

**GROTON PLANNING BOARD
JANUARY 2, 2002
MINUTES**

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

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

MEETING WITH GMAC

The Planning Board met with Growth Management Advisory Committee (GMAC) members Scott Wilson, Susan Horowitz, Steven Webber, and Charles McKinney to discuss the proposed growth cap. Mr. Webber said GMAC has discuss two approaches – amending the existing Development Rate Limitation by-law or adopting a stand-alone growth cap. The threshold for the Development Rate Limitation By-law could be reduced from 120 to 80 permits in two years and the number of dwelling units could be reduced from 10 to 6 permits per subdivision in 24 months.

Mr. McKinney said the Committee changed its draft to reflect suggestions from the last Planning Board meeting including administration by the Building Inspector rather than the Planning Board. Mr. McKinney stated that the rate of growth over the last 20 years has caused pressure on the Town's infrastructure, especially the schools. He said they tried to project the rate of growth including lots that are grandfathered.

Mr. McKinney asked for a sense of direction from the Planning Board. He said GMAC would like the Planning Board to support its proposal at Town Meeting.

Member Perkins said GMAC has done good work to date, but there are many issues to be considered. She said Groton's local developers have been very good to the Town and they should not be cut out of the permitting process.

Member Clements said he liked the concept of a "cap" on growth.

Member Eliot said there should be some exceptions to the "cap". For example, the by-law could address the number of bedrooms rather than the number of dwelling units. The houses with more bedrooms require more services.

Member Lewis said he agrees with controlling growth, but the Town must decide how much land is available for schools and other infrastructure. He said he would support lowering the 120-permit threshold. However, the by-law should have a sunset clause and allow construction of affordable housing.

Planning Administrator Michelle Collette said the real estate market drives permit issuance. For example, only 34 permits were issued during 2001. Lots are grandfathered for eight years from the date of endorsement of a definitive plan, and the proposed amendment may encourage the submission of numerous preliminary plans.

Member Degen said it is up to the Planning Board to control growth by taking care of the "spikes" in permitting. He said the Town does not know what its infrastructure can handle. He suggested asking Town Counsel for an opinion on whether the existing Development Rate Limitation by-law can be retained along with a new growth cap by-law if one is adopted.

Member Perkins said the Board must have a more detailed draft of the proposed by-law before it can ask Town Counsel for an opinion.

Mr. McKinney said the question of whether the two by-laws can be in effect simultaneously is an important one.

Chairman Curtis said the existing Development Rate Limitation by-law could be amended to accomplish the same goal. He suggested using a percentage of lots in a development instead of a fixed number. He agreed that it is too soon to ask Town Counsel for an opinion because the Board does not have enough details about GMAC's proposal at this time.

Member Eliot suggested hiring someone to assist GMAC in its preparation of the proposed by-law. Mr. McKinney agreed that GMAC could use assistance with this effort.

The motion was made by Degen to allocate \$1500 so GMAC can use a consultant to assist in drafting a proposed phased growth by-law as a zoning amendment. The selection of the consultant will be presented to the Planning Board for its approval. The motion was seconded and passed with Clements, Degen, Eliot, and Perkins in favor; Curtis and Lewis opposed; Barringer abstaining.

Still Meadow Site Plan Approval

The Board received a letter dated January 2, 2002 from the Fire Chief stating that he is satisfied with fire protection for the Still Meadow cluster development.

The motion was made by Curtis to approve the Level II site plan entitled, "Cluster Layout Plan, Land in Groton, MA prepared for Groton Land Foundation," prepared by Pine & Swallow Associates, dated November, 2001, and "Site Plan of Land, Groton, Mass., Prepared for Groton Land Foundation," prepared by David E. Ross Associates, dated December, 2001, based upon the following findings and with the following conditions:

Findings:

§ 218-25G Decisions states:

Site plans shall be designed so that new building construction and other site alteration, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, access and egress points and other aspects of the development, shall:

(a) Minimize the number of removed trees six inches caliper or larger, the length of removed stonewalls, the area of wetland vegetation displaced, soil erosion and threat of air and water pollution.

The project defines clearing limitations that minimize the number of specimen trees to be removed; no work will be performed in the 100 ft buffer zone or wetland areas; and an application for an Erosion Control permit will be submitted to the Earth Removal Advisory Committee.

(b) Meet the requirements of the site plan review regulations for volume of cut and fill.

The proposed site plan minimizes the amount of cut and fill and the applicant anticipates that there will be no earth material removed from the site. An application for an Erosion Control permit will be submitted to the Earth Removal Advisory Committee.

(c) Allow no net increase in the rate or volume of stormwater runoff across the boundaries of the site unless provisions have been made to tie into public storm drains with the approval of the appropriate authority and the Planning Board has determined that all reasonable provisions have been made to minimize any changes to runoff from the site.

The Planning Board's consulting engineer has reviewed the plans and made several recommendations for ensuring that there will be no net increase in runoff from the site.

(d) Maximize pedestrian and vehicular safety both on the site and accessing to and egressing from it.

The site plan addresses pedestrian and vehicle safety issues in a way that is adequate for residential use. The Board received comments from the Town's public safety officials that support this finding.

(e) Minimize obstruction of scenic views from publicly accessible locations.

The buildings will be located well back from the public way and sited to minimize obstruction of scenic views.

(f) Minimize the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned.

The proposed site plan will minimize visibility of parking, storage and other areas by setting all such areas well back from the public way and by preserving the existing vegetative screening.

(g) Minimize glare from headlights through plantings or other screening.

The developed portion of the site is set well back from the public way, so headlight glare on the public way is unlikely

to be a problem. Within the site, headlight glare will be minimized by vegetated screening and siting of buildings.

(h) Minimize lighting intrusion on to other properties and public ways.

Street lighting will be minimal, and will be of a type that minimizes light intrusion onto abutting properties or into the sky.

(i) Minimize departure from the character and scale of building in the vicinity, as viewed from public ways.

The architectural design of the proposed buildings is in keeping with the character and scale of buildings in the vicinity.

(j) Prevent contamination of groundwater from on-site wastewater disposal systems or from *operations on the premises involving the use, storage, handling or containment of toxic or hazardous substances as defined in ~ 218-30B.*

The Planning Board received comments from the Board of Health regarding the proposed wastewater disposal system. The proposed development of the site will not involve the use of toxic or hazardous materials as represented by the applicant.

Conditions:

1. The applicant shall address the issues raised in the report dated December 13, 2001 from Judith Nitsch Engineering, Inc. (JNEI).
2. The applicant shall install a water main and two (2) gates to the Groton Water Department's specifications. The main shall extend approximately 280 feet from the public way, within a 20 ft wide access and utility easement to be granted to the Groton Water Department along the southerly side of the access road. The applicant shall provide a hydrant that meets Groton Water Department's specifications to be installed by the Groton Water Department in the event that public water becomes available at the intersection of the access road and Nashua Road.
3. As offered by the applicant, a ten (10) foot wide easement adjacent to the public way shall be deeded to the Town of Groton for installation of a sidewalk in the future.
4. There shall be no net increase in the rate or volume of storm water runoff from the site as required in Section 218-25G(1)(c).
5. Vegetative screening shall be used to minimize headlight glare onto public ways as required in Section 218-25G(1)(g).
6. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h).
7. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.
8. The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions.
9. An erosion and sedimentation control plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Soil Erosion and Sedimentation Control.
10. Three copies of the final site plan, stamped by a Registered Professional Engineer and approved by the Planning Board, shall be submitted to the Board for endorsement as required in Section 218-25G(3).

The motion was seconded and passed unanimously.

HIGHWAY GARAGE

The Board received a memo dated December 18, 2001 from the Highway Surveyor requesting a waiver of site plan review requirements for construction of a new 50' x 100' storage facility at the highway garage on Cow Pond Brook Road. Highway Surveyor Tom Delaney said the building was moved from the West Groton mill site. It will be reassembled and used to store heavy equipment at the highway garage.

Member Lewis said he would like the Board of Selectmen to submit a new site plan to the Planning Board showing the entire site with all its buildings. The Board should have a general discussion with the Selectmen about what will happen on this property in the future. He expressed concern about oil and grease drainage from the buildings causing environmental problems.

Member Degen asked if any new lights will be installed. Mr. Delaney said, "no."

The motion was made by Degen to waive site plan review for the storage building at the highway garage. The motion was seconded and defeated with Curtis and Clements in favor; Barringer, Degen, Eliot, Lewis, and Perkins opposed.

COMMENTS TO MEPA – MILL RUN PLACE

The Board received a report dated January 2, 2002 from traffic engineer Conley Associates who evaluated the Environmental Notification Form (ENF) submitted for Mill Run Place on Main Street and Mill Street.

The Planning Board will request that MEPA require the submission of an Environmental Impact Report (EIR) and not grant the waiver requested by the applicant in the letter dated November 30, 2001 from Ryan Development, LLC.

The Planning Board has the following concerns:

1. The traffic impact on Route 119, Mill Street, and the nearby residential neighborhood is a significant issue. The relationship of the proposed curb cuts and the existing access to New England Business Services (NEBS) headquarters, which employs more than 700 people, must be carefully scrutinized. The Board questions whether the increase in traffic meets the warrants for a new traffic light. The Planning Board contracted with Conley Associates for a peer review of the traffic study prepared by TEPP. Attached is a copy of the letter dated January 2, 2002 from Conley Associates to the Groton Planning Board.
2. On August 16, 2001, the Planning Board approved the site plan for the day care center with access on Mill Street. The Board is very concerned about the relationship of the approved day care center and the proposed restaurant and retail uses. The Board and the applicant agree that the day care center, including parking and traffic flow, must be included in the site plan review of the entire project.
3. The size and scale of the proposed development seems out of character with the neighborhood and the surrounding area. The Board is concerned about drainage and stormwater management issues associated with the amount of impervious surface for the proposed project.

At the present time, the Planning Board is considering a preliminary subdivision plan showing the proposed new layout of Mill Street and a concept plan for the proposed project. Although the site is zoned B-1 (Business), Groton's Zoning By-law §218-18C Major Projects requires Town Meeting approval for "*Construction of a new building whose vertical projection (footprint) exceeds 10,000 horizontal square feet measured to the outside of its enclosing walls, or whose aggregate floor area is 30,000 square feet or more, which includes all floors of all buildings on the premises*". According to the applicant, the proposed project will be submitted for Town Meeting approval some time this spring.

COMMENTS TO AYER PLANNING BOARD - CULVER ROAD EXTENSION

Member Degen said he will attend the Ayer Planning Board meeting on January 3, 2002 to explain that the Groton Planning Board approved the improvements to Culver Road for Lot 1 only. In addition, the proposed Kingsbury Circle subdivision road in Ayer exceeds the limits for a dead-end road in both Groton and Ayer subdivision regulations.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette
Planning Administrator