

**GROTON PLANNING BOARD  
OCTOBER 25, 2001  
MINUTES**

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

Members present: Curtis, Clements, Degen, Eliot, Lewis and Perkins

Member absent: Barringer

**SITE PLAN REVIEW – RUTLEDGE, 16 TOWNSEND ROAD**

The Board considered the site plan submitted by James and Tammy Rutledge to renovate a house at 16 Townsend Road for office use. Mr. and Mrs. Rutledge were present at the meeting.

Mrs. Rutledge said the land is zoned for business (B-1), and the Board of Health approved the sewage disposal system for business use only. Parking will be located on the opposite side of Townsend Road on land leased from the MBTA. (A copy of the lease agreement was submitted with the application.)

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

Member Perkins asked if the parking lot will be created or does it exist today. Mr. Rutledge said people use the MBTA land for parking now. Mrs. Rutledge said they have an easement from the MBTA to use the area for parking, but they cannot pave it without permission of the MBTA.

Member Perkins asked how many parking spaces will be needed. Mr. Rutledge said eight to ten. The Board calculated that 218-23 requires eight parking spaces for 1130 square feet office space (two plus one space per 180 sq ft).

Member Clements asked about lighting. Mr. Rutledge said there is an existing streetlight in the area. Mrs. Rutledge said a new porch light is the only light they will install.

Member Clements asked about landscaping. Mr. Rutledge said the area will be landscaped after the tight tank is installed.

Member Degen asked if there is any room for parking between the house and the street. Mr. Rutledge said, “no.”

Member Perkins asked if the existing parking on the MBTA land backs out onto the street. Mr. Rutledge said, “yes.”

Chairman Curtis noted that a variance from the Zoning Board of Appeals is required for parking that backs out onto the street. He said the parking by-law credits businesses with ten on-street parking spaces if they are located on the existing sidewalk and curb system. He said there may be enough on-street parking to meet the requirements of the by-law without using the MBTA land.

Mr. Rutledge asked if they can use the MBTA land for parallel parking. Chairman Curtis said the plan could be amended so the parking does not back out onto the street, but the by-law also requires that parking be located on the same premises as the business.

Mrs. Rutledge said the parking on the MBTA can be removed from the plan, and they can come back at a later date if additional parking is needed.

Member Lewis if asked there are any parking spaces on the same side of the street as the business. Mr. Rutledge said, “no.”

Chairman Curtis suggested that the Board do a site walk and that Mr. Rutledge submit a new plan without showing the MBTA land for parking and using the credit for ten on-street spaces. Board members said they could look at the site on their own time. Mr. Rutledge amended his application by removing the parking in the MBTA land.

The motion was made by Degen to approve the Level I site plan entitled "Plan of Proposed Holding Tank, 16 Townsend Road, Prepared for James & Tammy Rutledge," prepared by David E. Ross Associates, Inc., dated July, 2000, and "Submission Requirements – Level I," prepared by James and Tammy Rutledge and submitted with the application. The Board approved the site plan with the following conditions:

1. The supporting material submitted with the application was revised by the applicant to show no parking on land owned by the MBTA on the westerly side of Townsend Road. If the MBTA land will be used for parking in the future, the applicant shall apply for a modification of the site plan approval. In addition, parking on the MBTA land will require a variance from the Zoning Board of Appeals.
2. The site is credited with ten (10) on-street parking spaces as permitted in §218-23C(1) because there is an existing sidewalk and curb system in the West Groton village area.
3. As required in Section 218-25G(1)(h), lighting shall not intrude onto other properties or public ways.
4. Parking for the disabled and access to the building shall comply with the requirements of the Architectural Access Board Regulations, 521 CMR, and the Americans with Disabilities Act.
5. All signs must conform with Chapter 196 Signs of the Code of the Town of Groton.

The motion was seconded and passed with Clements, Degen, Eliot and Lewis in favor; Curtis and Perkins abstaining.

#### **PUBLIC HEARING – SPECIAL PERMIT, KOBRIN HAMMERHEAD LOT**

*(Member Clements did not participate because he has an easement on the subject property.)*

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Planning Board held a public hearing to consider the application submitted by Robert Kobrin and Elizabeth Rodeno for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create two (2) hammerhead lots shown as Lots 8 & 9 on the plan entitled, "Plan of Land in Groton, Massachusetts; Prepared for Robert Kobrin and Elizabeth Rodeno," prepared by David E. Ross Associates, dated August, 2001. The proposed lots are located on Assessors Map 235, Parcel 46, on the southerly side of Skyfields Drive.

Chairman Curtis read the notice published in the October 5 and 12, 2001 issues of *The Groton Herald*. Applicant Elizabeth Rodeno was present at the hearing.

Ms. Rodeno presented the plan to divide an existing twelve-acre lot into two hammerhead lots with access on Skyfields Drive extension, a public way. The lots meet the dimensional requirements of the by-law. Lot 8 has five (5) acres area and 50 feet frontage. Lot 9 has seven (7) acres, 91.79 feet frontage and contains the Kobrin-Rodeno's existing house.

Chairman Curtis read the comments submitted by the Board of Health, the Conservation Commission, and the Water Department.

Member Lewis asked if the special permit will create one new hammerhead lot and one hammerhead lot with an existing house. Ms. Rodeno said, "yes," they purchased their house and twelve acres from Arthur and Camilla Blackman.

Member Eliot said she wanted to review the special permit that created the original hammerhead lot and questioned whether that special permit should be modified.

Member Eliot asked if the applicant would consider setting aside land for a water tower as requested by the Water Department. Ms. Rodeno said she would speak with the Water Department about its request.

Member Degen asked if the application is only for Lots 8 and 9. Ms. Rodeno said, "yes."

Member Lewis noted that each lot must have access through its frontage. Ms. Rodeno said the application will create one new lot with access off Skyfields Drive. Chairman Curtis stated that the section of Skyfields Drive beyond the cul de sac is part of the public way. Ms. Rodeno stated that this section is not paved and the Town does not plow it.

Member Degen questioned whether the access should be improved and a shared driveway used to serve both hammerhead lots. Member Lewis said the Board must look at the road and determine if the road is adequate to serve the proposed lots and that the lots can be accessed through their frontage. Ms. Rodeno said she would have the frontage of the lots staked by the surveyor. Board members will walk the site on their own time.

Member Perkins said if the Water Department would like land for a water tower, it should buy the land from the landowner. Chairman Curtis encouraged Ms. Rodeno to meet with the Water Department to discuss the matter. Member Eliot said there will be a big difference in the value of the lot with or without an easement for the Water Department.

The Board voted unanimously to continue the public hearing on November 1, 2001 at 8:15 PM.

### **GILSON ESTATES BOND REDUCTION**

The Board received a report dated October 17, 2001 from John Schmid of Judith Nitsch Engineering, Inc. (JNEI) recommending that the Board reduce the performance bond for the Gilson estates subdivision to \$32,514.62.

Member Degen expressed concern about reducing the bond because the fire cistern may need replacing and this could require digging up the pavement. The motion was made by Degen not to reduce the bond because outstanding problems with the fire cistern may result in additional expense. The motion was seconded and passed unanimously.

Member Degen asked about the status of the bond. Planning Administrator Michelle Collette said Town Counsel is reviewing the proposed "maintenance bond" submitted by Gilson Estates Realty Trust.

### **PUBLIC HEARING – MILL RUN PLACE CONCEPT PLAN**

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, "Mill Run Place, Concept Plan for Business Development, Main Street and Mill Street, Groton, Massachusetts", prepared by Attorney Robert Collins, and as shown on the plan entitled, "Mill Run Place – Phase 2, Main Street, Groton, Massachusetts, Proposed for Ryan Development", prepared by Joseph Lagrasse & Associates, Inc., dated September 13, 2001. The proposed concept plan is located on Assessors Lots 110-28, 216-1, 216-2, and 216-14, on the westerly side of Main Street and easterly side of Mill Street.

Chairman Curtis called the public hearing to order. Applicant Robert Walker of Ryan Development, Attorney Robert Collins, design engineer Robert Pine, traffic engineer Kim Hazarvartian of TEPP, LLC, and many abutters were present.

Mr. Collins presented the plan to relocate and abandon a portion of Mill Street to accommodate a new commercial development including a supermarket, retail stores, and restaurant as shown on the concept plan submitted under §218-18. A two-thirds vote of Town Meeting is required for approval of the concept plan. The traffic engineers from TEPP, LLC are working with the Massachusetts Highway Department (MHD) on the new configuration and relocation of the Mill Street/Route 119 intersection.

Mr. Pine presented the plan including a Hannaford's supermarket, retail stores, restaurant, and the previously approved childcare center. He said providing screening for this site is an important part of the design. Three entrances will be used to divide traffic. Landscaping indentations will be installed along Main Street to break up the site. A series of trees will line the road. Mr. Pine presented architectural sketches of the proposed building elevations.

Traffic Engineer Kim Hazarvartian presented the proposed road design. He said the response of MHD has been very positive to date. The existing intersection is very dangerous, and the new intersection will help slow down traffic. A driveway from each site will enter Route 119 to spread out traffic. An Environmental Notification Form will be filed with MEPA for the proposed highway cuts on Route 119.

Chairman Curtis read the comments from the Conservation Commission, the Board of Health, the Police Chief, the Fire Chief, the Groton Electric Light Department, and the Water Department.

Mr. Collins said they will respond in writing to all the concerns expressed by the Town Departments.

Member Lewis asked if a traffic study will be submitted. Mr. Hazarvartian said, "yes," as part of the environmental impact study.

Member Lewis expressed concern about cars stacking on Mill Street and people cutting through the parking lot to avoid waiting. He added he is concerned about traffic from the proposed project in close proximity with the day care center.

Member Eliot said the day care center's site plan should be reconsidered as part of this application. Mr. Collins said there were many discussions with the Planning Board about this site prior to the submission of the site plan for the day care center. The site plan was submitted because the day care center is an exempt use and does not require concept plan approval. A new site plan will incorporate the day care center when the time comes.

Chairman Curtis asked about frontage for the day care center. He said if the day care center is already constructed, how will the structure be incorporated into the new site plan. Mr. Collins said there is very little difference in the two site plans if you overlay both plans.

Member Eliot said the day care center was treated as an exempt use. If it is submitted as part of the commercial development site plan, it must comply with all site plan review requirements. Mr. Collins said they intend to comply with all requirements.

Member Perkins expressed concern about the parking lot for the restaurant being located in front of the day care center.

Member Eliot asked about the intersection of Mill Street, Arlington Street, and Gratuity Road which is also very dangerous. Mr. Collins said this intersection will be addressed during site plan review.

Member Eliot said she would like to see more plantings and more shade in the interior of the parking lot. She asked if the plan complies with the § 218-23C(7) Parking Lot Plantings.

Member Degen said it will make a big difference to him if the day care center is constructed prior to the submission of the revised site plan. He, too, expressed concern about the day care center sharing parking with the restaurant.

Member Degen asked how the proposed landscaping would screen headlight glare. Mr. Pine said the landscaping details will be shown on the site plan. He intends to use both deciduous and evergreen trees for screening. Grade changes will be substantial and will help provide screening.

Member Degen asked if the traffic at the intersection meets the State warrants for a traffic light. If so, a light may help alleviate traffic problems on Route 119.

Member Clements added his concerns about the day care center and restaurant sharing a parking lot. He asked if an on-site sewage disposal system will be used. Mr. Collins said applications to tie into the municipal sewer system are pending.

Member Clements asked about drainage from the large amount of impervious surface proposed with the plan. Mr. Pine said some drainage basins will be used, and a large amount of leaching capacity will be needed. Abutter Ronald Alcott asked if the traffic study was done by the engineer at the meeting or by others. Mr. Hazarvartian said his firm prepared the traffic study.

Mr. Alcott expressed concern about potential noise resulting from the development including truckers stopping and accelerating, deliveries, and trash pick up. He asked why the street had to be relocated to accommodate a grocery store.

Carrie Kneeland suggested that Mill Street remain where it is today and that the restaurant be eliminated. She said the entrance on Mill Street will impact the neighborhood.

Mary Dunham read a letter dated October 24, 2001 summarizing her husband and her concerns about noise pollution, air pollution, light pollution, visual pollution, traffic, sewer, water and runoff, snow removal, and impact on local businesses.

Abutter Mark McCarthy expressed his concerns about traffic flow patterns, light, noise, and drainage issues. He said the proposed plan will flood his house which is located in a low-lying area surrounded by the proposed development. Chairman Curtis said the post-development runoff cannot exceed the pre-development runoff. Member Lewis said he lived in this area in the 1970's and the drainage calculations must take the high groundwater table into consideration. Mr. Collins said all these issues will be addressed during site plan review.

Abutter Linda Lieberg said she will have difficulty getting out of her driveway with the proposed plan. She said headlight glare would shine onto her house. She said the proposed changes in Mill Street will not help, and the residents will pay the consequences.

Lillian Alcott said there are groundwater springs and ledge that will create problems for this site. Mrs. Alcott also stated her concerns about traffic from NEBS using Mill Street as a by-pass.

Mr. Alcott said his most serious concern is that the plan will result in a devaluation of his property.

Mr. Collins said all the abutters' comments will be considered and addressed at the continuation of the hearing.

Member Degen asked about the hours of operation. Mr. Collins said the hours are governed by the Board of Selectmen under the Town's general by-laws.

The Board will walk the site on Saturday, November 3, 2001 at 9:00 AM.

The Board voted unanimously to continue the public hearing on November 29, 2001 at 8:30 PM.

## **ROCKY HILL UPDATE**

Attorney Robert Collins and design engineer Robert Pine met with the Board to present an update on the Rocky Hill concept plan as detailed in the letter dated October 11, 2001 from Attorney Collins. Mr. Collins said an ANR plan will be submitted to create the parcels to be conveyed to the Town, a preliminary plan will be submitted showing the proposed road network for the housing development, a site plan will be submitted for the retail portion of the site, and the negotiations with Massachusetts Audubon are on-going for the open space parcel.

### **ANR PLAN – GROTON LAND FOUNDATION, NASHUA ROAD**

The Board considered the Approval Not Required plan submitted by the Groton Land Foundation (GLF) to create two new lots – one on Northwoods Road and one large parcel on Nashua Road for the Still Meadow cluster development. Robert Pine presented the plan.

Member Degen asked if Lot 4 meets the corner lot requirements. Mr. Pine said the Planning Board granted a special permit for the Still Meadow plan on July 19, 2001, and the lots shown on the plan are the same as the lots shown on the special permit plan. The Basic Number of Lots plan showed that the lot could meet corner lot requirements.

Member Lewis questioned whether the creation of the parcel circumvents the corner lot requirements. Planning Administrator Michelle Collette said, "no" because the creation of the lot and parcel are permitted by the grant of the special permit.

The motion was made by Perkins to endorse as Approval Not Required the plan entitled, "Plan of Land in Groton Massachusetts prepared for the Groton Land Foundation," prepared by David E. Ross Associates, dated October 12, 2001. The motion was seconded and passed unanimously.

**SPECIAL PERMIT DECISION – ACADEMY HILL**

The Board discussed its vote on the special permit for Major Residential Development for the Academy Hill subdivision. The vote was taken on October 18, 2001, and the decision was ready for signature and filing with the Town Clerk. However, Member Eliot said she would like to discuss the possibility of reconsidering the motion and asked if the Board would re-open the public hearing if the applicant agrees to submit a different plan. Attorney Louis Levine and applicant Bruce Wheeler of LandWest were present for the discussion.

The motion was made by Eliot to reconsider the Board's vote on the special permit for Major Residential Development for the Academy Hill subdivision. The motion was seconded.

Member Perkins asked if the Board had to vote tonight or could it wait until all seven members are present. Planning Administrator said the Board can wait and vote on its decision at a future meeting as long as the decision is filed by December 13, 2001 which is the 90-day deadline under Chapter 40A.

Member Eliot stated that she would not change her vote unless a new plan is submitted by the applicant.

Chairman Curtis asked if there is any additional information to be brought forward. Mr. Levine agreed to extend the 14-day time period the Board has to file its decision with the Town Clerk.

The motion to reconsider passed with Eliot, Curtis, Perkins and Lewis in favor; Clements and Degen opposed. The Board will consider the matter on November 8, 2001.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

