

**PLANNING BOARD  
JANUARY 14, 2016  
MINUTES**

Vice Chairman Giger called the meeting to order at 7:30 PM at the Town Hall  
Members present: Barringer, Burke, Giger, Svarczkopf, Vega and Wilson  
Member absent: Perkins

Vice Chairman Giger called the public hearing to order. Clerk Vega read the notice of the public hearing continuation dated December 30, 2015. Applicant Shelby Morris, landowners Robert and Cindy Black, and design engineer Dan Wolfe of David Ross Associates were present.

Mr. Wolfe described the plan to create a hammerhead lot by combining parcels from three landowners: the Sasblack Trust, Robert and Cindy Black, and Beth Monahan. He submitted a copy of the Assessor's Map showing the subject parcels. The proposed hammerhead lot, with 124 feet of frontage and 5.07 acres, conforms to all zoning requirements.

Member Barringer asked if the special permit application was signed by the applicant, Shelby Morris. Land Use Director/Town Planner Michelle Collette said, "Yes."

Member Wilson asked if the cart path shown on the plan would be used as a driveway. Mr. Wolfe said, "No, the cart path will not be used, and a new driveway would be constructed."

Member Giger asked about the location of the proposed house and how the parcels would be combined. Mr. Wolfe said the house would be located where the lot opens up. He pointed out the three parcels as shown on the plan. He noted that all the parcels are owned by members of the Black family. The parcels will be combined to form one hammerhead lot.

Member Barringer asked about the terrain. Mr. Wolfe said the lot is a rolling meadow with a slight rise. The house will be located at the top of the hill.

The Board voted unanimously to close the public hearing.

**DECISION**

The motion was made by Barringer, seconded by Wilson, to grant a special permit to Shelby Morris 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, Owned by Beth Ann Monahan, et als.," prepared by David E. Ross Associates, dated October 27, 2015, with the following conditions and findings:

**Findings:**

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law § 218-23.1 and 218-32.1:

1. **Social, economic and community needs:** The creation of the proposed hammerhead lot is for the use of only one single-family house on five acres.
2. **Traffic flow and safety:** The house will be served by a new single driveway on a very low density road. The addition of the hammerhead lot will have no adverse effect on traffic flow or safety.

3. **Adequacy of Utilities:** The existing house on the proposed hammerhead lot is served by a Town water and an on-site sewage disposal system. The proposed hammerhead lot will not have a negative impact on utilities.
4. **Neighborhood character:** The residential lot will blend in with other residential uses on the street.
5. **Impacts on the environment:** The development of the hammerhead lot will have minimal adverse impact on the environment. Trees will be removed for the installation of the driveway only. All other disturbances will take place in an open field. The area to be disturbed is greater than one hundred feet from any identified resource area.
6. **Fiscal impact on the Town:** There will be minimal fiscal impact on the Town from the creation of the proposed hammerhead lot.

**Conditions:**

1. The building number shall be shown on the ANR plan. The number shall be displayed in accordance with Chapter 258 Street Naming and Building Numbering, Section 258-10 Display of street signs, numbers and unit.
2. This special permit shall not be in effect until a certified copy of the special permit decision and ANR plan are recorded at the Middlesex South Registry of Deeds as required in GL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording is submitted to the Planning Board and Building Commissioner by the Applicant.
3. This special permit shall lapse in 24 months (from the date the decision is filed with the Town Clerk and the 20-day appeal period expires), which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause.
4. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

**ANR PLAN – DERMCO, LLC, 530 OLD DUNSTABLE ROAD**

The Board considered the Approval Not Required (ANR) plan submitted by Michael Dermody to create three lots on Old Dunstable Road. The Planning Board granted a special permit, PB 2015-22, on December 10, 2015 to create the new lots under the provisions of Section 218-26 Flexible Development. Design engineer Stan Dillis and Attorney Robert Collins were present.

The motion was made by Barringer, seconded by Svarczkopf, to endorse as Approval Not Required the plan entitled, "Plan of Land in Groton, Massachusetts, Owner: Dermco, LLC," prepared by Ducharme and Dillis Civil Design Group, dated December 1, 2015. The motion passed unanimously.

Attorney Collins asked the Board to consider allowing one building permit to be granted prior to the existing house being razed. He said the tenants living in the house have leases until June. Attorney Collins said Mr. Dermody would post a bond in the amount of the cost to raze the house so building permits can be issued prior to the expiration of the lease.

Member Giger said he is willing to accept such a bond, but he would only sign off on a building permit for Lot 1. He agreed that the Board must protect the people who are living there now. He suggested that the Board ask the Building Commissioner not to issue an occupancy permit for the new house on Lot 1 until the existing house is razed. Member Barringer added that the Board would only sign off on building permits for Lot 1 – not for Lots 2 and 3.

Attorney Collins said he would draft an agreement for the Board's consideration.

#### **PRE-SUBMISSION REVIEW – LAWRENCE ACADEMY ENTRANCE**

The Board met with Linda Deasy and Peter Myette from Lawrence Academy, Attorney Robert Collins, and design engineer Stan Dillis for a pre-submission review of the new entrance on Main Street. Vice Chairman Giger read the guidelines for pre-submission review.

Mr. Dillis said he has been working with Lawrence Academy to design a new entrance to the campus and to eliminate two existing curb cuts – Powderhouse Road and the driveway to the headmaster's house. DPW Director Tom Delaney agreed with the proposed plan. Two existing trees must be removed to create the new entrance. A full stormwater management permit will be submitted to the Earth Removal Stormwater Committee. A traffic study will be submitted to the Planning Board with the Site Plan Review application. Turning lanes will be added to Main Street.

Attorney Collins said the project is an exempt, educational use under Chapter 40A, Section 3.

Member Svarczkopf asked about the elevation changes and stormwater management issues. Mr. Dillis said the existing Powderhouse Road is 12-15% grade. The new road with a 3-8% grade will comply with the regulations.

Member Vega said he is concerned about impact on traffic. Mr. Dillis said the amount of traffic will be the same as it is today.

Member Svarczkopf expressed concern about traffic circulation on campus. Mr. Dillis said you will not be able to go from Main Street to Route 40 because there are one-way roads.

Member Wilson said one curb cut on Main Street is an improvement over the existing condition. He asked about the maximum cut and fill. Mr. Dillis said the maximum cut will be three feet.

Member Barringer said if the changes are internal to the campus, the Land Use Departments could review the plan under Minor Site Plan Review provisions. However, the Planning Board should review the traffic study and turning lanes on Main Street.

*(Member Burke arrived.)*

Vice Chairman Giger agreed that the proposed plan will significantly improve the situation and address safety concerns, but the Planning Board should review the traffic study.

Mr. Myette said the proposed change will be much safer than existing conditions.

Member Burke asked about the current and proposed road widths. Mr. Dillis said Powderhouse Road is 18 ft wide and the new road will be 22 ft wide. Member Burke said the plan has a lot of merit. He agreed that the Planning Board should review the site plan.

Land Use Director/Town Planner Michelle Collette asked if the Board would like a peer review of the project. Members agreed that they would be satisfied with the review of the project by Nitsch Engineer for the Stormwater Permit. Vice Chairman Giger said it is important to receive comments from the Police Chief.

**PROPOSED ZONING AMENDMENTS & SUBDIVISION REGULATION REVISIONS**

The Board discussed possible zoning amendments and reviewed draft revisions to the Planning Board Regulations. Warrant articles must be submitted to the Selectmen by February 26, 2016.

Land Use Director/Town Planner Michelle Collette suggested that the Board consider removing Major Residential Development and Development Rate Limitation provisions because the courts had overturned similar provisions in other communities. Wall Street Development Corporation v. Planning Board of Westwood invalidated Major Residential Development and Zuckerman v. Town of Hadley determined that the Development Rate Limitation provision in Hadley was unconstitutional.

Member Burke said he would like to review and revise Major Residential Development and Flexible Development provisions rather than delete the section altogether.

The Board will leave the Residential compound provision in the Subdivision Regulations, but hold a public hearing on the other proposed revisions in to the Planning Board Regulations, as drafted.

Meeting adjourned at 9:15 PM

Respectfully submitted,

Michelle Collette, AICP  
Land Use Director/Town Planner