

PLANNING BOARD
APRIL 23, 2015
MINUTES

Vice Chairman Perkins called the meeting to order at 7:30 PM at the Town Hall

Members present: Perkins, Burke, Giger, Svarczkopf, and Vega

Members absent: Barringer and Wilson

PUBLIC HEARING – SPECIAL PERMIT, MARTIN PROPERTY, JENKINS 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 Paula Martin for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development to create one (1) new lot as shown on the plan entitled, "Development Plan, Groton, Massachusetts, Prepared for Paula Martin," prepared by Ducharme & Dillis Civil Design Group, Inc., dated December 1, 2014. The proposed lot is on land owned by Paula Martin, Assessors' Map 217, Parcel 80, located on northerly side of Jenkins Road.

Vice Chairman Perkins called the hearing to order. Clerk Vega read the notice posted with the Town Clerk on March 31, 2015 and published in the April 3 & 10, 2015 issues of the *Groton Herald*. Attorney Robert Collins and design engineer Stan Dillis of Ducharme & Dillis Civil Design Group represented Ms. Martin at the public hearing.

Attorney Collins showed the proposed plan to create two lots on Jenkins Road. Lot 1 with the existing house would have 2.04 acres and 250 ft of frontage on Jenkins Road. Lot 2 would have 2.96 acres and no frontage. The lots would be served with two separate driveways. The applicant submitted a "proof plan" showing two lots with sufficient area (2.12 acres and 2.04 acres) and frontage on a proposed road with a cul de sac. Attorney Collins said the creation of the lot with no frontage is permitted under Section 218-26 Flexible Development. There will be no visual impact because this is a wooded lot with natural vegetation. The two homes are for Ms. Martin's daughters. Access to Lot 2 would be over a deeded easement. There are no wetlands on the site.

Vice Chairman Perkins asked where a lot without frontage is permitted in the Zoning By-law. Attorney Collins said there are no minimum frontage or area requirements in Section 218-25. She asked how much frontage Lot 2 has on the proof plan. Attorney Collins said, "233.64 ft."

Vice Chairman Perkins asked again about the provision in the by-law that permits a lot with no frontage. Attorney Collins said Section 218-26F allows the Planning Board to waive acreage and frontage. He said he could create 30-40 ft of frontage for Lot 2, similar to a hammerhead lot.

Member Svarczkopf asked about water. Attorney Collins said lots would have town water and on-site sewage disposal systems.

Member Svarczkopf said the email from Water Superintendent Tom Orcutt said, "no water/no sewer." Mr. Dillis said the lots could be served by wells.

Member Svarczkopf asked if the lots would be served by a shared driveway. Attorney Collins said, "no." Member Burke said he would prefer one curb cut and shared access for both lots. Attorney Collins said a special permit for a shared driveway is required. The applicant would prefer not to have a shared

April 23, 2015

Page 2

driveway. Member Burke asked about other curb cuts in the vicinity. Mr. Dillis said there is a curb cut on the adjacent lot.

Member Burke asked how much vegetation must be cleared. Mr. Dillis said there is an existing cart path that could be used for the shared driveway. Attorney Collins noted that the existing barn and well would be in the way of the shared driveway.

Member Giger said he also prefers the use of a shared driveway, but the barn would be an issue. He asked if the two lots would share a well or sewage disposal system. Attorney Collins said there would be individual wells and sewage disposal systems.

Vice Chairman Perkins said she is not comfortable with approving a lot without frontage. Attorney Collins said the second lot could have frontage on Jenkins Road and both lots could be accessed by a common driveway on the existing cart path. He said he would submit an application for a special permit for the shared driveway.

Member Burke asked if soil testing for the sewage disposal system had been done. Mr. Dillis said, "yes."

The Board voted unanimously to continue the public hearing on June 11, 2015 at 7:30 PM.

PRE-SUBMISSION REVIEW – MICHAEL DERMODY, OLD DUNSTABLE ROAD

Attorney Collins met with the Board to discuss subdividing land on Old Dunstable Road presently owned by the Darling Living Trust and to be purchased by Michael Dermody. There is an existing non-conforming, four-unit house on the lot. Mr. Dermody would like to create new lots and upgrade the existing house to three affordable units rather than tear down the structure.

Member Burke expressed the preference to have affordable units located in the Town Center rather than in outlying areas. Vice Chairman Perkins agreed that affordable units should be close to services. Attorney Collins noted that the two affordable units in the duplex at 698 Townsend Road worked out very well. The residents are very happy. Member Burke said it is difficult to find qualified buyers upon resale of such affordable units. Attorney Collins said the proposed affordable units could be rental rather than condominiums. Member Svarczkopf suggested that Attorney Collins consult with Housing Coordinator Fran Stanley.

Vice Chairman Perkins asked about protected open space and if there is any connection to other open space in the area. Attorney Collins said, "no," the open space would be along the frontage to provide a scenic buffer.

ROCKY HILL LOT RELEASES

The Board received a request to release Lots 32, 33 & 34 in the Rocky Hill subdivision. The Board has surety in the amount of \$817,233.00 in a tripartite agreement.

The motion was made by Burke, seconded by Svarczkopf, to release Lots 32, 33 & 34 in the Rocky Hill subdivision. The motion passed unanimously.

VERIZON WIRELESS CONCERNS

Attorney Carol Holahan, representing Verizon Wireless, met with the Board to discuss procedures for collocating wireless equipment on existing towers. She submitted a letter dated April 23, 2015 and supporting documentation. She said Verizon has two or three projects pending on existing towers. Federal Law changed in 2012 so collocation of equipment can be approved without coming to the Planning Board for a special permit. The review should be administrative only as part of the issuance of a building permit. Many towns are doing this type of review today through the Building Commissioner/Code Enforcement Officer. The decisions are administrative rather than by special permits.

The Board also received an email message dated April 16, 2015 from Town Counsel David Doneski including a Kopelman & Paige handout entitled, "New FCC Rule Impacting Proposed Modifications to Wireless Facilities, Prepared for the 2015 Massachusetts Municipal Association Annual Meeting." The message was in response to the request for an opinion on a letter dated April 3, 2015 from Gehring & Associates to the Building Commissioner regarding Verizon Wireless antenna exchange on the existing tower located at 149 Lowell Road.

Member Burke said the Board must continue to operate under the existing provisions of the Zoning By-law. He said the Board is well aware of the federal regulations and recent Attorney General rulings. The special permit process is simple and straight-forward. The Board expedites the hearing and special permit decision.

Attorney Holahan said Verizon is trying to improve its service as required by federal law.

Member Giger said the Board should review the Zoning By-law and definitions to speed up the review process.

The Board suggested that Verizon representatives meet with the Board on a case-by-case basis to ask if a special permit is required to replace equipment. Details on the proposed change in equipment must be submitted for the Board's review in making the determination. Attorney Holahan agreed to schedule follow up meetings with the Board.

SITE PLAN REVIEW EXTENSION - GROTON COMMUNITY SCHOOL

Director Linda Kosinski and Trustee Randy Barron met with the Board to request an extension of the Site Plan approved by the Planning Board in 2009. The approval has been automatically extended to June 4, 2015 by the Permit Extension Act.

The motion was made by Giger, seconded by Burke, to extend the site plan approval for two years to June 4, 2017. The motion passed unanimously.

COMMENTS TO THE ZONING BOARD OF APPEALS

The Board reviewed the application for a special permit submitted to the ZBA by Chris Broughton to alter a non-conforming house on a non-conforming lot of record at 28 Townsend Road.

April 23, 2015

Page 4

The Board also reviewed the application for a special permit submitted to the ZBA by Norma Garvin to convert an existing nonconforming single family dwelling to a two-family dwelling at 22 Common Street.

The Board said both applications are straight-forward and will submit no comments to the ZBA.

SUMMER SCHEDULE

The Board approved the summer schedule and will meet on the following dates at 7:30 PM in the second floor meeting room:

Thursday, May 14, 2015
Thursday, May 28, 2015
Thursday, June 11, 2015
Thursday, June 25, 2015
Thursday, July 9, 2015
Thursday, July 23, 2015
Thursday, August 6, 2015
Thursday, August 20, 2016

Meeting adjourned at 8:45 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner