

GROTON PLANNING BOARD

MAY 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

TOWN MEETING ARTICLES

Member Lewis will present the Planning Board reports on the Street Acceptance articles at Town Meeting. Chairman Curtis will present the Board's recommendation to support funding for the Williams Barn renovation.

The motion was made by Perkins to support the article requesting funds for the GIS Implementation Plan at the Annual Town Meeting. The motion was seconded and passed unanimously. Member Perkins will present the Planning Board's recommendation on the GIS article.

ACCESS ADEQUACY – WHITEWOOD ROAD

The Board considered the Request for Determination of Access Adequacy submitted by Patrick Blouin for Whitewood Road. Attorney Ray Lyons represented Mr. Blouin at the meeting. Mr. Lyons said the Zoning Board of Appeals is considering Mr. Blouin's application for a special permit to convert a seasonal dwelling to year-round use.

Member Lewis said he viewed the road and the sight distance is good. The paved road is about 12 ft wide in this area. The gravel road must be 16 ft wide with an 8" gravel base. The edge of the right-of-way must be clearly established.

The motion was made by Lewis to determine that the road will be adequate if it is improved to a width of 16 ft with an 8" gravel base, the improvements must be within the right-of-way, and the consent of the owner of the road is required. The motion was seconded.

Member Degen noted that the Board received a letter from the Groton Conservation Trust, owner of the fee in the road, requesting that a survey be submitted prior the Board approving access adequacy.

Attorney Lyons requested that the Planning Board have leniency and waive the requirement for a survey because the road has been in use for more than 20 years. He said the required 16 ft is wider than the existing paved portion of the road.

Member Lewis said that is the Planning Board's standard based upon the previous small project regulations and existing shared driveway regulations.

Abutter Beth Montgomery said the house was abandoned for many years. The Building Inspector took Mr. Blouin to court for a number of violations in this matter.

Member Clements asked who will maintain the road. Mr. Lyons said his client would be responsible for maintenance and that the Groton Conservation Trust has no obligation to do so.

Chairman Curtis said a survey is necessary for the Planning Board to make its determination of access adequacy.

Mr. Lyons withdrew the application and said he would resubmit after the ZBA makes its decision.

PRE-SUBMISSION REVIEW – 191 MAIN STREET

The Board met with Danielle Cerullo about converting 1500 sq ft of existing office space to a day spa in the second floor of the building located at 191 Main Street. All existing parking is on street. There will be only one employee and six clients at one time.

The motion was made by Clements to waive site plan review requirements for Danielle Cerullo's day spa at 191 Main Street provided that parking does not increase from the previous use. The motion was seconded and passed unanimously.

SITE PLAN REVIEW ISSUES – FIRST PARISH CHURCH

(Member Eliot stepped down because she is a Trustee of the Church.)

The Board met with Richard Muehlke of the First Parish Church, design engineer Scott Hayes, and Michael Rice of RL Jeanotte to discuss outstanding issues at the First Parish Church.

Mr. Hayes described the erosion problems and the measures taken to stabilize the site. He said the site is in good condition now, but the catch basins still need to be cleaned out.

Member Degen said he has been watching the site for several months. The parking lot grading is not correct, and the catch basins are not working. Tremendous erosion and siltation is flowing onto Route 40 from the area near the church. There is a clay pipe near the tennis courts that was not shown on the plan. Runoff from this pipe must be addressed.

Mr. Hayes said this entire area was taken into account when the drainage calculations were done. The outlet area must be stabilized with rip rap and hay bales. The area is not at finished grade and will be regraded in the next six weeks.

Member Degen said the source of the runoff onto Route 40 must be investigated. Member Degen also noted that the species of shrubs planted along the edge of the parking area will not grow tall enough to shield headlight glare onto Route 40.

Member Lewis requested a written response from the applicant to the latest report from Judith Nitsch Engineering, Inc. (JNEI). He said JNEI will inspect the site again when the work is completed.

The applicant will present a progress report to the Planning Board on June 13, 2002.

WATER RESOURCE PROTECTION DISTRICTS

The Board discussed the proposed application of herbicides in Knops Pond & Lost Lake, located in a Secondary Water Resource District. Lost Lake flows directly into Whitney Pond, located in the Primary Water Resource District. The Board discussed whether the use is prohibited or subject to a special permit under Zoning By-law §218-30.

Chairman Curtis said the Board must ask the Building Inspector for his opinion in the matter. The motion was made by Curtis to request an opinion from the Building Inspector on whether the proposed application of herbicides in Knops Pond & Lost Lake complies with the provisions of §218-30 Water Resource Protection Districts. The Board will send a copy of its request to the Groton Lakes Association, Selectmen, Conservation Commission, Board of Health, and Water Department. The motion was seconded and passed with Curtis, Barringer, Degen, Eliot, Lewis, and Perkins in favor; Clements abstaining.

SITE PLAN REVIEW – KEN-CHRIS-MURPHY, HOLLIS STREET (con't)

(Chairman Curtis stepped down because he is an abutter; Vice Chairman Degen chaired the meeting.)

The Planning Board continued the review of the site plan of the Ken-Chris-Murphy property on Hollis Street. Applicant Dennis Murphy, design engineer Dan Wolfe of David E. Ross Associates, Attorney Ray Lyons, and Historic District Commission (HDC) Chairman Daniel Barton were present.

Mr. Wolfe requested that the Planning Board waive the required number of parking spaces from 42 to 36 to allow the applicant to address the HDC's concerns about the area near Hollis Street. Mr. Wolfe described the traffic flow pattern and how runoff would be directed to a catch basin at the low point in the parking area.

Mr. Wolfe said he spoke with abutter Geoffrey Marquis about combining the driveways. However, Mr. Marquis was reluctant to do so because his site would be subject to site plan review. In addition, the difference in grades between the two properties makes it difficult to share a driveway.

Member Lewis said he did not have a problem with waiving the number of parking spaces, but he was concerned about runoff.

Member Eliot said she still favored using a shared access with the Marquis property. A new site plan would not be required for the Marquis site.

Member Clements said the applicant is requesting a waiver to allow 36 parking spaces, but 30 spaces may be adequate and would require less pavement.

Mr. Wolfe said it would be very helpful if only 30 spaces are required. The spaces nearest Hollis Street would be eliminated to address the concerns of the HDC and it would be more aesthetic.

Member Clements expressed concerns about people walking around the building. Mr. Wolfe said most people park on the same side of the building as the office they are visiting. Very few people will be walking around the building.

Member Perkins asked about preventing erosion in the rear of the site near the existing trees. Mr. Wolfe said these trees will be removed and this area will be landscaped.

Vice Chairman Degen said he is also concerned about pedestrian access around the building. In addition, he is concerned about headlight glare onto the houses on Hollis Street. He said he would like to see the shared access with Marquis explored further.

Vice Chairman Degen read the comments dated May 2, 2002 from the Highway Surveyor.

HDC Chairman Dan Barton asked about the 10 on-street parking spaces. Vice Chairman Degen said the Parking By-law requires a total of 52 spaces. The applicant is entitled to 10 on-street spaces leaving 42 required on site unless the Planning Board grants a waiver to allow fewer spaces.

Mr. Barton said the HDC is trying to minimize large, expansive parking lots in order to maintain the Town's rural character. He requested that the Planning Board grant the waiver for a reduced number of parking spaces and allow parking on grass-concrete areas instead.

Member Lewis said if the Board reduces the parking requirements today, those spaces can be added in the future if they are needed. However, the Board must know the direction of traffic flow before granting the waiver.

Other Board members agreed that waiving the number of parking spaces to 30 would be reasonable.

The Board voted unanimously to grant an extension of the deadline to May 31, 2002 as requested by the applicant.

The Board voted unanimously to continue the review of the site plan on May 23, 2002 at 8:30 PM.

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

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

Mr. Beals presented a revised phasing plan with the drainage system reviewed by JNEI (see JNEI report dated May 2, 2002).

Mr. Beals said after the site walk, the consensus was to use the Lakin Street route for emergency vehicle access until the through road is constructed. Attorney Lyons submitted a copy of an easement signed by lot owners James Canning and Tracey Barr allowing emergency vehicles to use their driveway to access the subdivision. The Fire Chief also reviewed and approved this access route.

Member Clements asked if other homeowners on the shared driveway granted similar easements. Attorney Lyons said there are 12 houses on the shared driveway. However, easements are not required from everyone because there is no legal limitation on the use of the shared driveway.

Member Degen said he looked at the access and it is straight, clear, and accessible. He said the applicants must be sure they have the legal right to use the shared driveway.

Chairman Curtis read comments from the Board of Health and the Fire Chief. The Board also received a report dated May 2, 2002 from JNEI and a letter from Harlan Fitch.

Attorney Levine explained that the amount of open space increased when the road was relocated. There is more open space on the definitive plan than there was on the special permit plan. Chairman Curtis said JNEI noted a discrepancy in the amount of open space. Attorney Lyons said the earlier version of the plan matches the special permit plan. Mr. Beals said the property lines are the same and the drawings are identical. Typographical errors on the plan caused the discrepancies.

Member Clements asked if there were any changes to the lot lines. Mr. Beals said, "no."

The Board said it must be sure JNEI agrees.

Member Barringer asked who owns the private driveway off Lakin Street. Mr. Lyons said the driveway is located on private lots within an easement that was never recorded. However, the driveway covenants are on record.

Member Barringer said the use of the private driveway for emergency vehicles may require an easement from the lot owners. Mr. Lyons said it will only be used in emergencies and will not be used for construction vehicles. Member Barringer said this should be clearly stated in the easement. Mr. Lyons said an easement is not required.

Member Clements said he lives on a common drive and the easements are for people who live there and not for other uses. Mr. Lyons said the covenant for the shared driveway is on record and there is nothing that would prevent emergency vehicles from using it.

Chairman Curtis said if the residents using the shared driveway block access, the definitive plan approval will not be valid. Mr. Levine said the creation of the emergency vehicle access permits the first phase to be developed without constructing the through road. The through road can be constructed to serve Phase I at the developer's option.

Chairman Curtis said any change to the phasing plan would require modification of the subdivision plan. Mr. Levine said the phasing plan requires a waiver of the subdivision regulations. The developer could choose not to use the waiver and construct the through road.

Chairman Curtis said the developer must comply with the conditions of approval unless the definitive plan is modified.

Member Barringer said if the primary access is blocked, other traffic may have to use the emergency vehicle access road so it is not just for fire trucks. Mr. Levine agreed that in an emergency, other vehicles may have to use the emergency vehicle access route.

Mr. Lyons said they could also use the Old County Road in an emergency. The proposed route was brought forward as a courtesy to the Fire Chief.

Member Degen expressed his concerns about overburdening an easement on the shared driveway. He said he wants to be sure the people using this driveway agree that it can be used for emergency vehicle access. He requested that there be language in the conditions on the secondary emergency vehicle access. Mr. Levine agreed. Mr. Lyons added that the emergency vehicle access road will be tested by the fire department before any building permits are issued.

Abutter Robert Hanninen said the discrepancy in the plans goes back to the inclusion of Assessors' Lot 204-6 on the special permit plan. Lot 204-6 contains 1.3 acres and is listed as owners unknown in the Assessors' records. Chairman Curtis said that is the reason the Board asked JNEI to check the closure of the perimeter plan and verify the open space area.

Mr. Beals said the amount of land to be dedicated as open space remains the same. It was not intended that the "owners unknown" parcel be included in the subdivision. The parcel has never been part of this project. It is landlocked, unusable and surrounded by vernal pools.

Chairman Curtis said the only outstanding issues are the open space calculations to be reviewed by JNEI and the emergency vehicle access over the shared driveway.

Mr. Levine said if the applicant cannot use the shared driveway for emergency vehicle access, he will improve Old County Road to Lakin Street or build the through road.

Member Clements reiterated that all he wants is that the applicant notify all the homeowners on the shared driveway to be sure they do not object. Mr. Lyons said they will provide such notice to the homeowners. If anyone objects, they will improve the Old County Road to Lakin Street.

The Board voted unanimously to close the public hearing.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

