

**GROTON PLANNING BOARD
JULY 10, 2008
MINUTES**

Chairman Perkins called the meeting to order at 7:30 PM in the Town Hall
Members present: Perkins, Barringer, Burke, Capes, Giger, Hess, and Wilson

PUBLIC HEARING – PHOENIX CONSTRUCTION SITE PLAN REVIEW

The Board held the continuation of the public hearing to consider the site plan submitted by Donald Haberman of Phoenix Construction to construct six dwelling units for people age 55 and older. The proposed housing will be located on Tavern Road off Lost Lake Drive. Attorney Robert Collins represented the applicant at the hearing.

Attorney Collins requested that the Board continue the public hearing until August 21, 2008 to allow the applicant time to submit additional engineering information including the final grading plan and road improvement plans.

Chairman Perkins noted that the Board received the correct copy of the special permit granted by the Zoning Board of Appeals.

The Board voted unanimously to continue the public hearing on August 21, 2008 at 7:30 PM. The Board will also consider the request for Determination of Access Adequacy on August 21, 2008.

ROCKY HILL SUBDIVISION PERFORMANCE BOND

The Board received two performance bond estimates from Nitsch Engineering for the Rocky Hill subdivision. The estimate to complete the entire length of Robin Hill Road is \$511,040. The estimate to complete 1000 ft of Robin Hill Road beginning at Sandy Pond Road is \$144,878.

Attorney Collins, representing developer David Moulton, said Mr. Moulton would like to start construction on the five lots closest to Sandy Pond Road. The entire length of Robin Hill Road is paved with binder coarse and is passable. The developer is willing to construct a “T” turnaround, if the Board believes it is necessary.

Member Giger asked if the road is open for public use on a year-round basis. Mr. Collins said, “yes.” Member Barringer noted that if the developer does not complete the road, the Town will not plow it.

Attorney Collins said the entrance to the lot with housing for people 55 and older could be paved as a turnaround area. The Board agreed.

Member Giger suggested that the Board require a contingency of 25% rather than 15% if only the first 1000 ft is bonded. Attorney Collins agreed.

The motion was made by Wilson to accept the bond for the first 1000 ft of Robin Hill Road with a 30% contingency. *The motion was seconded and passed unanimously.*

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LAND USE ASSISTANT PAYROLL

The motion was made by Barringer to authorize the Police Chief to sign payroll for the Land Use Assistant as described in the memorandum entitled, "Proposal to Allocate Payroll Expenses for Shared Employee." *The motion was seconded and passed unanimously.*

WATER RESOURCE PROTECTION COMMITTEE

The Board received a memorandum dated July 8, 2008 from the Board of Selectmen regarding a newly formed Water Resource Protection Committee. The motion was made by Barringer to recommend that Town Planner Michelle Collette be appointed as the Planning Board's representative on the Committee. *The motion was seconded and passed unanimously.*

ACADEMY HILL COMPLIANCE ISSUES

The Board received a field report dated July 8, 2008 from John Schmid of Nitsch Engineering describing recent storm damage at the Academy Hill subdivision. The damage to the pavement, drainage system, and Townsend Road has worsened significantly.

The motion was made by Burke that the Planning Board not sign off on any building permit applications or occupancy permits for the Academy Hill subdivision until the severe erosion problems outlined in the report dated July 8, 2008 from Nitsch Engineering have been addressed. Additionally, the Board will copy the Middlesex Bank as party to the "Agreement and Contract, Town of Groton Planning Board, Middlesex Savings Bank," executed on November 6, 2006, on the letter to the developer and the Building Inspector. *The motion was seconded and passed unanimously.*

MINUTES

The Board voted to approve the minutes of May 1, 2008; May 8, 2008; May 15, 2008; May 22, 2008; May 29, 2008; and June 5, 2008.

ANR PLANS

Orchard Realty Trust, Reedy Meadow Road – The Board considered the Approval Not Required Plan submitted by Orchard Realty Trust to combine three lots to form two new lots and Parcel A located on Reedy Meadow Road. Attorney Ray Lyons and Surveyor Stan Dillis were present.

Attorney Lyons said the two new lots will be served by a shared driveway which is subject to Special Permit 2007-11 granted by the Planning Board on July 12, 2007.

The motion was made by Wilson to endorse the plan entitled, "Plan of Land in Groton, Massachusetts, Prepared for The Orchard Realty Trust," prepared by Ducharme & Dillis Civil Design Group, Inc., dated May 16, 2007. *The motion was seconded and passed unanimously.*

Defreitas, Boathouse Road - The Board considered the Approval Not Required Plan submitted by Phillip Defreitas to adjust the property line between two existing lots located on Boat House Road. Attorney Ray Lyons and Surveyor Stan Dillis were present.

Attorney Lyons explained that the ANR plan will reconfigure the lot line because the existing lot line goes through the middle of Mr. Defreitas' house.

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The motion was made by Wilson to endorse the plan entitled, "Boundary Line Agreement Plan in Groton, Massachusetts, Prepared for Phillip DeFreitas," prepared by Ducharme & Dillis Civil Design Group, Inc., dated October 17, 2007. *The motion was seconded and passed unanimously.*

PUBLIC HEARING – STREAMLINED PERMITTING & DESIGN GUIDELINES

The Planning Board held the continuation of the public hearing to consider the "Station Avenue Overlay District Priority Development Site Guidebook, A Developer's Guide to Planning, Design and Permitting in the Station Avenue Overlay District," dated June 1, 2008.

Selectman Anna Eliot and Ray Lyons were present.

Member Giger suggested preparing a checklist so developers would know all the items to be addressed with projects in the Station Avenue Overlay District.

Attorney Ray Lyons complimented the Board on the project and quality of the Design Guidelines.

The Board voted unanimously to close the public hearing.

The motion was made by Wilson to adopt the "Station Avenue Overlay District Priority Development Site Guidebook, A Developer's Guide to Planning, Design and Permitting in the Station Avenue Overlay District," dated June 1, 2008. *The motion was seconded and passed unanimously.*

COMMENTS TO THE SELECTMEN - MONARCH PATH

The Board received a request for comments from the Board of Selectmen on the application submitted by Ebrahim Masalehdan for a stone crushing operation at the Monarch Path subdivision. The Board will submit the following comments:

1. More information is needed on the hours of operation, duration of the rock-crushing activities, and amount of rock material to be crushed.
2. Noise, dust and air quality issues are a concern due to the close proximity of existing homes in Groton and in Littleton.
3. The Selectmen may want to ask Building Inspector, acting as Zoning Enforcement Officer, for an opinion on whether such rock crushing is prohibited under Chapter 218 Zoning, Section 218-5 Prohibited Uses, which states:

"§ 218-5. Prohibited uses.

"A. Any use not specifically or generically listed herein or otherwise permitted in a district shall be deemed as prohibited. Any legal use of land or building is permitted in accordance with the requirements of this chapter, except those uses which are dangerous or detrimental to a neighborhood because of fire hazard, offensive noise, smoke, vibration, harmful radioactivity, electrical interference, dust, odor, fumes, heat, glare, unsightliness or other objectionable characteristics.

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“B. The following uses are expressly prohibited: quarrying, that is the extraction and/or processing of rock material; manufacture, processing, bulk station or storage of explosives and radioactive materials; tourist cabins and mobile home parks; piggeries of more than 15 pigs; junkyards; drive-in theaters; massage parlors; public dance halls; and drive-through food and beverage service windows.”

Meeting adjourned at 9:00 PM

Respectfully submitted,

Michelle Collette
Town Planner