

**PLANNING BOARD
MAY 28, 2015
MINUTES**

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

Members present: Barringer, Giger, Perkins, Vega, and Wilson

Members absent: Svarczkopf and Burke

ANR PLAN – GARDNER, 51 GRATUITY ROAD

The Board considered the Approval Not Required (ANR) plan submitted by Daniel Gardner to realign property lines and clear the title for his lot at 51 Gratuity Road. Lot A (51 Gratuity Road) has 104,226 square feet and 230 ft of frontage. Parcels X and Y will be conveyed to the abutters.

The motion was made by Wilson, seconded by Giger, to endorse as Approval Not Required the plan entitled, "Plan of Land for #51 Gratuity Road in Groton, Mass. Owners: Daniel C. Gardner and 51 Gratuity Road Realty Trust," prepared by R. Wilson and Associates, dated May 12, 2015. The motion passed unanimously.

ZONING MAP

Land Use Director/Town Planner Michelle Collette informed the Board that there is an error in the Zoning Map for property located at 27 Gilson Road, Map 135, Parcel 36, owned by the Gilson Road Trust. The property on Gilson Road was zoned "M-1" Manufacturing in 1963 when the first zoning map was adopted. A new map was adopted in 1986 showing the property as "M-1." The 1963 and 1986 maps did not include parcel information. However, the distance on Gilson Road scales at 600 ft from the Groton-Littleton Town line as shown on the individual maps that were an appendix to the Zoning By-law. When the Zoning Map was converted to a GIS map in 1998, it included parcel information and showed 27 Gilson Road as R-A Residential Agricultural. All subsequent GIS-based zoning maps show the property as R-A. The property was never rezoned from M-1 to R-A. The property owner purchased the property with the understanding that the property was zoned M-1 based upon the Assessors' records. The use of the site was previously and is now a plumbing business and does not have any residential use. The latest zoning map, adopted in 2014, changed M-1 to "I" Industrial and still shows 27 Gilson Road as R-A.

The Board asked the Town Planner to research the 1963 vote that established the original zoning districts and to ask Town Counsel for an opinion. Ms. Collette said correcting the map will likely require a 2/3 vote of Town Meeting to correct the designation of the lot in question. Ms. Collette said she had explained that to the property owner who was very understanding. The article would be put on the warrant for the Fall Town Meeting.

PC MYETTE, 120 BOSTON ROAD

The Board met with Peter Myette, design engineer Stan Dillis to discuss a minor field change to the site plan at 120 Boston Road. Mr. Myette reported that he has reached an agreement with his abutters. The final documents will be filed with the Court. The proposed change in the site plan will be part of the settlement agreement. Mr. Myette said the abutter is requesting the elimination of three parking

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spaces as shown on the marked-up plan he submitted to the Board. There will be no change to the impervious area, but the location of the three spaces will be marked, "no parking."

Board members were all in agreement with the proposed change. The applicant must submit a revised site plan showing the change and letter requesting a waiver of the number of parking spaces so the Board can vote on the requested administrative change.

CRYSTAL SPRINGS ESTATES CLEARING LIMITATION

The Board met with developer Robert Kiley, Attorney Robert Collins, and design engineer Stan Dillis in response to the letter dated April 13, 2015 from the Planning Board regarding the limits of clearing shown on the definitive plan.

Land Use Director/Town Planner Michelle Collette said the homeowner of Lot 3, 27 Crystal Springs Lane, submitted an application to construct a swimming pool. The Land Use Departments reviewed the application as part of the normal review process. The proposed swimming pool was shown as being located in the area beyond the limit of clearing shown on the definitive plan. However, it did not encroach on the area subject to a permanent conservation restriction required by the Natural Heritage and Endangered Species Program. The restriction is referenced in the deed, but the clearing limitation is not.

Attorney Collins said Lot 3 with the new house was sold three years ago. When the eight-lot Crystal Springs subdivision was approved, landowner Robert Gamlin donated 110 acres of open space to the Groton Conservation Trust and sold the remaining 25 acres to Mr. Kiley. The clearing limitation line of the definitive plan was marked in the field by hay bales and silt fence. The developer did not breach the limit of clearing. However, that limitation does not apply to the homeowners. The permanent conservation restriction is referenced in the deed and marked on the ground because it must be respected by homeowners.

Mr. Dillis added that the legal sheets showing the surveyed lot lines, easements and restrictions are recorded at the Registry of Deeds. The grading, drainage, and utility plans are not recorded. Mr. Kiley adhered to everything shown on the plan during construction.

Member Perkins agreed that the Board should not try to over-regulate homeowners. Attorney Collins said the site is too tight to be realistic because the developer condensed the lots as requested by the Natural Heritage and Endangered Species Program.

Member Giger agreed that the conservation restriction line is important to protect, but he did not see a problem with the swimming pool in the limit of clearing area.

Chairman Barringer said the Board must strike a balance with developers, homeowners, and abutters. The developer did not exceed authority during construction.

The motion was made by Giger, seconded by Wilson, to rescind the vote on the limit of clearing taken at the Board's meeting on April 2, 2015. The motion passed unanimously.

SURETY REDUCTION – ROCKY HILL SUBDIVISION

The Board received a report dated April 30, 2015 from Nitsch Engineer with a cost-to-complete estimate for the Rocky Hill Subdivision.

The motion was made by Perkins, seconded by Vega, to reduce the amount held in the “Agreement and Contract – Town of Groton Planning Board, Middlesex Savings Bank” for the Rocky Hill subdivision as follows:

Robin Hill Road	(Station 0+00 to 3+75)	0.00
Robin Hill Road	(Station 3+75 TO 20+50)	\$138,101.70
Robin Hill Road	(Station 20+50 to 30+50)	\$216,274.59
Quail Ridge Road	(Station 0+00 to 8+30.34)	0.00
Cardinal Lane	(Station 0+00 to 6+71)	\$48,362.82
Mockingbird Hill	(Station 0+30 to 15+75)	\$388,152.58
TOTAL:		\$790,891.69

The motion passed unanimously.

MINUTES

The Board voted unanimously to approve the minutes of May 14, 2015.

EXECUTIVE SESSION

The motion was made by Giger, seconded by Wilson, to enter executive session, pursuant to M.G.L. c.30A, Sec. 21(3) “To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.” The litigation is the Planning Board v. the Zoning Board of Appeals and Thomas Roche, and the Board would not return to open session. The motion passed by roll call vote with Giger – yes, Wilson yes, Vega – yes, Perkins – yes, and Barringer – yes.

The motion was made by Wilson, seconded by Giger, to end executive session and to adjourn the meeting. The motion passed by roll call vote with Giger – yes, Wilson yes, Vega – yes, Perkins – yes, and Barringer – yes.

Meeting adjourned at 8:45 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner