

GROTON PLANNING BOARD
APRIL 11, 2002
MINUTES

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

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

Members absent: Eliot

ROCKY HILL PRELIMINARY PLAN

The Board received a request from Attorney Robert Collins to continue the discussion on the Rocky Hill preliminary plan. The Board voted unanimously to continue the matter on May 2, 2002 at 8:00 PM.

WILLIAMS BARN ARTICLE

Members Degen and Clements requested that the Board support the article at the Annual Town Meeting requesting \$30,000 to complete the work on the Williams Barn. The Williams Barn Committee will apply for a grant from the Department of Environmental Management (DEM) historic landscapes program. Conservation Commission member Peter Morrison said the Conservation Commission voted unanimously to support the article.

The motion was made by Curtis support the article for the Williams Barn. The motion was seconded and passed with Curtis, Barringer, Clements, Degen, and Lewis in favor; Perkins abstaining.

INFORMAL DISCUSSION – ROBERT TIERNEY AFFORDABLE HOUSING

The Board met with developer Robert Tierney and Attorney Douglas Deschenes to discuss a development for residents 55-years old and over. Mr. Deschenes said his client would like to submit an application under the provisions of Groton Zoning By-law § 218-27B Subsidized Elderly Housing which permits density at a rate of one unit per 5000 sq ft lot area. The proposed development will have a density of one unit per 28,000 sq ft. There will be a total of eleven buildings with four units in each building. The project will mirror state programs for affordable housing. The New England Fund guidelines will be used for sales and income levels. However, 50% of the units will be affordable rather than 25% as required in most state programs. The Each unit have about 1200 to 1800 sq ft floor area.

Planning Administrator Michelle Collette said under the 593 account regulations, the developer must pay for any engineering review of the project.

Member Degen said adequate access to the parcel is a very important consideration for this type of project.

PUBLIC HEARING – BEEF & ALE REZONING PETITION

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the following proposed rezoning petition:

“To see if the Town will vote to zone as B-1 (Business) the land owned by Robert J. Lacombe which is situated at the intersection of Boston Road and Whiley Road and is shown as Lot 133-1 and Parcel 133-2.02 on a plan entitled "Plan of Land in Groton, Massachusetts (Middlesex County) for Robert Lacombe" dated January 9, 2002, Stamski and McNary, Inc., Engineers, which said plan is duly recorded with the Middlesex South District Registry of Deeds as Plan No. 226 of 2002 and is on file with the Town Clerk, said premises consisting of approximately .9468 acres, and which are shown on Groton Assessor's Map No. 133 as Parcel 1 and a portion of the premises described in a deed recorded with the Middlesex South District Registry of Deeds in Book 13896 at Page 277, or take any action thereon.”

Chairman Curtis called the public hearing to order. Clerk Barringer read the notice published in the March 22 and 29, 2002 issues of *The Groton Herald* and mailed to parties in interest. Petitioner Robert Lacombe and attorney Robert Collins were present.

Mr. Collins described the existing B-1 zoned triangle, with 22,971 sq ft, where the Beef & Ale restaurant is located. The existing zoning line between the B-1 and R-A Districts goes through the building and does not follow the property

line. The proposed petition will rezone the entire 40,000 sq ft lot to B-1. Mr. Collins explained how the relocation of Whiley Road many years ago changed the configuration of the B-1 zoned land. He said it makes no sense to have a building lot cut in half by a zoning line. A concept plan was filed with the Town Clerk as required in the Zoning By-law stating that there will be no changes to the site.

Chairman Curtis asked if the lot was zoned B-1 in 1963 when zoning districts were adopted. Mr. Collins said, "yes."

Harlan Fitch described how the lot was originally depicted on the Assessors' Map and Zoning Map. He said originally, this triangle may have been part of the lot with the package store on the other side of Whiley Road. In 1963, the Zoning District followed Whiley Road to Route 119. When the Zoning Map was redone in 1986, the lot line followed the original B-1 District line even though the location of Whiley Road has changed.

Mr. Lacombe said this lot was part of the lot with the package store at one time. Mr. Collins said it was the location of the Foster Real Estate office and a fruit stand at one time.

Member Lewis said it makes sense to clear up the confusion at this time by rezoning the entire lot to B-1. Chairman Curtis agreed that this would correct the situation.

Member Degen said the plan shows Whiley Road as laid out in 1971. He asked if this is consistent with the 1963 Zoning Map. Mr. Collins said, "no." Member Degen asked if there was a building there in 1963. Mr. Collins said, "yes," the fruit stand was there.

Mr. Fitch said the fact that the zoning line goes through the building should not be a reason to rezone the parcel. He asked if this merits a zoning change.

Chairman Curtis said the present use, the Beef & Ale restaurant, conforms in the B-1 District but not in the R-A District. This will correct the situation.

The Board voted unanimously to close the public hearing.

The motion was made by Degen to recommend that Town Meeting approve the Beef 'n' Ale Concept Plan and rezoning petition for the following reasons:

1. The rezoning corrects a problems created by the 1971 lay out of Whiley Road.
2. The site is limited to the existing use as described in the concept plan.
3. The existing building is located in two zoning districts, B-1 and R-A.
4. The proposed rezoning is consistent with the Master Plan prepared by Charles Eliot in 1963, as well as the current Comprehensive Master Plan.

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

PUBLIC HEARING (con't) - ACADEMY HILL DEFINITIVE PLAN

The Board continued the public hearing to consider the Academy Hill definitive plan submitted by LandWest. Applicants Bruce Wheeler and Brian Ahern, Attorney Louis Levine, Attorney Ray Lyons, design engineers Lawrence Beals and Donald Yonika of Beals Associates, and several abutters.

Mr. Beals said they met with abutter Patty Smith to address her concerns about the view of the subdivision road from her house. Landscaping (\pm 50 white pine trees) will be provided along the roadway.

Mr. Levine submitted a phasing plan as requested at the last public hearing. The center of the parcel will remain open, but a through road will be constructed to provide access. The road will be expensive to build and will take many years. The proposed phases are:

1. Townsend Road to a temporary cul de sac (\pm 37000 ft) serving 16 homes;
2. The road to the end serving 20 multifamily units, the nine affordable units and the 10-unit condominium project;
3. Six single-family homes in the area closest to Townsend Road;
4. Sixteen single-family homes near the cul de sac;
5. The through road to Pepperell.

Mr. Levine said the entire road from Townsend Road to Route 119 in Pepperell will be bonded, and the road would be completed within a time certain (\pm 3-4 years) as required by the Planning Board. The applicant would like to construct an emergency vehicle access road on land the Town purchased from the Bernier Bissell's. The Town has an easement from Townsend Road to access the Town-owned land.

Chairman Curtis said the phasing plan will require additional waivers. Mr. Levine said they will request the waivers if the Planning Board would like.

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

Member Lewis asked the distance of the through road going through the open space. Mr. Yonika said it will be about 2000 ft. Mr. Lyons said it will be constructed to a standard sufficient to carry fire trucks. Mr. Beals suggested that the road be named, "Closed Road" to discourage people from using it other than for emergencies.

Member Eliot asked about the drainage easement on the multifamily lot. Mr. Beals said it is on land that will be owned by the condominium association. Mr. Levine added that the easement will be deeded to the Town for maintenance of the drainage system.

Member Eliot asked when the road in Pepperell will be constructed. Mr. Levine said during Phase 4 and within a time certain established by the Planning Board. She asked why they did not want to build this portion of the road now. Mr. Levine said there is no point in building the entire road network first. The Pepperell Planning Board's conditions state that there must be a through road if the road is greater than 500 feet. Mr. Levine said they are trying not to open up the whole protected area. The through road will be constructed during the last phase.

Member Degen asked the applicant to submit an updated list of requested waivers. He asked about the location of wetlands and the proposed emergency vehicle access route. He said brush trucks can access the area now, but the emergency vehicle access must be able to accommodate large fire trucks. However, the Board has worked hard to protect the environment and wants to be sure the road construction does not degrade the environment. He suggested using the Old County Road instead.

Mr. Levine said the emergency vehicle access road is only for emergencies and not for construction vehicles.

Member Eliot said under the phasing plan, the connector road and emergency vehicle access road will not be used for construction vehicles. Mr. Lyons said, "no," and the connector road will not be constructed until the final phase of development.

Member Degen said the road in Pepperell cannot be used for construction of houses in Groton according to the Pepperell Planning Board's conditions in the definitive plan approval.

Mr. Levine said they will bond the entire road and work things out with Pepperell so they do not have to use the "closed road" for construction vehicles.

Member Eliot suggested building the houses in Groton first so construction vehicles do not have to go through a neighborhood in Pepperell. She agreed that the Board does not want construction vehicles using the "closed road."

Member Degen suggested using Norway Spruce rather than White Pines to screen the roadway for the abutter (Patty Smith) on Townsend Road.

Member Degen asked if land could be set aside for a school at this site. Mr. Levine said many, many hours were spent trying to maximize open space. As a result 67% of the site will be protected. He said they cannot reconfigure the plan at this time.

Planning Administrator Michelle Collette said Zoning By-law § 218-26D requires that the land be set aside as open space by a donation to the Groton Conservation Commission or a permanent conservation restriction under MGL Chapter 184, §§ 31-33.

Member Barringer asked if a private party can improve land within an easement granted to the Town. He said the Board should request an opinion from Town Counsel on this question.

Member Clements said the Town spent a considerable amount of money to purchase the Bernier Bissell land. He said the Town has an easement on the Bernier Bissell land to access land owned by the Town. He said he would like to see construction standards of the proposed emergency vehicle access road.

Richard Murphy of Pepperell asked the status of the Old County Road. Mr. Levine said this applicant does not have any control over the Old County Road. Mr. Murphy said he and John Carr own land on the Old County Road. He asked whether the land is landlocked or if there are any easements to access these two properties. Mr. Beals said there are no easements on land owned by the applicant.

Abutter Robert Hanninen asked about using public land for private purposes if the proposed emergency vehicle access road is used. He asked to see a plan showing the location of the road. Mr. Lyons pointed out the location of the Bernier Bissell house, driveway and woods road.

Chairman Curtis said the Planning Board will request an opinion from Town Counsel on this point.

Mr. Hanninen asked if any traffic studies had been done on the intersection of Route 119 and Townsend Road and the West Groton Square. Chairman Curtis said the traffic studies are required as part of the MEPA process. Mr. Levine said the traffic studies will be submitted to MEPA as part of the Environmental Impact Report (EIR).

Carrie Kneeland asked how long the MEPA process will take. Mr. Levine said the MEPA process will probably take about six months.

Ms. Kneeland expressed concerns about 68 homes entering and exiting from one location for a period of five years. Mr. Lyons noted that Hayden Road is a single access road serving 120 houses at the present time.

Chairman Curtis said the applicant must request a waiver to construct a road longer than 1000 ft even if it is temporary. Otherwise, the Subdivision Regulations require construction of the through road.

Mr. Levine said it is clear that the Board can require a through road. However, the proposed alternative plan benefits the town by keeping the center area of the site in a natural state and by providing affordable housing. If the through road must be constructed now, then the affordable units will not be built until later.

Mr. Lyons said it is hoped that the through road will be designed to discourage people from using it. Chairman Curtis said the Board must consider the impact on people who live on Townsend Road today.

Rosemary Gaskell of Townsend Road expressed concern about construction vehicles. She noted the problems with Rivercourt construction traffic and 18-wheelers from Hollingsworth & Vose.

Carrie Kneeland said she thinks abutters are as important a concern as turtles.

Chairman Curtis summarized the outstanding issues including the emergency vehicle access over the Bernier-Bissell land and the requirement for a temporary waiver for a dead-end road greater than 1000 ft.

Member Degen reiterated his request a list of waivers being requested by the applicant.

Member Perkins asked if the through road can be used to provide access to land owned by others in Pepperell. Mr. Beals said there is a significant wetland and river crossing that would require a bridge. There is only enough land for two houses. Mr. Levine added that the special permit limits the number of units that can be accessed from the subdivision road. The special permit for cluster development must be modified to add more houses.

Member Eliot asked if the applicant should ask the Board of Selectmen about using the easement on Town-owned land. Chairman Curtis said the Planning Board will ask for an opinion from Town Counsel and make its decision on the phasing plan first.

The Board voted unanimously to continue the public hearing on April 25, 2002 at 8:30 PM.

The Board will walk the proposed emergency vehicle access road on Saturday, April 20, 2002, at 7:00 AM.

PLANNING BOARD REPORT - MILL RUN PLACE CONCEPT PLAN

The Board discussed its report to Town Meeting on the Mill Run Place Concept Plan. Members expressed concern about overall density, access to the site, the location of the restaurant and day care center.

The motion was made by Degen to recommend that Town Meeting NOT approve the Mill Run Place Concept Plan. The Planning Board's recommendation is based upon information provided by the applicant through the close of the public hearing. The reasons for the Board's recommendations are as follows:

1. The amount of development within the parcel is too intensive for the lot area. The proportions of the buildings are inconsistent with the lot size. While the Planning Board encourages commercial development within the existing B-1 Districts, a project of this size is not appropriate.
2. The secondary access point for the development places a high volume of traffic into a residential area. This traffic increase would cause increased public safety issues. Members of the Board urged the applicant to create access points directly onto Route 119. State numbered roadways have a better ability to absorb this much-increased traffic with less impact on the surrounding area.
3. The internal traffic flow mixes truck traffic with customer/employee parking creating a potentially unsafe condition.
4. The restaurant and day-care facility share common entrances. This situation could lead to unsafe conditions for children using the day-care center.
5. The Planning Board's traffic engineer evaluated the traffic study provided by the applicant. The conclusions showed conflicting information that remained unresolved as of the close of the public hearing. The Planning Board's traffic engineer noted the following about the applicant's traffic study:
 - Traffic counts were taken on Saturday, June 23, 2001, from 11:00 AM to 2:00 PM and on Wednesday, July 10, 2001, from 4:00 PM to 6:00 PM. (*Many abutters expressed concern that these hours did not take traffic from the schools into account.*)
 - There were discrepancies between count and figure traffic volumes in the existing Saturday peak hour

traffic volumes.

- An analysis of private drives including access to NEBS was not included in the analysis.
6. The percentage of impervious surface on the site will be extremely high.
 7. The scale of the proposed supermarket is too large. A building of this size abutting a residential zone on three sides is too overwhelming.
 8. The concept plan buildings are located in both B-1 and R-A Districts. The day-care facility is located in a residential district, and secondary access to the day-care facility and restaurant is in an R-A District.

The motion was seconded and passed unanimously.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator