

**GROTON PLANNING BOARD  
DECEMBER 17, 2009  
MINUTES**

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

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

Members absent: Perkins

**PUBLIC HEARING – SPECIAL PERMIT RENEWAL, ELLIOT BLOOD, PEPPERELL ROAD**

The Board continued the public hearing to consider the application submitted by Elliot Blood to renew Special Permit 2007-03 for a shared driveway serving three lots off Pepperell Road. Mr. and Mrs. Blood and design engineer Dan Wolfe of David Ross Associates were present.

Mr. Wolfe said the plan approved by the Board in 2007 has not changed. The nine-acre lot was subdivided into three lots that will be accessed by a shared driveway. A drainage system will be installed to control stormwater runoff.

Member Giger asked about maintenance of the shared driveway. Mr. Wolfe said a homeowners association will be established prior to the sale of the first lot.

Member Burke asked if the ANR plan had been recorded at the Registry of Deeds. Mr. Wolfe said the ANR plan was recorded, but the special permit decisions were not recorded.

The Board voted unanimously to close the public hearing.

**Shared Driveway** - The motion was made by Barringer, seconded by Burke, to GRANT a special permit to Elliot Blood to construct a shared driveway serving three lots as shown on the plan entitled, "Driveway Site Plan, Lots 1, 2 & 3, Pepperell Road, Designed for Elliot Blood," prepared by David E. Ross Associates, dated October, 2006, with revisions through February 7, 2007, based upon the following findings and conditions:

1. **Social, economic and community needs:** The community will be better served by having fewer driveway cuts on Pepperell Road.
2. **Traffic flow and safety:** Traffic flow and safety will be improved by having one driveway cut in a safer location instead of three driveway cuts. The applicant has demonstrated to the Planning Board's and Highway Surveyor's satisfaction that the proposed driveway meets American Association of State Highway Transportation Officials (AASHTO) standards.
3. **Adequacy of Utilities:** The proposed lots will be served by public water from the West Groton Water Supply District (WGWSD) and on-site sewage disposal systems. The proposed development will not have a negative impact on utilities.
4. **Neighborhood character:** There will be less impact on neighborhood character with fewer driveway cuts rather than individual driveways serving each lot. The proposed "No-Disturbance Restriction Line" shown on the plan will provide screening for abutting properties.

5. **Impacts on the environment:** Fewer driveway cuts means less environmental impact on the land. The proposed stormwater system will help alleviate existing drainage problems on Pepperell Road.
6. **Fiscal impact on the Town:** There will be no additional fiscal impact on the Town.

**Conditions:**

1. The proposed shared driveway shall meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996.
2. The terms on the restriction pertaining to the "No-Disturbance Restriction Line" shown on the ANR plan shall be recorded with the deed. Evidence of recording the restriction and plan shall be submitted to the Planning Board and Building Inspector prior to the issuance of any building permits.
3. A percolation test shall be conducted within the basin to confirm the exfiltration rate prior to the commencement of construction as recommended in the Nitsch Engineering report dated February 14, 2007.
4. The applicant shall comply with the recommendations in the Fire Chief's memorandum dated February 15, 2007:
  - a. Provide adequate access at the entrance for fire apparatus.
  - b. Ensure adequate turning radius for fire apparatus to exit the building lots, a template should be submitted to show turn around area's for fire apparatus.
  - c. The shared driveway must be maintained year round.
  - 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.
  - e. An engineered drawing should be submitted with the approach & departure angles if over 10 degrees.
5. The Planning Board encourages the applicant to work with the abutting landowner on an easement for the existing gravel driveway located on the southerly portion of Lot 1.
6. A homeowners association shall be established and a maintenance agreement shall be recorded at the Registry of Deeds or Land Court. Evidence of such recording shall be submitted to the Planning Board and Building Inspector prior to the issuance of a building permit.
7. The Board recommends that the applicant work with the Highway Surveyor to remediate existing drainage problems on Pepperell Road.
8. 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.

The motion passed unanimously.

**Hammerhead Lot** - The motion was made by Barringer, seconded by Burke, to GRANT a special permit to Elliot Blood to create a hammerhead lot as shown on the plan entitled, "Plan of Land in Groton, Mass.; Prepared for Elliot L. Blood, Jr. and Doris Blood" prepared by David E. Ross Associates, dated September 2006, with revisions through February 14, 2007, based upon the following findings and conditions:

7. **Social, economic and community needs:** The creation of the proposed hammerhead lot results in less increase in density.
8. **Traffic flow and safety:** The applicant has demonstrated to the Planning Board's and Highway Surveyor's satisfaction that the proposed driveway meets American Association of State Highway Transportation Officials (AASHTO) standards.
9. **Adequacy of Utilities:** The proposed hammerhead lot will be served by public water from the West Groton Water Supply District (WGWSD) and on-site sewage disposal system. The proposed hammerhead lot will not have a negative impact on utilities.
10. **Neighborhood character:** There will be less impact on neighborhood character with creation of the 5.22 acre hammerhead lot. The proposed "No-Disturbance Restriction Line" shown on the plan will provide screening for abutting properties.
11. **Impacts on the environment:** There is less environmental impact on the land from the creation of the hammerhead lots than from construction of a subdivision road. The proposed stormwater system will help alleviate existing drainage problems on Pepperell Road.
12. **Fiscal impact on the Town:** There will be no additional fiscal impact on the Town.

**Conditions:**

9. The proposed shared driveway shall meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996.
10. The terms on the restriction pertaining to the "No-Disturbance Restriction Line" shown on the ANR plan shall be recorded with the deed. Evidence of recording the restriction and plan shall be submitted to the Planning Board and Building Inspector prior to the issuance of any building permits.
11. A percolation test shall be conducted within the basin to confirm the exfiltration rate prior to the commencement of construction as recommended in the Nitsch Engineering report dated February 14, 2007.

12. The applicant shall comply with the recommendations in the Fire Chief's memorandum dated February 15, 2007:
  - f. Provide adequate access at the entrance for fire apparatus.
  - g. Ensure adequate turning radius for fire apparatus to exit the building lots, a template should be submitted to show turn around areas for fire apparatus.
  - h. The shared driveway must be maintained year round.
  - i. 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.
  - j. An engineered drawing should be submitted with the approach & departure angles if over 10 degrees.
13. The Planning Board encourages the applicant to work with the abutting landowner on an easement for the existing gravel driveway located on the southerly portion of Lot 1.
14. A homeowners association shall be established and a maintenance agreement shall be recorded at the Registry of Deeds or Land Court. Evidence of such recording shall be submitted to the Planning Board and Building Inspector prior to the issuance of a building permit.
15. The Board recommends that the applicant work with the Highway Surveyor to remediate existing drainage problems on Pepperell Road.
16. 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.

The motion was passed unanimously.

#### **CONTRACT WITH COMMUNITY OPPOTURNITIES GROUP**

The Planning Board will meet with the Board of Selectmen on Monday, December 21, 2009, to discuss the contract with Community Opportunities Group. The Board will send the contract to Town Counsel for review after the Selectmen's meeting.

#### **SITE PLAN REVIEW – 382 WEST MAIN STREET**

The Board reviewed the site plan submitted by Robert Stephens to convert office space at 382 West Main Street. The property is zoned B-1. Mr. Stephens would like to establish a memorial society which will arrange cremations and hold services on occasion. The seating capacity for the proposed space is 12, so four spaces are required for the memorial society. Two spaces are required for each of the two apartments. A total of eight parking spaces must be provided.

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The Planning Board received comments from the Board of Health regarding the recent upgrades to the sewage disposal system. Mr. Stephens said NABH Agent Ira Grossman approved a brand new septic system. The Board of Health granted several variances.

Member Giger requested that applicant show the parking spaces to scale on the site plan.

Member Hess said the letter from the engineer who designed the sewage disposal system addressed the Board's concerns about the ability of the system to withstand truck loading. Mr. Stephens said he was not planning to use the area near the sewage disposal system anyway.

Chairman Capes asked if the area was paved. Mr. Stephens said the areas in the front and to the west of the building are paved, but the area near the septic system is not.

Member Barringer reiterated that the parking spaces must be delineated to scale on the site plan.

Member Burke said the dimensions on the plan must be accurate so they can be verified in the field. The site plan should be prepared by a registered professional engineer.

Member Giger noted that there are three parking spaces in front of the building on someone else's land. He asked who owned the property in this location. Mr. Stephens said it is part of the Town's right-of-way.

Chairman Capes said the dimensions on the plan are not accurate, and the plan should be stamped by an engineer.

Mr. Stephens said the Board was stifling his use of his land. Chairman Capes said the Board must be able to evaluate the plan. He read the Level I submission requirements.

Member Barringer said the lot dimensions on the sketch plan submitted by the applicant do not agree with those shown on the sewage disposal system plan prepared by the engineer.

The Board voted unanimously to continue its review of the site plan on January 28, 2009 at 7:30 PM.

#### **PUBLIC HEARING – NASHOBA HOMES AFFORDABLE HOUSING, 698 TOWNSEND ROAD**

The Board held the continuation of the public hearing to consider the application submitted by James Casella of Nashoba Homes to create four units under the provisions of Section 218-27B Subsidized Elderly Housing. Applicant James Casella, Attorney Robert Collins, and design engineer Jeff Brem of Meisner Brem Associates were present. The Board's consulting engineer, William Maher, of Judith Nitsch Engineering was also present.

Mr. Collins said there is an existing Cape-style house on the property that will be converted to two affordable units for people 55 and older. The Zoning Board of Appeals granted a special permit for the project. The proposed lot contains 0.55 acres. In addition, two modest sized (1800-2200 SF) single-family homes will be constructed on the remaining land. A shared driveway will provide access to the two single family houses. Drainage issues on Townsend road will be improved by the installation of a stormwater management system.

Mr. Brem described the existing conditions of the site. He said there are three lots shown on the plan – one with the proposed duplex and two separate lots for the single-family houses. The site is served by public water. There are existing drainage issues on Townsend Road as a result of sheet flow and uncontrolled runoff from the site. Flow from the site will be directed toward an existing catch basin in Townsend road. A detention basin and level spreader will be installed to treat stormwater before it leaves the site.

Mr. Brem requested that the Board waive the requirement for a traffic study since only four dwelling units are proposed. He also requested a waiver from the requirement that a Registered Landscape Architect stamp the landscaping plan, a waiver of the required development impact report, and a waiver of the requirement to show topography within 500 ft of the site, and a waiver requiring that testing be performed in the spring.

Chairman Capes read the letter dated August 29, 2007 from the West Groton Water Supply District and the letter from Mr. Knatt, abutter to the proposed project, suggesting several changes to the site design.

Attorney Collins said the ZBA required that the driveway be moved to accommodate the abutter. The existing tree cannot be saved because it is too close to the sewage disposal system.

Chairman Capes said the Board received a letter dated October 21, 2009 from the Department of Fisheries and Wildlife Natural Heritage and Endangered Species Program.

Mr. Maher presented his report dated December 8, 2009.

Town Planner Michelle Collette stated that a Stormwater Management Permit is also required. She said the proposed frontage and lot areas do not comply with zoning. Attorney Collins said the project was submitted to the ZBA under Section 218-27B Subsidized Elderly Housing. He said there is a footnote in Section 218-20 which states:

For planned multifamily/residential development, see § 218-27C. For subsidized elderly housing, see instead § 218-27B. For multifamily use by conversion, see instead § 218-27A. For flexible development, see § 218-26F(1). For hammerhead lots, see § 218-23.1.

Member Burke said he did not notice the footnote, but Section 218-20 does not address the creating of lots for single-family dwellings. Mr. Collins said when the ZBA granted the special permit, it authorized creation of the smaller lots.

Member Barringer said the Hale Village project required an act of the State Legislature because the lot area was less than five acres. He suggested that the Board request a legal opinion from Town Counsel on both the minimum requirements of five acres and the creation of smaller lots.

Member Hess asked Mr. Maher about the applicant's request to waive the requirement for a Landscape Architect to prepare the plan or for the traffic study. Mr. Maher said he did not have a problem with either waiver.

Member Giger stated that the Planning Board should address Mr. Knatt's requests including access from the affordable units to the parking spaces. More thought may result in a better plan.

Abutter Joseph Marchesani, who lives across the street from the proposed project, asked about the configuration of the driveway and entrance to the house. Mr. Casella said he preferred a "U" shaped driveway, but the plan was changed in response to comments at the ZBA public hearing. Mr. Collins said he would work with the abutters to explore other options.

Mr. Marchesani expressed concern about runoff from the driveway flowing across the street onto his property. Member Giger said the plan must identify abutting lots across the street and to the rear of the property so the Board can evaluate impact on abutters. Member Barringer said that is why it is important to have topography within 500 ft of the site shown on the plan.

Member Barringer asked about the slope of the proposed driveway. Mr. Brem said it is 8-10% in some sections. Runoff will be directed toward the catch basin in Townsend Road.

Member Giger asked if runoff would flow across Townsend Road. Mr. Brem said, "no."

Mr. Marchesani said he has had flooding problems when the culvert under Townsend Road was blocked. The Town has taken action to correct the problem by installing a new culvert and digging a swale along his property line.

Member Barringer asked whether an erosion control plan had been submitted yet. Mr. Brem said, "not yet," but he would do so with the next submission.

Chairman Capes asked about landscaping. Mr. Brem said the evergreens will be planted along the property line to provide screening.

Abutter Deborah Borden asked the engineer to describe the retention basin. Mr. Brem said the basin will be 25 ft wide and 45 ft long. The top elevation is 186 ft and the bottom elevation is 183 ft, so the depth will be three feet. The basin will be planted with grass.

The Board will request an opinion from Town Counsel on the five-acre minimum and lot area requirements.

The Board voted unanimously to continue the public hearing on January 21, 2010 at 7:30 PM.

### **ROCKY HILL FIELD CHANGES**

Attorney Robert Collins, representing developer David Moulton, presented proposed field changes on Mockingbird Lane in the Rocky Hill Road subdivision. There is a significant amount of ledge on the site so blasting was required. The installation of the water main does not meet the separation requirements in the subdivision regulations. However, the Water Department approved the new location. As a result, changes to the drainage system and catch basins were necessary. Mr. Collins said in the future, the applicant will come to the Board and request the change prior to installation in the field.

William Maher of Judith Nitsch Engineering stated that any changes to the drainage system do not comply with standard engineering practices because the elevations of the pipes are not consistent with the topography.

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Chairman Capes stressed that the Board must review and approve the changes before they are implemented. Mr. Collins agreed to do so in the future.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner