

**GROTON PLANNING BOARD
JANUARY 28, 2010
MINUTES**

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

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

Members absent: Barringer

SITE PLAN REVIEW – ROBERT STEPHENS, 382 WEST MAIN STREET

The Planning Board continued its review of the site plan submitted by Robert Stephens for a change of use at 382 West Main Street. Mr. Stephens would like to convert a portion of the business-zoned property to a “Memorial Society.” Mr. Stephens and design engineer Tim Beauchemin were present.

Mr. Beauchemin said the revised plan shows eight parking spaces with dimensions as required in the Site Plan Review Regulations. The site also contains a garage and carport as shown on the plan. The new sewage disposal system was designed with Schedule 40 pipes designed for H₂O loading to support the weight of vehicles. The parking area is constructed with pervious gravel rather than pavement so no venting of the sewage disposal system is required.

Member Burke asked about a van accessible parking space. Mr. Stephens said he would make parking space #2 wider to conform with accessibility requirements. Member Burke suggested adding a space near parking space #6 or removing parking space #1.

Member Hess asked if angle parking spaces would work with the traffic flow. Mr. Beauchemin said there would be one way circulations. Member Perkins said signage should be installed so people would know it is one-way.

Member Hess asked if vehicles can drive around the rear of the building. Mr. Beauchemin said, “yes,” but they must drive slowly.

The motion was made by Burke, seconded by Perkins, to approve the site plan entitled, “Plan of Land in Groton, Mass. (West Groton) for Robert Stephens,” prepared by Rose Land Survey, dated January 5, 2010, with the following conditions:

1. Traffic shall have a one-way circulation pattern around the building with “do Not Enter” signs and one-way arrows painted on the pavement.
2. Parking for the disabled and access to the building shall comply with the requirements of the Architectural Access Board Regulations, 521 CMR, and the Americans with Disabilities Act.
3. The parking space for the disabled shall be relocated to the front of the building to parking space #2 as shown on the plan.
4. An additional parking space shall be provided on the east side of the building south of parking space #8.
5. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h).

6. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.
7. The Planning Board shall review the project one year after the date of approval of the site plan to determine if any modifications are warranted.

The motion passed unanimously.

PUBLIC HEARING – ELIADES HAMMERHEAD LOT, CULVER ROAD

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing on January 28, 2010 to consider the application submitted by S. Tracy Eliades, Orchard Realty Trust, for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create one hammerhead lot shown as Lot X on the plan entitled, "Special Permit Plan in Groton, MA; Owner/Applicant: Orchard Realty Trust," prepared by R. Wilson & Associates, dated December 21, 2009. The proposed hammerhead lot is located on Assessors Lot 220, Parcel 10, in Groton, and Map 4, Parcels 13 & 14, located on the easterly side of Culver Road.

Chairman Capes called the public hearing to order. Clerk Burke read the notice published in the January 8 and 15, 2010 issues of the *Groton Herald*. Applicant Tracy Eliades and design engineer Stephen Mullaney were present.

Mr. Mullaney described the proposed hammerhead lot with 82 ft of frontage on Culver Road. The lot, located at the town line, contains three acres in the Town of Groton and two acres in the Town of Ayer. The required set backs are shown on the plan. The nitrogen loading easement is outside the required 150 ft diameter circle.

The driveway access to the proposed house on the hammerhead lot will be over an easement on the abutting lot owned by Kingsbury Realty Trust (also under the control of Eliades).

Mr. Mullaney said the Kingsbury Circle subdivision plan has been withdrawn in the Town of Ayer. The creation of the hammerhead lot will preclude the development of the subdivision in Ayer.

Member Giger asked about the proposed easement from Kingsbury Realty Trust to the Orchard Realty Trust. Member Burke said the proposed easement does not encumber the frontage for Parcel D. Mr. Mullaney said that is correct.

Member Burke asked about the sewage disposal system. Mr. Mullaney said the system was designed for a four-bedroom house.

Member Burke noted that the \$8000 in tax revenue will not offset the cost of educating children at \$10,000 per student so there is a negative fiscal impact on the town.

Member Perkins asked if the lot can be accessed through its frontage. Mr. Mullaney said, "yes," but a wetlands crossing would be required. Access over the easement avoids crossing the wetlands.

Member Perkins asked about the length of the driveway. Mr. Mullaney said the driveway will be approximately 200 ft long.

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Abutter Maureen Beal asked how the creation of the hammerhead lot would preclude development of land in Ayer. Mr. Mullaney said two acres in Ayer would be contained in the hammerhead lot. The remaining four acres in Ayer are not sufficient for a subdivision with houses, wells and sewage disposal systems. At most, only one building lot could be created in Ayer.

Ms. Beal said the existing "T" turn-around is not practical for fire trucks. Mr. Mullaney said access for fire trucks will be improved when the new driveway is constructed.

Ms. Beal asked about the 100 ft wetlands buffer. Mr. Mullaney said James Brook is an intermittent stream in this location so the buffer is 100 ft, not 200 ft, in this location.

Abutter Diane Mendel asked about the proposed driveway. Mr. Mullaney said the easement for the driveway is preferable because it does not require a wetlands alteration. Work will be done in the buffer zone for development of the lot.

Member Burke asked if the Conservation Commission reviewed the work in the buffer zone. Mr. Eliades said the Conservation Commission has extended the Order of Conditions for the proposed work.

The Board voted unanimously to close the public hearing.

PUBLIC HEARING – SPECIAL PERMITS, MCCARTHY, 65 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 Michael McCarthy, 65 Island Pond Road, for renewal of a special permit to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to utilize a shared driveway serving Lots A and B, owned by McCarthy, and the lot owned by Paula Lantz (Map 246, Parcel 31) as shown on the plan entitled, "Special Permit Shared Driveway Plan, Groton, Massachusetts, Prepared for Michael McCarthy" prepared by Ducharme & Dillis Civil Design Group, dated November 24, 2009. The proposed shared driveway is located on Assessors Map 246, Parcels 30, 32 and 33, on the northerly side of 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 Michael McCarthy, 65 Island Pond Road, for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create two hammerhead lots shown as Lots A and B on the plan entitled, "Plan of Land in Groton, Massachusetts, Prepared for Michael McCarthy" prepared by Ducharme & Dillis Civil Design Group, dated November 24, 2009. The proposed hammerhead lots are located on Assessors Map 246, Parcels 30, 32 and 33, on the northerly side of Island Pond Road.

Chairman Capes called the hearing to order. Clerk Burke read the legal notice posted with the Town Clerk on January 5, 2010 and published in the *Groton Herald* (January 8 and 15, 2010 issues).

Applicant Michael McCarthy, Attorney Robert Anctil, Surveyor Stan Dillis, and abutters Paula and Eric Lantz were present.

Attorney Anctil presented the applications that resulted from many meetings with Town officials during the previous five or six months to resolve issues related to construction of a second house on the McCarthy property without any permits.

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Mr. Dillis said the land contains approximately 22 acres including land under the water. Parcel 1 shown on the plan will be deeded to the Town as open space. Parcel 2 will be deeded to Lantz, owner of the abutting property. Parcels 3 and 4 are two five-acre hammerhead lots. Each lot contains the required 150 ft diameter circle. The existing driveway will service the two hammerhead lots and the Lantz' house.

Member Perkins asked if Lake Massapoag is a great pond. Mr. Dillis said, "no," it is a dammed pond.

Member Perkins asked about the total acreage of the hammerhead lots. Mr. Dillis said Lot A contains 5.12 acres and Lot B contains 5.16 acres.

Member Perkins asked about the existing houses on each lot. Mr. Dillis said there were two cottages on the land, formerly owned by Baker, since the 1950's. The cottages have been renovated.

Member Burke asked if the driveway off Island Pond Road is the same location as the existing driveway. Mr. Dillis said 'yes.'

Member Burke asked if the houses would be seasonal or lived in year-round. Mr. Dillis said the applicant must wait for approval of the sewage disposal system before the houses can be converted to year-round use.

Member Giger asked about the access and utility easement and location of public access. Mr. Dillis said the public access is shown on the plan at the southern end of the property. Member Giger said it is important to mark the public access near the water so people will know what is public and what is private property. Mr. Dillis agreed and offered to install trail markers as well.

Attorney Anctil said his client agreed to pay fines to the Town for the various violations resulting from construction without permits. He asked the Planning Board to grant the special permits which will provide benefit to the town including donation of land protecting the shoreline and public access to Lake Massapoag.

Member Wilson said he would like to hear from the other Town departments involved in the negotiations. Attorney Anctil said the fine has been paid to the Town, but each Board or Commission has the right to review the application as a new application.

Chairman Capes read the letter dated January 28, 2010 from Attorney Anctil to Town Manager Mark Haddad.

Member Perkins asked if the shared driveway meets the regulations. Mr. Dillis said the applicant is requesting a waiver the width from 16 ft to 12 ft with 2 ft shoulders. Member Perkins asked about emergency vehicle access. Mr. Dillis said the driveway is located on a former railroad bed, so it can support fire trucks.

Member Burke said the Board must review this as a de novo application and apply the regulations. He asked if the driveway is plowed. Mr. Dillis said, "yes."

Member Giger said if the width of the driveway is waived, there must be turn out areas with sign off from the Fire Chief. The driveway must be maintained during all seasons.

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Chairman Capes asked if the houses meet all setback requirements. Mr. Dillis said, "yes."

Chairman Capes asked if part of the five acres owned by McCarthy is under water. Mr. Dillis said, "yes."

Chairman Capes asked if the Lantz have the right to use the pond. Mr. Dillis said, "yes."

Eric Lantz said their lot has been in their family for more than 30 years. They are negotiating with Mr. McCarthy but do not have a signed memorandum of Understanding (MOU) yet. Once the MOU is signed, the Lantz will endorse the proposal.

Mr. Lantz requested that a gate be installed to prevent access by motorized vehicles.

The Board will walk the site on Saturday, February 13, 2010 at 9 AM.

The Board voted unanimously to continue both public hearings on March 4, 2010 at 7:30 PM.

TOWNSEND ROAD – ROUTE 119 INTERSECTION

The Board received a report dated January 25, 2010 from Fay, Spofford and Thorndike on the intersection of Route 119 and Townsend Road. The report will be submitted to MassHighway along with the study prepared by the Montachusett Regional Planning Commission (MRPC).

Meeting adjourned at 10 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner