Degen stepped down and did not participate.)*

The Board continued the public hearing to consider the special permit application submitted by the Groton Land Foundation (GLF) for a shared driveway to serve four lots on Brooks Orchard. Robert Pine of the GLF presented the plan.

Mr. Pine said the shared driveway is only 100 ft long from Orchard Lane onto the site so there is only one curb cut. The by-law states that a shared driveway can serve up to three lots. The proposed driveway will serve three lots plus the lot with the Groton Water Department's storage tank. The Water Department also has an easement over the McLatchy property. Access to Lot 1 will follow the existing farm road so only 20 ft of the shared driveway serves four lots. If the Water Department's lot is counted as a lot, then the GLF would create an additional driveway cut off Orchard Lane. The GLF does not know what will happen to this land – it may all be sold to one buyer. Mr. Pine submitted the following proposed condition for the Board's consideration:

“Unless the Zoning Board of Appeals grants a variance, no portion of the shared driveway on the Brooks Orchard property shall serve as the principal access to more than three lots or, alternatively, to Lot 4, as shown on the Flexible Development Plan, plus more than two houses.”

Member Barringer noted that the frontage for Lot 4 goes up the side of the hill along the McLatchy property line. He said the GLF must be able to provide physical access to Lot 4 through its frontage. In addition, there is a "no cut easement" shown on the plan along the McLatchy property line.

Mr. Pine said the neck for Lot 4 can be moved over to avoid the "no cut easement." The Groton Water Department suggested that the lot be created in the location shown on the plan.

Town Planner Michelle Collette asked why the GLF is not using the existing access road as frontage and access to the lot. Mr. Pine said they did not want to divide Lot 3. He said that the Board could add a condition that they widen the frontage to Lot 4.

Member Barringer stated that the Board closed the public hearing on the Flexible Development application on November 2, 2006. He asked about the easement over the McLatchy property.

Mr. Pine said it is an old easement to Lot 3. There are more recent easements granted to the Groton Water Department for access to the storage tank.

Connie Sartini asked if the three lots are sold to a single buyer, could more lots be created in the future. Mr. Pine said if the three lots are sold to individual buyers, the GLF would come back to the Board with a more extensive shared driveway plan. They do not want to incur the engineering expense if it is not necessary.

Attorney Richard Gallogly, representing Charles McLatchy, said the Water Department's easement on the McLatchy property is only to be used as a backup. He said it is not the primary access to the site, and the gate on the McLatchy property is locked.

Abutter Joshua Degen asked about Mr. Pine's proposed condition for the special permit. Mr. Pine said if separate driveways have to be constructed, the driveway would be closer to the Degen's property. Mr. Pine said the GLF would approach the ZBA for a variance or create two driveways so that no driveway would serve more than three lots.

Mr. Degen asked about public access to the APR land.

Member Barringer suggested that the Board request clarification from Town Counsel on the grant of an easement by the GLF to the Groton Water Department for access to Lot 4, on the interpretation of the shared driveway by-law, as well as the condition proposed by Mr. Pine. Mr. Pine said the Water Department has an easement, but the easement has not been recorded yet.

The motion was made by Barringer to request Town Counsel's opinion. ***The motion was seconded and passed unanimously.***

Mr. Pine requested that the Planning Board act on the special permit for Flexible Development. The Board said it would consider it at its meeting on November 30, 2006.

The Board voted unanimously to continue the public hearing on November 30, 2006 at 8:30 PM.

November 16, 2006

Page 7

### **SITE PLAN MODIFICATION – MILL RUN PLAZA**

*(Members Capes and Wilson stepped down and did not participate.)*

The Board voted unanimously to extend the deadline to December 14, 2006 as requested by the applicant.

The Board voted unanimously to continue the site plan review on November 30, 2006 at 9:00 PM.

### **STATION AVENUE CONSULTANTS**

**Wetlands** - The Board received three quotes from consultants for wetlands delineation in the Station Avenue area:

Ducharme and Dillis	\$500
David E. Ross Associates	\$1360
Hancock Associates	\$1220

The motion was made by Barringer to secure the services of Ducharme and Dillis for wetlands delineation. ***The motion was seconded and passed unanimously.***

**Hydrology** – The Board will request quotes from Comprehensive Environmental, Inc.; Goldsmith, Prest & Ringwall, and TF Moran for hydrological work in the Station Avenue area.

**Traffic** – The motion was made by Degen to use Fay, Spofford and Thorndike as traffic consultants for the Station Avenue area. ***The motion was seconded and passed unanimously.***

### **MONARCH PATH**

The Board received a letter dated November 1, 2006 from TF Moran notifying the Board that tree clearing would commence for digging 80 test pits on the Monarch Path property off Gilson Road. The Board will request that the owners minimize the number of trees to be cut to the extent possible.

Meeting adjourned at 10:30 PM.

Respectfully submitted,

Michelle Collette  
Town Planner

November 16, 2006

Page 8