

GROTON PLANNING BOARD
JUNE 28, 2007
MINUTES

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

Members present: Barringer, Capes, Giger, Eliot, Perkins and Wilson

Member absent: Clements

INFORMAL DISCUSSION – SCOTT LATHROP, OLD AYER ROAD

Surveyor Stan Dillis met with the Board to discuss subdividing the Lathrop property on Old Ayer Road. He inquired about the use of the Flexible Development provisions, frontage on existing streets rather than a subdivision road, and shared driveways serving more than three lots.

The Board noted that a waiver is required for lots with frontage on existing public ways under §218-26F(1), which states:

“(1) Lots having reduced area or frontage shall not have frontage on a street other than a street created by the flexible development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.”

The Board said a variance from the Zoning Board of Appeals (ZBA) is required for more than three lots served by a shared driveway.

PUBLIC HEARING – HUGHES ORTIZ SPECIAL PERMIT & SITE PLAN REVIEW

The Board held the continuation of the public hearing to consider the special permit/site plan review application submitted by Patricia Hughes Ortiz for the roofing business located at 60 Boston Road. At the request of the applicant, the Board voted unanimously to continue the public hearing on July 12, 2007 at 8:00 PM.

LAWRENCE ACADEMY

The Board received a letter dated June 27, 2007 from Lawrence Academy requesting permission to remove three elm trees because the roots were damaged during construction. The trees will be replaced with new trees.

The motion was made by Wilson to approve the change in the Lawrence Academy site plan as requested in the letter dated June 27, 2007. *The motion was seconded and passed unanimously.*

SPECIAL PERMIT DECISION – ORCHARD REALTY TRUST

The Board deliberated its decision on the special permit application submitted by Orchard Realty Trust to construct a shared driveway serving two lots off Reedy Meadow Road. Attorney Ray Lyons and Surveyor Stan Dillis were present.

Member Eliot questioned the provisions that will make it clear that the homeowners are responsible to maintain the drainage system on the lots, especially since runoff flows from a drainage pipe from the adjacent orchard. Mr. Lyons pointed out the paragraph in the “Declaration of Easement and Maintenance for Shared Driveway and Drainage, Lot 1 and Lot 2, Reedy Meadow Road, Groton.” Mr. Dillis stated that the water is coming out of the pipe today.

The motion was made by Wilson to grant a special permit to Orchard Realty Trust to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to construct a shared driveway serving Lots 1 and 2 as shown on the plan entitled, "Common Driveway Plan, Reedy Meadow Road, Groton, Massachusetts," prepared by Ducharme and Dillis, Inc. dated June 6, 2006, with revisions through May 18, 2007.

Findings:

The Planning Board made the following findings based upon the criterion set forth in Zoning By-Law §§ 218-26D and 218-32.1:

1. **Social, economic and community needs:** The proposed shared driveway serves social, economic, and community needs because it reduces the number of curb cuts on Reedy Meadow Road, provides the best possible sight lines to those exiting the property, keeps both houses back from Reedy Meadow Road, and minimizes the number of trees cut within the lot and along Reedy Meadow Road.
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 on Reedy Meadow Road. The proposed shared driveway provides better traffic flow and safety because vehicles from both houses can exit from the point that provides the best and safest sight lines.
3. **Adequacy of Utilities:** The lots will be served by private wells and on-site sewage disposal systems. The proposed shared driveway does not affect the adequacy of utilities and other public services.
4. **Neighborhood character:** There will be less impact on neighborhood character with fewer driveway cuts rather than individual driveways serving each lot. The proposed shared driveway helps preserve neighborhood character by keeping both houses a considerable distance from the road and minimizes the number of trees cut within the lot and along the road.
5. **Impacts on the environment:** Fewer driveway cuts results in less environmental impact because fewer trees will be cut and there will less disturbance to the land.
6. **Fiscal impact on the Town:** There will be no fiscal impact on the Town.
7. **Scenic Roads** – At its regular meeting on May 3, 2007, the Planning Board and Tree Warden voted unanimously to grant a permit for the removal of the oak tree as shown on the plan entitled, "Common Driveway Plan, Reedy Meadow Road, Groton, Massachusetts," prepared by Ducharme and Dillis, Inc. dated June 6, 2006, with revisions through February 5, 2007, with the condition that the removal of the tree is contingent upon the grant of the special permit for the shared driveway.

Conditions:

1. The proposed shared driveway shall meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996 with the exception of the requirements waived by the Planning Board.

2. The applicant shall comply with the Fire Chief's recommendations, dated May 3, 2007, to provide adequate access to the site including:
 - a. Provide adequate access at the entrance for fire apparatus. The revised plan shows the large oak tree removed; the ladder truck must be used to verify the turning radius at the entrance.
 - b. Ensure adequate turning radius for fire apparatus to exit the building sites.
 - c. The access road and driveway must be maintained year round especially during the winter months (plowed, sanded & salted). This is critical to the safe operation of the fire apparatus while responding to or leaving from the building sites.
 - d. Proper signage must be located at the bottom of the access driveway and at junction points to identify the address of the homes per the town by-law.
3. Construction of the shared driveway and development of the lots is subject to a stormwater management permit and stormwater operating and maintenance plan as specified in Permit #2007-05 granted on February 5, 2007.
4. The "Limits of Clearing" shown on the plan shall be clearly delineated on the ground prior to commencement of construction.
5. The lots are subject to the, "Declaration of Easement and Maintenance for Shared Driveway and Drainage, Lot 1 and Lot 2, Reedy Meadow Road, Groton," submitted by the applicant. The applicant shall provide evidence of recording the Declaration of Easement at the Registry of Deeds prior to building permit issuance. (See page 4, section 2, paragraph (d).)
6. The applicant is responsible for obtaining any other permits (including but not limited to) those required by the Board of Selectmen, Board of Health, Conservation Commission, Building Inspector, Earth Removal Stormwater Advisory Committee, Highway Surveyor, and Zoning Board of Appeals.
7. 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.
8. 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.

9. 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 Barringer, Capes, Eliot, Perkins and Wilson in favor; Giger abstaining.

STATION AVENUE UPDATE

Member Capes updated the Board on the Station Avenue Economics Viability Committee. He said the Committee will prepare a cost estimate to improve existing public infrastructure on Station Avenue and Court Street. The Committee will use the Means Catalog and subdivision bond estimates as a basis.

April Anderson, Chief of Staff for the Department of Business and Technology in the Executive Office of Economic Development, will meet with the Committee on July 25, 2007. She will explain the Chapter 43D Expedited Permitting process.

Member Wilson said Gary Hebert of FST met with the Station Avenue Redevelopment Committee on June 27, 2007. Mr. Hebert summarized his final report and explained the rationale for his recommendations. The Committee was able to ask questions and make suggestions. There are concerns about the need for more than one egress and the difficulty in making left turns from Station Avenue. Mr. Hebert said he would recommend using Adams Avenue rather than Broadmeadow Road as a second egress. Using Broadmeadow Road would result in more traffic on Playground Road, which is not adequate. The close proximity of the egress onto Broadmeadow Road and the Nashua River Rail Trail would be dangerous for trail users. Member Eliot stated that it is up to the Planning Board and the applicant to solve problems and find engineering solutions when the project is designed. The Board should not foreclose options at this time.

Committee member Tim Hess explained that he is resigning from the Committee in order to work on a project entitled, "*The Place & Meaning Initiative for Groton's Station Avenue District.*" Mr. Hess said he would like to collaborate with the Town and the developers to help bring parties together on this project. He said this is such an important opportunity to provide civic, social space for the townspeople. He will use his professional skills as an architect to provide visuals for the project so the townspeople have a better understating of the concept before they are asked to vote on it. He said he is applying to a variety of organizations for funding.

The motion was made by Giger to write a letter of support for Tim Hess's project. ***The motion was seconded and passed unanimously.***

The Board voted unanimously to appoint Ian Scoffidio to the Station Avenue Redevelopment Committee as representative of the business community.

MINUTES

The Board voted to approve the minutes of April 19, 2007; May 17, 2007; and May 24, 2007.

Meeting adjourned at 10:00 PM.

Respectfully submitted,

Michelle Collette
Town Planner

