

**PLANNING BOARD
MAY 10, 2012
MINUTES**

Chairman Burke called the meeting to order at 7:30 PM at the Town Hall.

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

Members absent: Barringer, Giger

PUBLIC HEARING – SPECIAL PERMIT, HAMMERHEAD LOT, DALE LANE

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 Edward Juskalian for a special permit to utilize the provisions of the Code of the Town of Groton, Chapter 218 Zoning, Section 218-23.1 Hammerhead Lots, to create one hammerhead lot as shown on the plan entitled, "Plan of Land in Groton, Massachusetts, Prepared for Edward Juskalian" prepared by Ducharme & Dillis, Civil Design Group, dated January 20, 2012. The proposed hammerhead lot is located on Dale Lane, on property owned by Jodie Gilson, Assessors' Map 222, Parcel 14, on the easterly side of Dale Lane

Chairman Burke called the public hearing to order. Clerk Parent read the legal notice posted with the Town Clerk on April 17, 2012 and published in the April 20 & 27, 2012 issues of The Groton Herald. Applicants Edward and Karen Juskalian, design engineer Stan Dillis were present.

Mr. Dillis described how Mr. and Mrs. Juskalian will purchase land (Lot 1) owned by Jodie Gilson, Ronald Sandquist and Lester Berry. Parcels owned by Berry and Sandquist will be combined with the proposed hammerhead lot (Lot 1 as shown on the plan). Access to the proposed hammerhead lot is through the frontage on Dale Lane.

Member Wilson confirmed that the Juskalians would be combining all three lots and parcels. Mr. Dillis said the Juskalians would purchase the three properties in three separate deeds. The 20-acre Sandquist property will be subject to a conservation restriction on 10 acres as required by the Natural Heritage and Endangered Species Program. The Sandquist land is not accessible from Indian Hill Road because it is very wet.

Member Wilson asked whether the house would be constructed on the crest of the hill. Mr. Dillis said, "yes."

Member Parent asked if Parcel C shown on the plan would be part of the hammerhead lot. Mr. Dillis said the Juskalians would own Parcel C. They have no plans to create a second hammerhead lot. The creation of another hammerhead lot would require a special permit from the Planning Board.

Member Parent said Lot 1 (Gilson), Parcel C (Berry), and the Sandquist property would be combined. Mr. Dillis said, "yes." Member Parent asked if the application for a special permit for the hammerhead lot is only for Lot 1. Mr. Dillis said, "yes."

Member Perkins asked about Dale Lane. Philip Berry said his father constructed Dale Lane and Worthen Drive as part of a 26-lot subdivision in the 1960's. A total of seven houses were constructed on lots in the subdivision. The lots have been reconfigured to meet present zoning requirements. Only one more house can be constructed on lots shown on the Chapel Hill subdivision plan.

Member Perkins asked about the driveway serving Lot 1 and whether there is a problem with the frontage. Mr. Dillis said there is no problem creating a driveway through the frontage of Lot 1, but by using Parcel C, the slope of the driveway can be 7% rather than 10%.

Member Perkins asked about Parcels B and X as shown on the plan. Mr. Dillis said Mr. Berry would convey Parcel X to the Juskalians and Parcel B to the Sullivans.

Member Perkins asked if Lot 1 has 7.4 acres, 40 ft of frontage and can be accessed through its frontage. Mr. Dillis said, "yes."

Member Capes asked about the setback of the proposed house on Lot 1. Mr. Dillis said it would be setback around 500 ft from Dale Lane.

Member Capes asked about the proposed driveway. Mr. Dillis said the driveway begins at the frontage of Lot 1 on Dale Lane and then curves up and around the hill so it will have a gentler slope. A curved driveway would be more aesthetic than a driveway going straight up the hill.

Chairman Burke asked about the topography of the site. Mr. Dillis said the topographic plan was submitted with the Notice of Intent and Stormwater permit applications. Town Planner Michelle Collette provided a copy of the topographic plan showing the proposed driveway and stormwater management system.

Member Wilson asked if combining Lot 1 with Parcels C and X and the Sandquist property would extinguish the landowner's ability to develop the Sandquist property. Mr. Dillis said another hammerhead lot could be created with a special permit from the Planning Board. Chairman Burke said a shared driveway should be used if a second hammerhead lot is created.

Chairman Burke asked if the Fire Chief had any concerns. Mr. Dillis said the proposed driveway meets all the regulations. Chairman Burke asked if there are turn-out areas on the driveway. Mr. Dillis said, "yes."

Member Wilson asked about the grade of the driveway. Mr. Dillis said it is 7% in the steepest location.

Member Perkins asked if any retaining walls would be constructed along the driveway. Mr. Dillis said, "no."

Chairman Burke asked for comments from the public.

Abutter Erica Hager, 126 Indian Hill Road, asked for more information regarding the Sandquist property. Mr. Dillis said Mr. Sandquist wanted to develop this lot but could not do so because the frontage along Indian Hill Road is very wet. The Sandquist property is a lot of record, but it is not economically feasible to develop it from Indian Hill Road.

Member Perkins said the proposal before the Planning Board does not include building on the Sandquist lot. Mr. Dillis said the Natural Heritage and Endangered Species Program is requiring a conservation restriction on the northern 10 acres of the Sandquist property.

Ms. Hager asked whether the Sandquist lot could be developed from Dale Lane. Chairman Burke said a special permit from the Planning Board for a hammerhead lot and shared driveway would be required.

Member Wilson said if Town Meeting had adopted the Hilltop Zoning provisions in 2001, it would have protected such vistas.

Mr. Dillis said the Conservation Commission issued an Order of Conditions for the project. The Zoning Board of Appeals and Stormwater Committee will be holding hearings. He asked if the Board would continue the public hearing.

Member Perkins asked if the Board could walk the site. Mr. Dillis said he would fly balloons for the site walk to show the height of the house as he did for the ZBA site walk.

Ms. Hager said the balloon test is not a good indicator of what the lot will look like after the clearing takes place. Mr. Dillis said a large swath of vegetation would remain. The house will not be visible from Indian Hill Road.

Member Perkins asked how much land would be cleared. Mr. Dillis said about two acres would be cleared for construction of the house, driveway and sewage disposal system. The tree line shown on the plan is the limit of disturbance.

Indian Hill Road resident Bob Lotz asked if the house would be visible from the Bates Conservation land. Mr. Dillis said he did not know.

The Board will walk the site on Thursday, May 24, 2012 at 6:00 PM.

The Board voted unanimously to continue the public hearing on May 24, 2012 at 7:30 PM.

PUBLIC HEARING – SCENIC ROAD APPLICATION, 50 HOYTS WHARF ROAD

In accordance with the provisions of § 184-3 of the Code of the Town of Groton, the Planning Board and Tree Warden held a public hearing to consider the application submitted by Jack Waldie to remove a tree within the right-of-way of Hoyts Wharf Road along the frontage of 50 Hoyts Wharf Road, Assessors Map 248, Parcel 30. Clerk Parent read the notice published in the April 20, 27, and May 4 issues of *The Groton Herald*.

Tree Warden Robert T. Delaney was present, but the applicant and landscape contractor were not. The Board voted unanimously to continue the public hearing on June 14, 2012 at 8:15 PM.

PUBLIC HEARING – SPECIAL PERMIT/SITE PLAN REVIEW, 306 MAIN STREET

The Board held the continuation of the public hearing to consider the application for Site Plan Review submitted by Michael Luth for a karate studio at 306 Main Street.

The Board received a written request from Mr. Luth withdrawing his application. The Board voted unanimously to accept the application withdrawal without prejudice.

ANR PLAN – FOX MEADOW REALTY, CARDINAL LANE

The Board considered the Approval Not Required plan submitted by Fox Meadow Realty Corporation to change a lot line between lots 12 and 13 on Cardinal Lane in the Rocky Hill subdivision.

The motion was made by Wilson, seconded by Parent, to endorse as Approval Not Required the Plan entitled, "Plan of Land for the Rocky Hill Subdivision in Groton, Mass., Owner/applicant Fox Meadow Realty Corporation," prepared by R. Wilson & Associates, dated April 10, 2012. The motion passed unanimously.

COMPREHENSIVE MASTER PLAN

Chairman Burke thanked the Planning Board members for all their hard work and efforts in the adoption of the Comprehensive Master Plan. He thanked Member Capes for his guiding the plan through the process during the two years he chaired the Board. He thanked Member Barringer for his excellent presentation at Town Meeting. He said moving forward with the article to endorse the Master Plan was the correct decision as confirmed by the 80% vote at Town Meeting. The Board will send a letter to the editors thanking everyone, especially the Advisory Group members, for their time and effort.

LETTER TO GEORGE PERGANTIS – COACH HOUSE SEAFOOD GRILL & RESTAURANT

At the public hearing on May 3, 2012, the Board reminded Mr. Pergantis that he should not be doing any work on the parking lot, etc. until the Planning Board approves the site plan and that whatever work would be done at his own risk. Mr. Pergantis continued to make alterations to the site.

The motion was made by Wilson, seconded by Parent, to send a letter to Mr. Pergantis reminding him that he should not be making any alterations to the site unless and until the Planning Board approves the site plan and the Historic Districts Commission issues a Certificate of Appropriateness. The letter will stress that any site changes that the owner has made or will make are at his own risk and that he may be required to modify or remove any such alterations. The motion passed unanimously.

Meeting adjourned at 9:15 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner