

**GROTON PLANNING BOARD  
APRIL 22, 2010  
MINUTES**

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

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

Member absent: Barringer and Wilson

**PUBLIC HEARING – REVISIONS TO THE SUBDIVISION REGULATIONS**

The Groton Planning Board will hold a public hearing to consider revisions to Chapter 381 Subdivision Regulations:

Add the following new item (d) to Subsection 381-5B (2):

The proposed building numbering system shall be shown on the Approval Not Required (ANR) plan. Endorsement of said plan by the Planning Board shall constitute the assignment of building numbers to the lots shown on the plan. The building numbering shall follow the numbering system as provided in the Street Naming and Building Numbering Regulations promulgated pursuant to this Chapter.

Add the following new item (32) to Section 381-8B:

The proposed building numbering system shall be shown on the definitive subdivision plan. Endorsement of said plan by the Planning Board shall constitute the assignment of building numbers to the lots shown on the plan. The building numbering shall follow the numbering system as provided in the Street Naming and Building Numbering Regulations promulgated pursuant to this Chapter.

Chairman Capes called the public hearing to order. Clerk Burke read the notice published in the April 2 & 9, 2010 issues of the *Groton Herald*.

Town Planner Michelle Collette explained that the Town adopted revisions to Chapter 119 Building Numbering at the 2009 Annual Town Meeting. The Selectmen adopted regulations to implement the changes in the by-law. Several of the changes include the requirement to number structures on the subdivision and ANR plans. The proposed change in the regulations is necessary for consistency with the Building Numbering and Street Naming Regulations.

Attorney Collins agreed that there should be a standard method used to number buildings and that it should be shown in a standard way on the subdivision plans to avoid confusion.

The Board voted unanimously to close the public hearing.

The motion was made by Giger, seconded by Wilson, to to adopt the following revisions to the regulations:

Add the following new item (d) to Subsection 381-5B(2):

The proposed building numbering system shall be shown on the Approval Not Required (ANR) plan. Endorsement of said plan by the Planning Board shall constitute the assignment of building numbers to the lots shown on the plan. The building numbering shall follow the numbering system as provided in the Street Naming and Building Numbering Regulations promulgated pursuant to Chapter 119 Buildings, Numbering of.

April 22, 2010

Page 2

Add the following new item (32) to Section 381-8B:

The proposed building numbering system shall be shown on the definitive subdivision plan. Endorsement of said plan by the Planning Board shall constitute the assignment of building numbers to the lots shown on the plan. The building numbering shall follow the numbering system as provided in the Street Naming and Building Numbering Regulations promulgated pursuant to Chapter 119 Buildings, Numbering of.

The motion passed unanimously.

**PUBLIC HEARING – SPECIAL PERMIT, McCARTHY, ISLAND POND ROAD**

The Board voted unanimously to continue the public hearing on April 29, 2010 at 7:30 PM as requested by the applicant.

**PUBLIC HEARING – SPECIAL PERMIT, NASHOBA HOMES, 698 TOWNSEND ROAD**

The Board held the continuation of the public hearing to consider the special permit applications submitted by Nashoba Homes for Site Plan Review and a Shared Driveway to access four units of Subsidized Elderly Housing at 698 Townsend Road. Applicant James Casella, Attorney Robert Collins, and design engineer Jeff Brem were present.

Chairman Capes summarized the outstanding legal issues related to the application including whether the age restriction applies to all the units and whether lots with less than the required area and frontage could be created under Section 218-27B.

Attorney Collins noted that the Zoning Board of Appeals (ZBA) sent a letter clarifying its special permit decision to the Planning Board. Mr. Collins submitted his letters dated May 6, 2009 and June 19, 2009 to the ZBA as part of the record. He said ZBA special permit decisions have been consistent in the age restriction only applying to the affordable units and not to all the units in the development. He suggested that the Zoning Enforcement Officer make the determination at the time of building permit issuance.

Attorney Collins said the plan has been revised so the specimen tree will be saved and the driveway serving the duplex will be reconfigured.

Chairman Capes asked the Board for its opinion on the question of the age restriction. All members agreed that the age restriction only applies to the affordable units as intended in the ZBA special permit.

Chairman Capes asked the Board for its opinion on the creation of smaller lots.

Attorney Collins noted that the lots will be created with an Approval Not Required (ANR) plan because the lots have frontage on Townsend Road. He said his letter dated May 6, 2009 to the ZBA was clear on this point. Mr. Brem said the creation of smaller lots was reiterated in the letter dated March 31, 2010 to the Planning Board.

Member Burke said the Intensity Regulations talks about units per lot, not area and frontage requirements. The by-law does not give the ZBA or Planning Board to ability to waive the area and frontage requirements. Member Burke said the development should be a single entity on one lot. He said he has no other objections to the plan.

Attorney Collins said the Building Commissioner, as Zoning Enforcement Officer, should make this determination.

April 22, 2010

Page 3

Member Perkins said it is not clear from the record that the ZBA intended that the units would be on smaller lots. Attorney Collins said the ZBA approved the special permit application as submitted.

Chairman Capes asked if the applicant would have buildable lots if the Planning Board endorsed the ANR plan. Attorney Collins said, "no," the ZBA special permit makes the lots buildable.

Member Burke said he would vote to approve the special permit only if the units are on one lot because the creation of smaller lots is not authorized in the Zoning By-law.

Chairman Capes asked about the reconfiguration of the driveway. Mr. Brem described the two separate driveways cuts to access the two duplex units. The distance between the driveways will be between 85 and 93 feet. He said the revised plan will save the existing tree.

Member Hess asked if cars would have to back out onto Townsend Road. Mr. Brem said, "yes." The Board said it is not safe or consistency with Section 218-23 to have cars back out onto a public way. Mr. Collins said he would create an easement to resolve the situation.

Member Perkins said she did not like the separate driveway for the duplex units. She said she preferred the original configuration because it was safer. Member Giger said he did not like the new driveway configuration for the same reason. Member Wilson suggested using one driveway to serve both units in the duplex. Attorney Collins said they could use a circular driveway as shown on the original plan provided they could mitigate headlight glare.

Chairman Capes said he was trying to understand the ZBA's special permit decision regarding the smaller lots. Member Giger said the Board must work with the decision as written. Attorney Collins said the Building Commissioner should make the decision on the smaller lots.

Abutter Joseph Marchesani said Mr. Knatt would like to the applicant to alter the plan by changing the location of the house and sewage disposal system. Mr. Brem said that is not possible under the Board of Health regulations.

Abutter Patty Smith asked about the size of the units. Attorney Collins said the single family units will be 1800 square feet and the duplex units will be 750 square feet. The ZBA decision says the units cannot exceed 2000 square feet.

Patty Smith requested that more trees be planted to provide screening from headlight glare. Mr. Casella offered to plant arbor vitae or yews on the property line. Member Perkins requested that the applicant submit a planting plan to the Board.

The Board voted unanimously to continue the public hearing on May 6, 2010 at 7:45 PM.

#### **ANR PLAN – WOODLE, TAVERN ROAD**

The Board considered the Approval Not Required (ANR) plan submitted by the Woodle Family Residential Trust to create one new lot on Tavern Road. Attorney Robert Collins presented the plan.

Attorney Collins said the plan shows Parcels A and B and one new lot with 2.91 acres and 249 ft of frontage on Tavern Road.

April 22, 2010

Page 4

Member Burke asked if Tavern Road was a public way. Attorney Collins said it is public to Harding Road but not in this location. Member Burke said he would like to look at the road prior to voting on the ANR plan. The Board postponed action to its meeting on April 29, 2010.

#### **TOWN MEETING ARTICLES**

Water Superintendent Tom Orcutt met with the Board to request support at Town Meeting for the Water Department's request for Community Preservation Funds to fund the purchase of land at the future Unkety Brook well site. Mr. Orcutt said 15-16 acres are already protected, but the Water Department must purchase one acre to protect the required 400 foot radius (DEP Zone I) around future well.

The motion was made by Perkins, seconded by Wilson, to support the Water Department's article at Town Meeting. The motion was seconded and passed unanimously.

The Board discussed whether or not to make a statement of support for the Conservation Commission's article requesting Community Preservation Funds for the Conservation Fund. The Board will remain silent on this issue.

Meeting adjourned at 10:30 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner