

**GROTON PLANNING BOARD
AUGUST 7, 2008
MINUTES**

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

Members present: Perkins, Barringer, Burke, Capes, Giger and Hess

Members absent: Wilson

PUBLIC HEARING – MASSAPOAG HEIGHTS SPECIAL PERMIT, ISLAND POND ROAD

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 Patriot Real Estate Developers for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development to create four (4) single-family units as shown on the plan entitled, "Residential Compound, Groton, Massachusetts, Applicant: Patriot Real Estate Developers, LLC," prepared by Ducharme & Dillis Civil Design Group, Inc., dated March 12, 2008. The proposed subdivision is located on Assessors' Map 246, Parcel 16, and Map 247, Parcel 29.3, on the northerly side of Island Pond Road and easterly side of Bryanwood Lane.

Chairman Perkins called the public hearing to order. Clerk Burke read the legal notice posted with the Town Clerk on July 16, 2008 and published in the July 18 and 25, 2008 issues of *The Groton Herald*. Attorney Ray Lyons and Surveyor Stan Dillis of Ducharme and Dillis represented the applicant at the public hearing.

Attorney Lyons said he is representing Edward Geddes of Patriot Real Estate Developers. The proposed Massapoag Heights subdivision contains 13 acres located off Island Pond Road and Bryanwood Lane. The plan shows four single-family dwelling units on two lots to be created using the Residential Compound provisions of the Subdivision Regulations. The area to be developed is 1.6 acres with the remaining 85% of the land to be open space. A portion of the site has already been excavated for development of a lot as shown on a previous plan. The proposed open space will connect land owned by the Groton Conservation Trust with land owned by the Cambridge YMCA. Attorney Lyons said the yield plan shows two houses and one hammerhead lot. The 40% bonus allows one unit with only two bedrooms.

Member Hess said the proposed plan is positive, but the proposed driveway has an awkward configuration. He said it is not pleasant to have a paved area connecting the proposed units. A circular layout with green space would be more attractive. Attorney Lyons said they could change the plan as long as fire trucks can access the units.

Chairman Perkins noted that the yield plan includes a hammerhead lot. The yield plan should be based upon the number of lots that can be created without special permits, variances or waivers. Each lot must meet minimum area and frontage requirements.

Attorney Lyons responded that the proposed plan is a better plan because the units are clustered near Island Pond Road. A conventional plan would include two lots with frontage on Island Pond Road and a hammerhead lot off Bryanwood Lane.

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Member Giger said he only sees two conventional lots, not three, since you cannot count the hammerhead lot.

Member Barringer agreed that there are only two conventional lots. He asked what the ownership structure would be. Attorney Lyons said there are four single-family condominiums.

Member Barringer asked what section of Section 218-26 permits construction of two detached single-family units on one lot. Member Burke noted that Section 218-26J states:

Modification of lot requirements. The Planning Board encourages applicants for flexible development to modify lot size, shape, building setback and other dimensional requirements for lots within a flexible development, subject to the following limitations.

Member Barringer asked where Section 218-26 permits more than one dwelling unit on one lot. Attorney Lyons said the four dwelling units could be on four individual lots.

Member Burke read Section 218-26J:

Types of buildings. The flexible development may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than five dwelling units. The architecture of all multifamily buildings shall be residential in character. Residential structures shall be oriented toward the street serving the premises and/or the required parking area. The Planning Board may require housing for persons with disabilities in appropriate circumstances.

Chairman Perkins asked why the applicant did not want to cluster the four units around a shared driveway. Attorney Lyons said the units could be constructed as duplexes or on four separate lots on a reconfigured road.

Member Giger asked if all four unit owners would all belong to the same condominium association or would two belong to one association and two to another. Attorney Lyons said there would be two associations due to a Title Five technicality.

Member Giger said the Board must make a determination on the yield plan. Attorney Lyons stated that the proposed plan with houses closer to Island Pond Road is a better plan because it protects more open space and results in less disturbance to the land.

Member Barringer said, that may be true, but the Board cannot waive zoning.

Town Planner Michelle Collette said the applicant requested a waiver of the Project Review portion of the filing fee, which is used for engineering review. Member Barringer suggested that the Board wait until a revised plan is submitted before acting on the applicant's request for a waiver. The Board agreed.

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Member Giger said the Board should review the submission requirements for Section 381-81 Residential Compound to see what information should be submitted with the plan.

Attorney Lyons noted that the property has two-minute per inch percolation rates. The applicant wants to know if the proposed configuration is acceptable to the Planning Board.

Member Hess said the applicant should document the value of the open space and natural resources to be protected.

Chairman Perkins read comments from the Board of Health, the Conservation Commission, the Water Department and the Police Chief.

Abutter Charles Todd said the existing access to this lot is through a shared driveway on the adjacent hammerhead lot with an occupied house. Attorney Lyons said the house on the hammerhead lot will have access from the subdivision road rather than a shared driveway. Town Planner Michelle Collette said the consent of the owner of the hammerhead lot is required if the applicant is going to change access to this lot.

Mr. Todd asked about wetlands on the property. Attorney Lyons said there are no wetlands on this site.

Abutter Eric Lantz asked if a special permit is required for the subdivision road. Member Barringer said, "no."

Mr. Lantz said there is no public access to the Cambridge YMCA land at the present time and the old railroad bed (the Red Line) is private property north of Island Pond Road.

Chairman Perkins suggested that the Board do a site walk prior to the next hearing. The Board agreed.

Abutter Paula Lantz said she is very familiar with the land. There are significant elevation changes. The culvert under Island Pond Road washed out in the spring of 2007.

Abutter Nancy Todd said if the applicant cares about protecting open space and the environment, they could donate the land to a conservation organization.

Abutter John Dodson said he prefers that the developer construct the new units closer to Island Pond Road rather than near Bryanwood Lane. He said this area near Bryanwood Lane is "gullified" and it would be very difficult to construct driveways and sewage disposal systems.

The Board will walk the site on Thursday, September 11, 2008, at 6:00 PM.

The Board voted unanimously to continue the public hearing on September 11, 2008 at 7:30 PM.

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PUBLIC HEARING – CRYSTAL SPRINGS SPECIAL PERMIT, OLD DUNSTABLE ROAD

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 High Oaks Realty Trust for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development and Section 218-26.1 Major Residential Development to create nine (9) lots as shown on the plan entitled, "Preliminary Subdivision Plan in Groton - Crystal Springs Estates," prepared by Ducharme & Dillis Civil Design Group, Inc., dated July 11, 2008. The proposed subdivision is on land owned by Robert Gamlin, Assessors' Map 248, Parcel 4, located on the easterly side of Old Dunstable Road and northerly side of Bridge Street.

Chairman Perkins called the public hearing to order. Clerk Burke read the legal notice posted with the Town Clerk on July 16, 2008 and published in the July 18 and 25, 2008 issues of *The Groton Herald*. Applicant Robert Kiley, landowner Robert Gamlin, and Surveyor Stan Dillis of Ducharme and Dillis were present at the public hearing.

Stan Dillis described the proposed plan to develop the 25 acre parcel with frontage on Old Dunstable Road and Bridge Street. He said the parcel is the remaining land of the Crystal Spring Tree Farm. Mr. Gamlin submitted previous applications for special permits in 2007. The Planning Board approved three hammerhead lots and three ANR lots in June 2007. Mr. Kiley is a new applicant and the proposed plan is a new plan. The yield plan shows nine lots – three on Bridge Street and six on a subdivision road off Old Dunstable Road. The proposed Flexible Development plans nine lots on the subdivision road off Old Dunstable Road and ten (10) acres of open space.

Chairman Perkins asked Mr. Dillis to describe the conventional, "yield" plan first. Mr. Dillis said all nine lots have the required 80,000 SF area and 225 ft of frontage as shown on the plan.

Member Barringer asked about access to Lot 9. Mr. Dillis said access to Lot 9 would be over Bridge Street, and the road would have to be improved.

Chairman Perkins asked if Bridge Street is an accepted public way. Mr. Dillis said he believes it is a public way.

Member Burke asked about the proximity of the proposed development to Cow Pond Brook. Mr. Dillis said the landowner filed a Request for Determination of Resource Area Delineation (ANRAD) in 2006. The ANRAD is valid for three years.

Chairman Perkins asked about the proposed flexible development plan.

Member Hess asked why the subdivision road does not connect Old Dunstable Road to Bridge Street to provide better traffic circulation.

Member Burke agreed that it is desirable to connect two roads, but the additional amount of pavement is not.

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Mr. Dillis reminded the Board that the Bridge Street abutters were opposed to using Bridge Street as access to the lots in the subdivision. Construction of a through road would disturb the wildlife migration pathway.

Member Giger noted that there is a 40 ft drop in elevation from Old Dunstable Road to the end of the cul de sac. Mr. Dillis said the grading issue will be addressed with the definitive plan. He said they would use Low Impact Development techniques to design the drainage system. Member Giger said the impact on Cow Pond Brook is a critical concern.

Member Barringer asked about the access easement shown on the plan. Mr. Dillis said it is an existing right-of-way. The applicant is proposing an alternative route, but there will still be rights in the existing right-of-way.

Member Barringer asked if all the sewage disposal systems would be outside the wetlands buffer zone. Mr. Dillis said, "yes."

Chairman Perkins asked if the detention basin would be located on a lot and whether the Town would maintain it. Mr. Dillis said, "yes," it is within an easement on a lot and the Town will accept the easement when it accepts the subdivision road.

Chairman Perkins asked if New England Forestry Foundation owns the abutting land. Mr. Dillis said New England Forestry Foundation and the Groton Conservation Trust own the adjoining open space properties.

Member Barringer asked about the maximum cut and fill for the road shown on the conventional plan. Mr. Dillis said the road profile complies with the cut and fill requirements for both the conventional and flexible plans.

Member Capes asked if the applicant is requesting any waivers at this time. Mr. Dillis said, "no."

Chairman Perkins read the comments from the Board of Health, the Water Department, Conservation Commission, and the Police Chief.

Sandie Hersch asked if the curb cut on Old Dunstable Road is in the same location as it was two years ago when the Board walked the site. Mr. Dillis said, "yes."

Mr. Gamlin said the plan does not have a through road because it would impact wildlife habitat and turtles. He said he tried to preserve as much open space as possible.

Member Burke asked the applicant to provide more analysis on the fiscal impact on the Town from the proposed subdivision.

Abutter David Bonnet asked how the open space would be protected. Town Planner Michelle Collette said the open space is usually deeded in fee to the Town or a conservation organization with a conservation restriction held by a separate entity.

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Member Barringer asked if Bridge Street is a public way. Town Planner Michelle Collette said it is inconclusive. The special permit decision 2007-08 includes the following finding:

The Planning Board makes the following specific finding related to Bridge Street:

1. Bridge Street is an "E" road as defined under the Groton Zoning By-law, Section 218-22A, and is sufficient to service the needs of access and utilities for the three lots shown on the plan, with the improvements specified in the conditions below.

Mr. Gamlin said Bridge Street has been used for decades. It was in better condition than Old Dunstable Road many years ago. The Town installed the gate to prevent illegal dumping in the woods. He said his deeds refer to the historic bridge on Bridge Street.

Rod Hersch agreed with Mr. Gamlin. Bridge Street went past the stream to Tyngsborough and to MIT's land in Westford in the past. However, Bridge Street was just a cart path when it was developed. The Planning Board approved the definitive plan with a private lane agreement and homeowners association.

Chairman Perkins asked if the homeowners plow the road. Mr. Hersch said, "no," the Town plows but the homeowner maintains the road.

Member Burke said the legal status of the road is not that important. The developer must demonstrate that he has the legal right to develop the subdivision road to the Board's satisfaction.

Developer Robert Kiley said this status of land along Old Dunstable Road is very cloudy in this location.

Mr. Kiley asked about the Right to Farm By-law and the required notice in the deeds. The Board suggested that Mr. Kiley meet with the Agricultural Commission.

The Board will walk the site on Saturday, September 6, 2008 at 8:30 AM.

The motion was made by Barringer, seconded by Burke, to send both the conventional and flexible plans to Nitsch Engineering for review. ***The motion was seconded and passed unanimously.***

The Board voted unanimously to continue the public hearing on September 11, 2008 at 8:30 PM.

43D UPDATES

Permitting Software – The Permitting Software group has been meeting to develop the Town's permitting software based upon Microsoft SharePoint. The group will be working with the staff of the Land Use Departments on the project.

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Market Studies – The Market Studies Committee is working RKG Associates on the final report to be presented to the Board of Selectmen on Tuesday, September 2, 2008.

SUSTAINABILITY COMMISSION

The motion was made by Barringer to appoint Member Tim Hess as liaison to the Sustainability Commission. ***The motion was seconded and passed unanimously.***

Comments to ZBA – Squannacook Hills

The motion was made by Barringer to request that the ZBA continue the public hearing on the proposed modification to the Squannacook Hills comprehensive permit plan to allow Town departments enough time to submit comments. ***The motion was seconded and passed unanimously.***

MINUTES

The Board voted to approve the minutes of June 19, 2008 as amended, the minutes of July 10, 2008, and the minutes of July 24, 2008 as amended.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Town Planner