

**GROTON PLANNING BOARD
MARCH 29, 2001
MINUTES**

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

Members present: Curtis, Clements, Eliot, and Perkins

Member absent: Barringer, Degen, and Lewis

PUBLIC HEARING (con't) - SPECIAL PERMIT, FOX MEADOW

At the request of the applicant, the Planning Board voted unanimously to extend the deadline until April 30, 2001.

The Board voted unanimously to continue the public hearing on April 12, 2001.

SITE PLAN REVIEW MODIFICATION – HALE VILLAGE

The Board reviewed the modifications to the Hale Village site plan submitted by S. Tracy Eliades to construct two additional garage spaces at his multifamily development on West Main Street. Mr. Eliades and design engineer Gus Sharry of Goldsmith, Prest and Ringwall were present.

Chairman Curtis read comments from the Police Chief, the Conservation Commission, and the Board of Health.

Mr. Sharry noted the proposed two-car garage will be connected with the other garages. The Board of Health approved the relocation of the reserve area for the sewage disposal system. The Planning Board said it was satisfied with the revisions to the plan since the Board of Health approved the change.

The motion was made by Perkins to approve the modification of the Hale Village site plan for the construction of two additional garage spaces as shown on the plan entitled, "Subsurface Sewage Disposal System Repair and New Construction – Construction Record Drawing; 56 & 58 West Main Street, Groton, MA, Owner: 58 West Main Street Realty Trust," prepared by Goldsmith, Prest & Ringwall, Inc., dated November, 2000, with the following condition:

1. All conditions in the original Special Permit #99-06 and site plan approval remain in full force and effect.

The motion was seconded and passed unanimously.

COMMENTS TO THE ZBA

Sprint - The Board discussed its comments to the Zoning Board of Appeals (ZBA) on the application for a variance submitted by Sprint to construct a cellular tower on the Crowley property on North Main Street. The Board will send a representative to the hearing and request more time to make comments.

Union Congregational Church – The Board will send a copy of the letter from Town Counsel regarding backing out from parking spaces onto Willowdale Road. Chairman Curtis noted that this is a safety issue and site plan review is still required.

GILSON ESTATES, LOT 5

Developer Mark Scolnick requested that the Board release Lot 5 in the Gilson Estates subdivision. The conditions of the Gilson Estates modification required removal of a stump dump and remediation of the lot before building permit issuance. The Board will ask its engineer to inspect the lot.

PUBLIC HEARINGS – PETERBOROUGH OIL REZONING

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Planning Board held a public hearing to consider the following petition submitted by Robert Collins and others:

“To see if the Town will vote to re-zone from R-A, Residential-Agricultural, to B-1, Business, the property

situated at 3 Boston Road, Groton, MA which is shown on Assessors Map O as parcel 282B, and is comprised of approximately 39,652 square feet with 270.56 feet of frontage on Boston Road, all as is described in a deed to Peterborough Oil, Inc., recorded with Middlesex County Registry of Deeds, South district, in Book 12851 at Page 204, or take any action thereon.”

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Planning Board held a public hearing to consider the concept plan entitled, “Proposed Site Plan, Peterborough Oil Company, Inc.”, prepared by the Tyree Consulting Group, dated February 2, 2000, for property situated at 3 Boston Road, Groton, MA which is shown on Assessors Map O as parcel 282B

Chairman Curtis called the hearing to order by reading the notices published in the March 9 and 16, 2001 issues of *The Groton Herald*. Attorney Robert Collins represented the applicant at the hearing.

Mr. Collins submitted a “Project Development Statement” prepared by the Tyree Consulting Group, dated March 2001. He said the site has been used as a service station for more than 50 years. When zoning districts were adopted in 1963, the site was zoned Residential-Agricultural and it has been non-conforming ever since. The existing site has no defined entrance or exit. The applicant plans to raze the existing 1900 sq ft structure and replace it with a new 1900 sq ft building with a gas station and convenience store. The new building will look more like a cape with clapboard siding. The site will be landscaped and traffic flow will be improved with a defined entrance and exit. A versa-lok wall will be constructed to control drainage.

Chairman Curtis read the comments submitted by the Police Chief, the Board of Health, and the Conservation Commission.

Member Eliot asked about the property lines and wetlands. Mr. Collins showed the boundaries and location of the wetlands on the plan. Member Eliot asked what the height of the Versa-lok wall will be. Mr. Collins said about 10 feet.

Member Clements said the plan is a new variation on a project that met quite a bit of resistance last time. He asked why the site was zoned R-A when zoning was adopted if there was an existing gas station there. He said he would like to see the site improved without an expansion of the existing operations. Therefore, he would prefer that the site remain R-A with any alterations or expansion subject to ZBA review.

Member Perkins asked how much filling of the site will be needed. Mr. Collins said they will provide the Board with calculations. She asked if the fill will be within the 100 ft buffer zone. Mr. Collins said, “yes.”

Chairman Curtis read the letter dated March 26, 2001 from Christopher Murphy expressing concerns about traffic and safety issues.

Michael Lamphert said he is concerned about more gas pumps, the canopy over the pumps, the convenience store, and more traffic. He said the residents will have more control if the site is zoned R-A. He said he property located at 23 Old Ayer Road is very wet in the spring, and the plan will require a huge amount of fill in the buffer zone.

Gerard Gingras said the wetlands in the rear of the site feed James Brook, which runs along Old Ayer Road. Mr. Collins said the site plan will address drainage and runoff issues.

Wendy Fedderoff asked how the proposed rezoning fits into the Town’s master plan. She asked if the town really needs another convenience store and more gas pumps.

Chairman Curtis said the 1990 Comprehensive Master Plan said there should be a balance of zoning districts so there is no net lose in business-zoned land. Several other parcels have been rezoned from non-residential use to residential use in the last few years.

Ms. Fedderoff asked if Peterborough Oil purchased the house on the adjacent lot. Mr. Collins said, “yes,” and this will

help maintain a buffer. Nothing is proposed for this site other than planting a buffer and then reselling the house.

Harlan Fitch stated that this is primarily a residential area except for the plumber and tax preparation office which are also non-conforming uses. He said the existing gas station could continue as a non-conforming use and revert to residential use at some point in the future.

Arthur Blackman said he and Harlan Fitch both served on the Planning Board when the zoning districts were adopted. The town has more control if the use is non-conforming rather than a by-right use in a business district. The proposed improvements to the site will result in more traffic and this is not the best place for it. He said it would be nice if the site reverts to residential use.

Camilla Blackman expressed concerns about drainage and increased runoff to James Brook.

Paula Weinberg presented a history of the site going back to 1922. She said the neighbors have many safety concerns because there were five accidents at this intersection last year. The number of accidents will increase with more traffic and more business at the gas station. She said many children live in this neighborhood. Rezoning this parcel will set a precedent for other grandfathered businesses along this stretch of Route 119. The proposed structure includes a gas station and convenience store and will change the character of the neighborhood and the Town.

Gerry Gingras asked why the Police Chief is silent on the safety issue here. He asked why the Police Chief is not more involved in the process. Chairman Curtis said all the town departments were notified and asked for comments. Chairman Curtis said he read the Police Chief's comments earlier in the hearing. Mr. Gingras stated that the Police Chief is not from Groton and suggested that the Board ask the patrolmen instead.

Elizabeth Strachan of Boston Road said she is concerned about safety issues and the impact on the neighborhood. She said it makes no sense to expand this non-conforming use.

Edward O'Rourke asked about the style of the proposed building. Mr. Collins said the building will be cape-style with clapboards.

Mr. Collins requested that the Planning Board continue the hearing so he could provide more information.

The motion was made by Perkins to continue the public hearing on April 26, 2001 at 7:30 PM. The motion was seconded and passed unanimously.

INFORMAL DISCUSSION – BRUCE ANDERSON, LOWELL ROAD

Surveyor Stan Dillis met with the Board to discuss subdividing the Anderson property on Lowell Road. The lot was created in 1974 and is a non-conforming lot of record with 6.72 acres and 86 ft of frontage on Lowell Road. Planning Administrator Michelle Collette asked if it was created as a hammerhead lot with a special permit granted by the ZBA for construction of the house.

Member Clements said he understands that Baddacook Pond Road is a private way. Mr. Dillis agreed that it is not a public way and it would have to be approved as a subdivision road to provide legal frontage for new lots.

Chairman Curtis said the Board would like to have comments from the Water Department because of the close proximity to the Baddacook Pond well before making any decisions about this property.

WEST THRONE PERFORMANCE BOND EXTENSION

The motion was made by Clements to sign the performance bond extension agreement to expire on April 1, 2002 for the West Throne subdivision. The motion was seconded and passed unanimously.

Meeting adjourned 10:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator