

**GROTON PLANNING BOARD  
JANUARY 11, 2007  
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

**STATION AVENUE UPDATE**

Chairman Wilson reported that he, Planner Michelle Collette and Planning Consultant John Mullin met with representatives of Beaudane and Capstone Properties to discuss the Station Avenue project. Mr. Mullin submitted a letter dated January 9, 2007 outlining his consulting services on this project.

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

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

The Board held the continuation of the public hearing to consider the application submitted by the Groton Land Foundation for a special permit to construct a Shared Driveway serving lots on Brooks Orchard. Applicants Robert Pine, June Johnson and Marion Stoddart of the Groton Land Foundation, Water Commissioner Gary Hoglund, and Water Superintendent Tom Orcutt were present.

Chairman Wilson read the correspondence dated January 11, 2007 from Town Counsel Deborah Eliason, the letter dated January 10, 2007 from Attorney Richard Gallogly representing Charles McLatchy, and the letter dated January 3, 2007 from the Groton Land Foundation.

Ms. Johnson informed the Board that the Groton Land Foundation settled the issue regarding the easement on Mr. McLatchy's property.

Ms. Johnson addressed the concern about the steep slope to the water storage tank. She noted that water tanks are always at high elevations because they are at the top of hills. The driveway accessing the water tank on Gibbet Hill has a 20% grade. The driveway to the West Groton Water Supply District's tank is quite steep. The Water Department's property on Rocky Hill is landlocked and will require a 20% grade to access the site when a water tank is built in the future. *(Note: The Water Department parcel on Rocky Hill abuts the Groton Electric Light Department's parcel which has 230 ft of frontage on Sandy Pond Road. Both parcels, owned by the Town of Groton, are shown as one lot on the endorsed ANR plan. In addition, there is an access easement from the subdivision road to the site of the future water tank.)*

Ms. Johnson said the Groton Land Foundation will deed Lot 4 to the Groton Water Department. After the lot has been conveyed, it can be rezoned to "P" – Public Use District as a municipal facility. The exclusive use easement for the tank and access to the site has been updated and executed by the Groton Land Foundation.

Mrs. Stoddart said the safety concerns about emergency vehicle access to the water tank site have been addressed in the memorandum from the Fire Chief.

Mr. Pine said there has been some confusion about the lots to be served by the proposed shared driveway. He presented a sketch plan showing an individual driveway serving Lot 1 and a shared driveway serving Lots 2, 3 and 4. The 100 ft long shared driveway then separates into

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individual driveways. He said it would make more sense to have one driveway serving four lots so the GLF may apply for a variance.

Member Barringer said he prefers the use of an individual driveway for one lot and a shared driveway for three lots as shown on the sketch plan.

Member Clements asked if access to the water tank is over the McLatchy property or the existing access road. Mr. Pine said the GLF will not be using the McLatchy property.

Member Barringer asked if the GLF would comply with the Fire Chief's recommendations. Mr. Pine said it is the Water Department's responsibility, not the GLF's, to improve access to the water tank. Water Superintendent Tom Orcutt said they would comply with the Fire Chief's recommendations.

Member Barringer asked if the access easement has enough room for turnouts. Mr. Orcutt said, "yes."

Member Capes asked the applicant to explain the various easements shown on the plan. Mr. Pine said the Water Department has an access easement from Orchard Lane to the water tank. There is an easement for the water main located along the McLatchy driveway and an easement to use the McLatchy driveway in an emergency access to the site.

Chairman Wilson said the driveway shown on the sketch plan submitted by the applicant is acceptable.

Member Perkins asked if the question about physical access to the water tank site had been resolved. Mr. Pine said, "yes." Mr. Orcutt agreed.

Member Perkins asked if Town Counsel had responded to the letter from Attorney Gallogly. Planner Michelle Collette said, "not yet." Ms. Johnson said case law states that a person must have the ability to enter a site from its frontage but not necessarily the buildable portion of the lot. Tom Orcutt provided the Board with a copy of an e-mail from Town Counsel Deborah Eliason regarding legal access and future relocation of the Water Department's easement.

Abutter Amy Degen asked the Board to include conditions in the special permit requiring that Orchard Lane be changed to a one-way street, setting a limit of six horses on the site, and requiring submission of a site plan for the parking lot serving the open space. All these issues were discussed at previous public hearings.

Mr. Pine responded that a one-way street would be difficult to configure if there are two separate driveways on Orchard Lane. Changing the street to "one-way" is in the Selectmen's jurisdiction, not the Planning Board's.

Ms. Collette said the Zoning Board of Appeals is the special permit granting authority for stabling horses. The matter is not in the Planning Board's jurisdiction.

Abutter Joshua Degen said the location of the driveways should not pre-empt making Orchard Lane a one-way street. Mr. Pine said he is willing to discuss making Orchard Lane one-way with the Board of Selectmen unless the Planning Board acts in such a way to prevent it. A shared

driveway serving all four lots would resolve the issue. Chairman Wilson noted that this would require a variance.

Mr. Pine said changing Orchard Lane to one-way would provide safer access and better circulation. Only the Selectmen have the authority to approve this change.

Steve Webber noted that the driveway on Gibbet Hill serves three residences, the water reservoir, the cell tower and the DEM fire tower.

The Board voted unanimously to close the public hearing.

The motion was made by Clements to GRANT 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 November 9, 2006, and stamped on January 8, 2007, with the following waivers, findings and conditions:

**Waiver:**

The four proposed lots have reduced frontage on Orchard Lane, an existing way. The Planning Board waived the requirement of §218-26F(1) because it determined that creation of such the lots with reduced frontage is consistent with existing development patterns in the neighborhood.

**Findings:**

The Planning Board made the following findings based upon the criterion set forth in the Code of the Town of Groton, Chapter 218 Zoning, §§ 218-26 and 218-32.1:

1. **Social, economic and community needs:** The proposed development of three residential lots on approximately 190 acres results in very little density. The overall development plan includes agricultural use and public access to trails on the 113 acres permanently protected by an agricultural preservation restriction. Lot 4 contains the Groton Water Department's water storage facility constructed in 2005.
2. **Traffic flow and safety:** A modest increase in traffic is anticipated from the proposed low density development. The applicant offered to work with the Board of Selectmen on traffic mediation measures.
3. **Adequacy of utilities:** The proposed development will be served by Town water. All other utility services are adequate in this location.
4. **Neighborhood character:** The preservation of 113 acres of protected open space will preserve neighborhood character.
5. **Impacts on the environment:** The preservation of 113 acres of open space will enhance protection of the environment.
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.

7. The Board finds that the applicant agrees that the strip of land that creates the legal frontage for Lot 4 is not required to be the actual ground access to Lot 4. The applicant agrees that at the sole discretion of the Groton Water Department, actual access shall be according to existing easements of record which shall be referenced in the deed(s) transferring the properties through which the Access Easement passes, and the transfer of Lot 4 to the Town acting by and through its Board of Water Commissioners.
8. The Board finds that the applicant agrees that once Lots 1, 2 and 3 on said Plan have been sold the Groton Land Foundation shall convey Lot 4 to the Town of Groton, acting by and through its Board of Water Commissioners, to be managed by the Groton Water Department for the consideration of \$1.00.

**Conditions:**

1. The strip of land that creates the legal frontage for Lot 4 is not required to be the actual ground access to Lot 4. At the sole discretion of the Groton Water Department, actual access shall be according to existing easements of record which shall be referenced in the deed(s) transferring the properties through which the Access Easement passes, and the transfer of Lot 4 to the Town acting by and through its Board of Water Commissioners.
2. Once Lots 1, 2 and 3 on said Plan have been sold the Groton Land Foundation shall convey Lot 4 to the Town of Groton, acting by and through its Board of Water Commissioners to be managed by the Groton Water Department for the consideration of \$1.00.
3. The applicant will work with the Board of Selectmen and Highway Surveyor on traffic mediation measures for Orchard Lane.
4. A special permit from the Zoning Board of Appeals is required for "barns or stables for breeding, boarding, hiring or sale of animals" (see § 218-13).
5. Construction of a parking area on the Open Space – APR Area is subject to the approval of a site plan pursuant to §218-25 Site Plan Review.
6. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed Approval Not Required (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.
7. 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.
8. This special permit runs with the land and applies to any successor in interest or successor in control.

9. Any person aggrieved by this decision may appeal within twenty (20) days of the filing of this decision with the Town Clerk under the provisions of M.G.L. Chapter 40A, § 17.

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

#### **REQUEST FOR INTERPRETATION - PARKING SPACES**

The Board received a request from Jude Gauvin of GPR on how to calculate of parking spaces. Mr. Gauvin asked if the spaces should be based upon gross floor area or leasable floor area.

Member Degen said the applicant should request a waiver because the by-law says, “gross floor area.” Member Barringer added that the calculation should be done at the time the building permit is issued.

#### **SITE PLAN REVIEW – ROCKY HILL AGE-RESTRICTED UNITS**

The Board voted unanimously to extend the deadline to February 28, 2007 as requested by the applicant.

The Board voted unanimously to continue the site plan review of the Rocky Hill age-restricted units to February 8, 2007 at 7:30 PM.

#### **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 February 28, 2007 as requested by the applicant.

The Board voted unanimously to continue the site plan review of the Rocky Hill age-restricted units to February 15, 2007 at 9:00 PM.

#### **ACADEMY HILL LOT RELEASES**

The Board met with Academy Hill developer Bruce Wheeler and Attorney Alex Parra to discuss lot releases in the Academy Hill subdivision. Mr. Parra requested that the Board execute a partial release for six units in Phase I of the development. Member Degen suggested changing the document to refer to “units” rather than “lots”. Mr. Parra agreed.

Mr. Wheeler said he would like to begin constructing two detached units, two single family units, and two duplex units including one affordable.

The motion was made by Degen to accept the covenant and partial release of covenant for the Academy Hill Subdivision. The motion was seconded.

After some discussion, the motion was made by Degen that the deed for the open space must be held in escrow by the Town. ***The motion to amend was seconded and passed with Wilson, Barringer, Capes, Clements, Degen, and Eliot in favor; Perkins abstaining.***

***The main motion passed with Wilson, Barringer, Capes, Clements, Degen, and Eliot in favor; Perkins opposed.***

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### **MULLIN ASSOCIATES**

The Board reviewed the letter from John Mullin for consulting services on the Station Avenue project. The motion was made by Eliot to approve the Mullin Associates proposal at a cost not to exceed \$10,000 with the understanding the work will include the development of conceptual zoning for the Station Avenue area. *The motion was seconded and passed unanimously.*

### **MINUTES**

The Board voted to approve the minutes of September 7, 2006; September 21, 2006; September 28, 2006; October 5, 2006; October 12, 2006; October 19, 2006; October 26, 2006; November 2, 2006; November 16, 2006; November 30, 2006; and December 7, 2006.

Meeting adjourned at 10:00 PM.

Respectfully submitted,

Michelle Collette  
Town Planner