

**GROTON PLANNING BOARD
NOVEMBER 20, 2008
MINUTES**

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

Members present: Perkins, Burke, Capes, and Giger

Member absent: Barringer, Hess, and Wilson

ANR PLAN – DONALD BLACK, BURNT MEADOW ROAD

The Board considered the Approval Not Required plan submitted by Donald Black to change a lot line between two existing lots on Burnt Meadow Road. The change in lot line will accommodate a new house and garage on Lot 7-B and will increase the frontage of Lot 8-A from 175 ft to 227 ft.

Member Burke asked if the lots are held in separate ownership. Mr. Black said, "yes," and showed the Board the ANR plan endorsed in 1977 that created the original lots. Member Burke noted that there is a pond preventing access on Lot 8-A. However, the ANR plan changes two existing lots and does not create any new lots.

Chairman Perkins asked if a shared driveway would be used to provide access to Lot 8-A. Mr. Black said they do not have any plans to build on this lot at this time.

The motion was made by Burke, seconded by Capes, to endorse as Approval Not Required the plan entitled, "Plan of Land in Groton, Mass. Prepared for Donald R. Black and Bennett R. Black, Sr.," prepared by David E. Ross Associates, dated and stamped on October 27, 2008.

The motion passed unanimously.

PRE-SUBMISSION REVIEW – GROTON WELLNESS CENTER, MILL RUN PLAZA

Dr. Robert Evans met with the Board to discuss a minor modification of the pedestrian access at Mill Run Plaza. Member Burke disclosed that Landscape Architect Lorayne Black, who prepared the plan, has done work for him. Member Capes stepped down because he is an abutter. Since there was no quorum without Member Capes, the Board will consider the matter at its meeting on December 4, 2008.

FY 2010 BUDGET

The Board considered the FY 2010 Budget request. Member Burke noted that the budget should include the Town Planner's membership fees for the American Planning Association. The APA membership will be covered in the expense line item if funds are available. The Board will not request an increase in this line item. The motion was made by Giger, seconded by Burke, to submit a level-funded budget for FY 2010 and to submit a request for \$50,000 in FY 2010 and \$50,000 in FY 2011 to update the Comprehensive Master Plan. ***The motion passed unanimously.***

MEETING WITH TOWN COUNSEL JUDITH CUTLER

The Board met with Town Counsel Judith Cutler to discuss the recent Wall Street Development v. Planning Board of Westwood case and its impact on the Major Residential Development provisions of the Zoning By-Law.

Attorney Cutler said the case has been appealed to the Massachusetts Supreme Judicial Court (SJC) so the Board should not propose any amendments to the by-law until the SJC has made a decision. In the meanwhile, the Board should be aware that the Major Residential

Development provisions may be subject to challenge because the Court ruled that a definitive plan (or ANR plan) must be approved if it meets all the Subdivision Rules and Regulations. The by-law cannot require a special permit for subdivision approval. She advised the Board to work with developers to encourage Flexible Development plans through the use of incentives and waivers. She added that the Board can exercise the Subdivision Regulations within the extent of the law and not grant waivers for conventional plans. She said the Board could adopt different regulations for different types of developments.

The Board also discussed the proposed Wind Energy Conversion Facilities provisions and insurance bonds with Attorney Cutler. The Board thanked Attorney Cutler for attending the meeting.

MONARCH PATH

The Board received a field report dated November 18, 2008 from William Maher of Nitsch Engineer regarding construction at the Monarch Path subdivision. Mr. Maher indicated that the paving had been completed, but the granite curbing was not installed as directed by the Planning Board.

The motion was made by Giger, seconded by Burke, to send a letter to developer Ebrahim Masalehdan reminding him that all curbing must be installed this fall so the stormwater management system will function as designed. A copy of the Nitsch Engineering field report will be included with the letter. ***The motion passed unanimously.***

MINUTES

The Board voted to approve the minutes of October 23, 2008 and November 6, 2008.

Meeting adjourned at 9:15 PM

Respectfully submitted,

Michelle Collette
Town Planner