

**GROTON PLANNING BOARD
AUGUST 21, 2008
MINUTES**

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

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

Member absent: Barringer

PUBLIC HEARING – PHOENIX CONSTRUCTION SITE PLAN REVIEW

The Board held the continuation of the public hearing to consider the site plan submitted by Phoenix Construction to construct six housing units on Tavern Road. Attorney Collins represented the applicant at the hearing.

Attorney Collins requested that the Board continue the hearing to September 18, 2008, because the design engineer is on vacation. The Board voted unanimously to continue the public hearing on September 18, 2008 at 7:30 PM.

ROCKY HILL PERFORMANCE BOND

Attorney Collins, representing developer David Moulton, requested that the Board accept a tripartite agreement for the Rocky Hill subdivision and that the Board release Lot 4A, 5A, and 39.

The motion was made by Giger to accept the estimate of \$156,951.16 as the cost to complete Phase II in the Rocky Hill subdivision. *The motion was seconded and passed unanimously.*

The motion was made by Burke that the Board execute the Agreement and Contract with the Middlesex Savings Bank for Phases I & II as surety for the Rocky Hill subdivision and that the new agreement will replace the existing Agreement and Contract with the Middlesex Savings Bank for Phase I only. *The motion was seconded and passed unanimously.*

The motion was made by Giger to release Lots 4A, 5A and 39 in the Rocky Hill subdivision from the covenant. *The motion was seconded and passed unanimously.*

ANR PLAN – SCOTT KESSLOFF, PINE TRAIL

The Board considered the Approval Not Required plan submitted by Scott Kessloff to create Parcels A and B as shown on the plan. Attorney Collins said no new building lots will be created. Parcel B with the existing well will be conveyed from Mavilia to Kessloff. Parcel A will be conveyed from Kessloff to Mavilia.

The motion was made by Burke to endorse as Approval Not Required the plan entitled, “Plan of Land in Groton, Mass. Prepared for Scott Kessloff,” prepared by David E. Ross Associates, dated August 2008. *The motion was seconded and passed unanimously.*

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ACADEMY HILL PERFORMANCE BOND

The Board received an inquiry from Academy Hill Realty Trust's attorney requesting that the Board accept an insurance bond as substitution for the tripartite agreement for the Academy Hill subdivision. A copy of an insurance bond accepted by the Town of Stow was forwarded as an example.

Board members expressed reservations about insurance bonds based upon previous experience with litigation to obtain bonds and fraudulent bonding companies.

The motion was made by Giger to request Town Counsel's opinion on whether the Planning Board must accept an insurance bond and, if so, what standards would Town Counsel recommend. *The motion was seconded and passed unanimously.*

PUBLIC HEARING – SCENIC ROADS BY-LAW

In accordance with the provisions of §184-3 of the Code of the Town of Groton, the Planning Board and Tree Warden held a public hearing to consider the application submitted by John and Nicola Barry to remove ten (10) trees and 70 linear feet of a stone wall within the right-of-way of Old Dunstable Road along the frontage of Assessors Map 247, parcel 9. The property is located at 515 Old Dunstable Road.

Applicant John Barry explained that the existing stone wall along the side of Old Dunstable Road created a hazard. There have been many accidents due to the close proximity of the stone wall to the street. Mr. Barry said his landscaper removed the stone wall and a number of trees along his frontage.

Tree Warden Tom Delaney said the trees along the right-of-way were not an issue because there were primarily shrubs and brush. However, the stone wall marks the edge of the right-of-way and extends along the both sides of Old Dunstable Road. Removal of the wall changes the character of the street from a historic landscape to a manicured yard. Mr. Delaney said it is illegal to remove stone walls in Massachusetts.

Mr. Barry said the large stones removed from the side of the road are now in his back yard. He submitted a photograph of the new wall he would like to construct in its place.

Member Hess said he sympathizes with the applicant, but the work does not reflect the purpose of the Scenic Roads Regulations which state:

The Scenic Roads By-law governs the cutting and removal of trees and stone walls during repair, maintenance, reconstruction or paving of roads by any agency, for the purpose of providing protection to the environmental, aesthetic and historical values of the town's roads. The Planning Board has adopted these regulations with the following objectives:

- A. To maintain the natural beauty that exists along scenic roads in Groton,
- B. To enhance the rural character of the Town and encourage compatibility with existing roadside features,

- C. To encourage more environmentally sensitive development along the scenic roads in the Town, and
- D. To develop a growth of shade trees along Groton's scenic roads to reduce the growth of underbrush and reduce the cost of roadside maintenance.

Member Burke asked about the length of the frontage. Mr. Delaney said the lot is an ANR lot with 225 ft of frontage.

Member Wilson suggested that the homeowner build a new wall that resembles the historic stone wall by using field stones and similar materials.

Member Giger said he is concerned that the wall was removed and asked if it was in the right-of-way. Mr. Delaney said the stone wall marked the boundary of Old Dunstable Road and is used as a reference point in deeds.

Mr. Barry said the stone wall continues to the east of his lot but not to the west. He said he is willing to build a transition from the old to the new stone wall. He said he would like to move the wall back so it is in a safer location.

Member Giger said the wall should be replaced with a similar-type wall with proper edges.

Member Hess suggested that the homeowner submit a sketch and photograph of what he plans to build prior to construction.

The Board voted unanimously to close the public hearing.

The motion was made by Wilson to approve the permit for John Barry to restore 70 feet of the historic stone wall with the following conditions:

1. The replacement wall shall be dry-laid with the sections located adjacent to the existing wall constructed in a manner close in character and construction to the historic stone wall.
2. The replacement wall shall be aligned with the existing wall but moved back to improve public safety.
3. The stone wall shall terminate at the openings as required in the Scenic Road Regulations.
4. The applicant shall submit a plan and photograph showing the proposed design of the replacement wall prior to construction.
5. New shade trees shall be planted in random locations because the trees that were removed were not in the Planning Board's or Tree Warden's jurisdiction.

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The motion was seconded and passed unanimously. Tree Warden Tom Delaney voted in the affirmative.

TOWN MEETING ARTICLES

The Board discussed possible warrant articles for the Fall Town Meeting including:

Building Numbering – Members Giger and Burke will serve on the working group along with the Building Commissioner and public safety officials. The by-law is part of the general by-laws under the jurisdiction of the Board of Selectmen.

Wind Energy – The Board reviewed the Cape Cod Commission Model and other towns' by-laws on wind energy facilities. The Board agreed that a two-tiered approach should be proposed for private and commercial scale use. Members Burke and Giger offered to serve on the working group along with Gary Hoglund and Steve Webber.

Accessory Apartments – the Board agreed to amend the Accessory Apartment provisions to allow accessory apartments in accessory or free-standing structures on the premises, in addition to the principal residential structure. The use is subject to the grant of a special permit from the Zoning Board of Appeals.

Flexible Development - Attorney Ray Lyons proposed that the Board sponsor an amendment to allow the number of units in a Flexible Development to be based upon the potential number of units rather than the number of lots shown on a conventional plan. He noted that duplexes are allowed by right on conventional and non-conforming lots of record.

Member Hess said there may be some concern at Town Meeting about higher density. He suggested that the Board allow the higher density only if the development meets certain criteria such as LEED-ND.

The Board agreed to hold a public hearing on the proposed amendment to be drafted by Attorney Lyons.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette
Town Planner