

**GROTON PLANNING BOARD  
MARCH 10, 2011  
MINUTES**

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

Members present: Capes, Barringer, Burke, Giger, Parent, Perkins, and Wilson

**PUBLIC HEARING – SPECIAL PERMIT, WOODLE FAMILY RESIDENTIAL TRUST**

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 the Woodle Family Residential Trust for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development to create seven (7) lots as shown on the plan entitled, "Site Plan in Groton, Massachusetts, Prepared for Woodle Family Residential Trust," prepared by David E. Ross Associates, dated December 15, 2010. The proposed development is located on Assessors' Map 124, Parcels 21, 22, 24 & 25, on the easterly side of Indian Road, the southerly side of Harding Road and the westerly Arrow Trail.

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 the Woodle Family Residential Trust for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to create a shared driveway serving Lot 7 and the adjacent lot owned by Braudis, as shown on the plan entitled, "Site Plan in Groton, Massachusetts, Prepared for Woodle Family Residential Trust," prepared by David E. Ross Associates, dated December 15, 2010. The proposed shared driveway is located on Assessors' Map 124, Parcels 21, 22, 24 & 25, on the easterly side of Indian road, the southerly side of Harding Road and the westerly Arrow Trail.

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 the Woodle Family Residential Trust for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to create a shared driveway serving Lots 2 and 3 and Lots 4 and 5 as shown on the plan entitled, "Site Plan in Groton, Massachusetts, Prepared for Woodle Family Residential Trust," prepared by David E. Ross Associates, dated December 15, 2010. The proposed shared driveway is located on Assessors' Map 124, Parcels 21, 22, 24 & 25, on the easterly side of Indian road, the southerly side of Harding Road and the westerly Arrow Trail.

Chairman Capes called the public hearings to order. Clerk Burke read the notices published in the February 18 and 25, 2011 issues of *The Groton Herald*. Attorney Robert Collins and design engineer Jesse Johnson of David E. Ross Associates represented the applicant at the hearing.

Attorney Collins said the Woodle property is the largest privately-owned tract in the Lost Lake area. The 20-acre parcel contains an existing house and 1500 ft of shoreline on Lost Lake. The Adirondack-style cabin was constructed in the 1920's and has been in the same family since the 1930's. The parcel includes a network of paper streets so there are nine (9) existing, non-conforming lots that could be developed by-right. The proposed special permit plan, with a total of seven lots, preserves the integrity of the existing house and protects the shoreline. Lot 7 with the existing house has 12 acres. A conservation restriction will be placed on 8.2 of the 12 acres thereby protecting several vernal pools. The proposed lots will be served by common driveways serving Lots 2 and 3, lots 4 and 5, and Lot 7 and the adjoining lot owned by Braudis. Tavern Road ends at the lake and will serve as the driveway to the existing cabin. Town water will be extended to the "T" at the end of Tavern Road as shown on the plan.

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Extending Town water to Lot 7 would cause damage to the vernal pools and wetlands. The Board of Health granted a sewage disposal system permit for the adjacent lot owned by Braudis. The well on the property will be used for a geothermal heating system.

Attorney Collins said he met with the Groton Water Commissioners, and they agreed to limited public water on the site. He said he will meet with the Fire Chief to discuss the "T" turn-around and the Conservation Commission to discuss the conservation restriction.

Chairman Capes read the Water Department's comments on public water and fire hydrants. Attorney Collins said the Braudis lot is not part of the plan. It is a separately held lot and will be accessed by a shared driveway with Lot 7. The Braudis would like to construct a house now and water is not within 500 ft of the site. *(Note: Board of Health regulations requires connecting to Town water if the water system is located within 500 ft of the lot.)*

Chairman Capes read the comments from the Conservation Commission. Attorney Collins responded that there would be no construction within the 100-ft buffer zone of the vernal pools, brook, or lake. The sewage disposal systems will be located outside the buffers. Access to the lots will be over the existing road with a new "T" turn-around rather than a cul de sac.

Virginia Bennett, 34 Arrow Trail, asked about the buffer zones for the vernal pools. She said there are very fragile wetlands on the site including three or four vernal pools that dried up last year. She expressed support for the Conservation Commission's comments. Ms. Bennett said the buffer zone is only 100 ft and additional buffer should be provided to protect wildlife and the vernal pools. Attorney Collins said they would review the delineation with the Conservation Commission this spring.

Ms. Bennett stated that one of the shared driveways goes through a vernal pool. Attorney Collins said there is a road there now.

Member Perkins asked about access to the property owned by Clinton Parmenter. Attorney Collins said there is a legal right-of-way over Arrow Trail and Balsam Walk. The lots owned by Parmenter are buildable under Chapter 40A, Section 6, but there is not enough room for a sewage disposal system.

Member Perkins asked about the frontage for Lot 5. Attorney Collins said the applicant is improving the existing situation with Tavern Road. Tavern Road is open to the public today. In 1988, the Town accepted Tavern Road as a public way from Lost Lake Drive to the intersection with Harding Road. Lot 5 has frontage on Harding Road, a paper street.

Member Perkins asked if a basic number of lots plan was submitted. Attorney Collins said the plan shows existing non-conforming lots on paper streets. All existing lots are lots of record.

Member Burke asked about the common driveway that goes off the right-of-way of Tavern Road. He said he is troubled by the use of paper streets as legal frontage. Attorney Collins said the Town accepted the Lost Lake Roads that were in use in 1988. He said Chapter 40A, section 6, and case law is clear that the lots created on the 1926 subdivision plan are legal lots.

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Member Burke questioned contiguous ownership if the owner of the lots owned to the centerline of the road. He added that the Planning Board must determine access adequacy of the roads shown on the plan.

Attorney Collins said the applicant is proposing 7 lots, not 9. The lake front will not be developed and the vernal pools will be protected with the proposed plan.

Member Burke asked if Tavern Road is a road or a driveway as it goes outside the right-of-way. He said he does not agree that there are nine buildable lots of record. Attorney Collins said he would address the lot of record issue at the next hearing.

Abutter Michael Geogas, 69 Arrow Trail, asked if the applicant would be building houses. Attorney Collins said six new houses would be constructed off Tavern Road.

Abutter Paul Van Corbach, 40 Arrow Trail, asked if the paper streets had been adopted by the Town. Attorney Collins said the paper streets were not accepted as Town roads.

Virginia Bennett said Tavern Road is not a flat road. The terrain is very hilly. She asked how the developer will prevent runoff and sediment from reaching the vernal pools.

Design engineer Jesse Johnson said Sheet 5 of the plan sets up erosion control guidelines as specified on the plan. There will not be any new point-source discharges to the wetlands. Infiltration trenches will be installed to control runoff. Town Planner Michelle Collette said the applicant must also apply for a Stormwater Management Permit.

Member Giger said he is concerned about stormwater management because this is a very sensitive environmental area. A boilerplate solution may not protect the area. Site specific criteria must be considered for this site. He expressed concern about the proposed common driveway not meeting the Shared Driveway Regulations. He said the applicant must request a waiver of the regulations. He asked if there is adequate access for emergency vehicles at all times of the year.

Attorney Collins responded that the road is wide enough but there is no room to turn around under the present conditions. Member Giger said the Board must receive comments from the Fire Chief.

Member Barringer asked why the proposed plan is not a subdivision. Attorney Collins said the lots are existing non-conforming lots of record with frontage on paper streets.

Member Barringer asked where the frontage is for Lot 5. Attorney Collins said Lot 5 has no frontage – none is required in Section 218-26.

Member Barringer asked if the vernal pools stay wet all summer. Mr. Johnson said the water level in the vernal pools varies with the level of the lake.

Member Burke said he is not convinced that the proposed plan is the best design for the site. He referred the applicant to the five steps in Section 218-26E:

- "E. Design process. Each development plan shall follow the design process outlined below. When the development plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that this design process was considered in determining the layout of proposed streets, house lots, and contiguous open space.
- (1) Understanding the site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.
  - (2) Evaluating site context. The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.
  - (3) Designating the contiguous open space. The third step is to identify the contiguous open space to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks.
  - (4) Location of development areas. The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns.
  - (5) Lot lines. The final step is simply to draw in the lot lines (if applicable).

Attorney Collins said the Woodles want to preserve the existing house and vernal pools. The land has been in their family for 70 years. They are not trying to maximize the number of building lots.

Member Burke requested that the applicant submit a design plan with tree lines and other details. He recommended that a Landscape Architect be consulted during the design process.

The Board will walk the site on Saturday, April 30, 2011.

The Board voted unanimously to continue the public hearing on May 5, 2011 at 7:30 PM.

#### **ROCKY HILL LOT RELEASE**

Attorney Robert Collins, representing developer David Moulton, requested that the Board release Lots 36A, 36B, 21, 22, and 23 in the Rocky Hill subdivision. The Board is holding a Tripartite Agreement for the construction of Robin Hill Road.

The motion was made by Perkins, seconded by Wilson, to release Lots 36A, 36B, 21, 22, and 23 in the Rocky Hill subdivision. The motion passed unanimously.

Attorney Collins said there are four corner lots with frontage on Robin Hill Road and Mockingbird Hill Road. Robin Hill Road is bonded, but Mockingbird Hill Road is not. The driveways serving the four corner lots are on Mockingbird Hill Road. Attorney Collins asked the Board to accept a temporary easement agreement for the driveways to access over Mockingbird Hill Road until the road is constructed and bonded.

The motion was made by Burke, seconded by Barringer, to authorize access to lots 20, 21, 22 and 23 by a temporary driveway over the first 100 feet of Mockingbird Hill Road (Stations 0+00 to 1+00 and Stations 15+00 to 16+00) provided that an easement is recorded at the Registry of Deeds and submitted to the Planning Board and Building Commissioner prior to the issuance of any building permits.

The motion was made by Giger, seconded by Barringer, to amend the main motion by adding that the developer is responsible for maintenance of the road until it is accepted as a public way. The motion to amend passed unanimously.

The main motion passed unanimously.

### **PRE-SUBMISSION REVIEWS**

#### **Thomas More College**

Attorney Robert Collins, representing Thomas More College, met with the Board to discuss the location of Thomas More College on Old Ayer Road, as described in the his letter dated March 9, 2011. Attorney Collins said the college is exempt as an educational use under Chapter 40A, section 3. The college will submit a Level I site plan for the Board's review. The site plan review application will be a complete submission including engineering plans, drainage calculations, architectural design, and a traffic study as required in the by-law.

Member Burke agreed that the Board cannot require a special permit for an exempt, educational use, but it does have the authority under Chapter 40A, section 3, for review of the site plan.

Member Giger noted that the plans must be stamped by Registered Professional Engineers and Architects. Attorney Collins agreed.

The motion was made by Barringer, seconded by Wilson, to authorize the submission of a Level I site plan for Thomas More College, as described in the letter dated March 9, 2011 from Attorney Robert Collins, and that the plans must be stamped by Registered Professional Engineers and Architects. The process will be similar to a Level III submission without the requirement of a special permit. The motion passed unanimously.

#### **Town Hall Parking Lot, 173 Main Street**

*(Member Giger stepped down because he is a member of the ERSWAC.)*

The Board considered the request of the Earth Removal Stormwater Advisory Committee to waiver site plan review for improvements to the Town Hall parking lot including low impact development drainage and pervious pavement. There would be no change in the layout of the parking lot or number of parking spaces.

The motion was made by Perkins, seconded by Wilson, to waive site plan review for the Town Hall parking lot as shown on the plans, "James Brook Watershed Urban Stormwater Improvement Project, Town Hall Parking Lot Improvements," prepared by CEI, Inc., dated March 9, 2011. The motion passed unanimously.

#### **DPW Recycling, 600 Cow Pond Road**

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DPW Director Tom Delaney met with the Board to discuss the proposed changes to the recycling center on Cow Pond Brook road. Mr. Delaney said the Town received a grant from the Department of Environmental Protection for a Regional Recycling Center. The new building will be 65' x 80'. The Town will receive bulk deliveries of material to be recycled from Pepperell, Townsend, Ashby and Dunstable. Delivery trucks will use a separate entrance from homeowners accessing the transfer station. No lighting will be added.

Chairman Capes asked about the projected increase in the number of trucks. Mr. Delaney said it would not be a significant increase. Deliveries would be during daytime operations on Tuesday, Wednesday and Thursday.

The motion was made by Wilson, seconded by Barringer, to require a Level I site plan submission including notice to abutters within 300 ft and a notice in the newspaper. The motion passed unanimously.

Meeting adjourned at 10 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner