

GROTON PLANNING BOARD

JUNE 13, 2002

MINUTES

Vice Chairman Degen called the meeting to order at 7:00 PM in the Town Hall

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

MEETING WITH GMAC

The Board met with Steven Webber and Susan Horowitz of the Growth Management Advisory Committee to discuss GMAC's proposed Growth Limitation By-law. Mr. Webber said more time is needed to study a number of policy issues such as exemptions, what will be included in the permit cap, and the number of permits to be granted per year. GMAC is recommending that each developer will be allowed up to ten permits in two years. Permits will be issued on a first-come, first-serve basis.

Member Lewis expressed concern about lengthy build-out periods and the impact on residents of the subdivision who must endure disturbance from construction. He noted that drainage systems might not work properly if they are not installed completely.

Dr. Horowitz asked the Planning Board to decide about funding for consultant Ralph Willmer. Vice Chairman Degen said the Board approved an additional \$1000.00 for FY 2002. This vote could be amended so that work can be done in FY 2003. Member Lewis said he would like more time to discuss the matter before voting.

GROTON WOODS BOND ESTIMATE

The Board received a report dated May 24, 2002 from John Schmid of Judith Nitsch Engineering, Inc. (JNEI) indicating that work on Forest Drive in the Groton Woods subdivision is completed. Mr. Schmid recommended that the Board hold \$5000.00 as a maintenance bond when lots are released.

Attorney Collins said the road is ready for street acceptance. Member Perkins expressed concern about potential damage to the road if it is accepted as a town road before houses are constructed.

Attorney Collins said they are not requesting lot releases at this time.

Member Lewis said the Board must ask Town Counsel for a legal opinion on accepting a "maintenance bond" if all the work is completed. Attorney Collins said he would send the Board a letter requesting lots releases and propose the maintenance bond so the Board could forward his letter to Town Counsel.

PLANNING BOARD REORGANIZATION

At its meeting on May 30, 2002, the Planning Board agreed to follow Roberts Rules of Order for its reorganization to avoid any procedural issues.

The motion was made by Lewis to nominate Joshua Degen as Chairman. Member Degen accepted the nomination. The motion was seconded and passed unanimously.

The motion was made by Eliot to nominate George Barringer as Vice Chairman. Member Barringer accepted the nomination. The motion was seconded and passed unanimously.

The motion was made by Perkins to nominate Scott Wilson as Clerk. Member Wilson accepted the nomination. The motion was seconded and passed unanimously.

The motion was made by Degen to nominate Scott Wilson as the Planning Board representative to the Growth Management Advisory Committee. The motion was seconded and passed unanimously.

The motion was made by Perkins to nominate Bruce Clements as the Planning Board representative on the Earth Removal Advisory Committee. The motion was seconded and passed unanimously.

The motion was made by Degen to nominate George Barringer as the Planning Board representative to the Montachusett Regional Planning Commission and Joint Transportation Committee. The motion was seconded and passed unanimously.

PUBLIC HEARING – MILL RUN PLACE DEFINITIVE PLAN

In accordance with the provisions of Chapter 41, Sections 81-U and 81-T, the Groton Planning Board held a public hearing to consider the definitive plan entitled, “Definitive Subdivision Plan – Mill Street Relocation, Main and Mill Street, Groton, Massachusetts, Prepared for Ryan Development”, prepared by Cuoco & Cormier, dated March 28, 2002. The proposed definitive 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 Degen called the hearing to order. Clerk Wilson read the notice published in the May 31 and June 7, 2002 issues of *The Groton Herald*. Attorney Robert Collins, design engineer Robert Pine, and many abutters and townspeople were present.

Chairman Degen read comments submitted by the Board of Health, the Conservation Commission, and the Sewer Commission.

Attorney Collins explained the process of creating a new subdivision road in order to relocate an existing town way. He requested that the Board extend the 90-day deadline to act on the definitive plan. He also requested that the Board continue the public hearing to some time in July or August.

Chairman Degen said there are many outstanding engineering issues as detailed in the June 13, 2002 report from JNEI.

Abutter Carrie Kneeland said she objects to the relocation of Mill Street because Mill Street will be shortened and cars will back up beyond Anthony Drive. Member Degen said the Board could ask its traffic engineer to review this concern.

Member Lewis asked why this is a subdivision since all the existing lots have frontage on a public way.

Chairman Degen asked who owns the land with the roadway. Mr. Collins said Ryan Development owns the parcel with the new road.

Abutter Mary Durham asked when the Environmental Impact Report would be submitted to MEPA. Mr. Collins said he did not know.

Carrie Kneeland asked what the zoning district is. Chairman Degen said the land is zoned B-1. She asked who owns the land with the section of Mill Street that will be abandoned. She said she thinks the land is under purchase and sales agreement and not owned by the applicant at the present time. Mr. Collins said the applicant owns the land shown on the subdivision plan.

Abutters Mark McCarthy and Linda Leiberger expressed concern about drainage issues. The Board said drainage will be reviewed carefully by the Board’s engineer. Chairman Degen said the subdivision regulations require that there be no net increase in runoff from the site.

Member Lewis said the applicant must address any proposed changes to the site but cannot be held responsible for pre-existing conditions.

Selectman Peter Cunningham said any problems will be identified and addressed before street acceptance. Selectman Tom McCuin stated that the Town cannot abandon a portion of Mill Street until the town accepts the new road.

Member Degen said the Board of Selectmen has jurisdiction over the acceptance of the new road and the abandonment or discontinuation of the existing section of Mill Street.

Member Eliot said she would like an opinion from Town Counsel. She asked how the Board can consider the definitive plan after the concept plan was defeated by Town Meeting. Member Lewis asked how this is a subdivision plan since the lots have frontage on existing roads today.

Mr. Collins said this is a subdivision plan because the lot configurations and access must be changed.

The motion was made by Clements to extend the deadline to September 30, 2002 as requested by the applicant. The motion was seconded and passed with Degen, Barringer, Clements, Perkins and Wilson in favor; Eliot and Lewis opposed.

The motion was made by Barringer to continue the hearing on August 22, 2002 at 7:30 PM.

Member Eliot asked that legal counsel be present at the continuation of the hearing. Member Degen said the applicant may decide to withdraw the plan depending upon the response from Town Counsel. Member Lewis asked that the plan be clarified to show the lot boundaries.

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

PUBLIC HEARING –HANNAFORD GROCERY STORE CONCEPT PLAN

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the concept plan entitled, "Concept Plan – Hannaford Grocery Store, Main Street, Groton, Massachusetts", prepared by Joseph Lagrasse & Associates, Inc., dated May 17, 2002. The proposed concept plan is located on Assessors Lots 110-28, 216-1, 216-2, on the westerly side of Main Street and easterly side of Mill Street.

Chairman Degen called the hearing to order. Clerk Wilson read the notice published in the May 31 and June 7, 2002 issues of *The Groton Herald*. Attorney Robert Collins, design engineer Robert Pine, and many abutters and townspeople were present.

Chairman Degen explained that the concept plan is being considered under Groton Zoning By-law Section 218-18 Major Projects. If the concept plan is approved by Town Meeting, the Board will review the plan under the provisions of Site Plan Review at a later date.

Attorney Collins said the concept plan was submitted only for the grocery store in an effort to simplify issues. He said the Board must decide whether this is a good location for a grocery store and if it is an appropriate use for the site.

Nine other concept plans have been submitted under this section of the by-law to date. This concept plan submission is consistent with the other concept plans. Most of the other issues will be subject to Site Plan Review and the applicant is willing to work out the details with the Board at that time.

Robert Pine said the 35,600 sq ft grocery store would be located on a 4.5-acre portion of the site. The elevation of the land will be lowered 13 feet to provide screening along Arlington Street. Many existing trees will remain and new plantings will be provided as shown on the plan. The landscaping details can be worked out during site plan review.

Chairman Degen read the comments from the Water Department, the Board of Health, the Sewer Department, and the Conservation Commission. He read the letter dated June 12, 2002 from Karl Johnson.

Member Lewis questioned lowering the elevation of the land in this area with high groundwater. Mr. Pine said borings have been taken on this site and the groundwater is at a much lower elevation.

Member Lewis asked about groundwater contamination. Mr. Pine said there is no contamination in this area, but additional testing will be done to provide confirmation.

Member Lewis said he prefers access on Route 119 rather than Mill Street. A full traffic study will be required.

Member Wilson said all his concerns are site plan review issues. He said as a concept plan, the proposal is consistent with the Comprehensive Master Plan.

Member Eliot expressed concern about legal issues including the timing of the resubmittal of the petition voted down at Town Meeting. She objected to the piecemeal approach of what was previously submitted. She said there would be too much impervious surface visible from Route 119. She said a building of this size with this much impervious surface should not be allowed at this site.

Member Perkins said she agreed. The Board held extensive public hearings on the previous concept plan. This concept plan is not different – this is only a portion of the previous plan. She said this is being submitted in a piecemeal manner.

Mr. Collins said the applicant is only talking about a grocery store at the present time. They must come back to the Planning Board in the future for any other use of the site. The grocery store is all there is with this concept plan. Member Eliot said the entire parcel should be included in the concept plan if that is the case.

Member Clements said he agreed with Members Eliot and Perkins. The grocery store is the driving force with this plan and this portion of the plan has not changed. He said access cannot be a separate issue because it is a fundamental part of the plan.

Member Barringer said he agreed with the other Board members. He asked if all the submission requirements of § 218-19E have been satisfied including floor plans and architectural elevations. Mr. Collins said, “yes.”

Member Eliot asked if the parcel will be subdivided. Mr. Collins said, “no,” it will be leased and the entire area is shown on the plan.

Chairman Degen said he hoped the new plan would show two access points on Route 119 and not any onto Mill Street in the residential neighborhood. The business development would be a benefit to the Town, but this is the same as the previous concept plan. Commercial traffic should be directed to the number routes and not into residential neighborhoods. Mr. Collins said the access issues would be addressed during site plan review.

Mr. Pine said Town Meeting voted down eliminating access onto Mill Street. The traffic will go from Route 119 to Arlington and onto Mill Street and the impact will be identical. It is important to ask the traffic engineers what is the safest and best access during the site plan review process.

Crissie Safford said traffic is bad on Mill Street, on Route 119, and at the CVS/Emerson Hospital site. She expressed her concerns for how traffic will be managed on Route 119 as part of the overall development.

Carrie Kneeland asked if the test results of the monitoring wells will be made public. Mr. Collins said he will discuss this with his client. The Board will ask Town Counsel if this information must be made public.

Selectman Peter Cunningham said the Conductorlab Oversight Committee met with Honeywell last week, and Honeywell will be testing monitoring wells off Arlington Street.

Member Lewis said the Board must be sure all the required information is submitted before the public hearing is closed.

Chairman Degen said the Board will submit the traffic information to its traffic engineer for review before the next public hearing.

Connie Sartini said the updated traffic study only focuses on the proposed grocery store and not on the entire site. She asked who commissioned the traffic study – Ryan Development or Hannafords. Mr. Collins said the traffic study was

updated for Hannafords.

Mary Durham said she reviewed the traffic study. She questioned whether the April 22 counts were on Patriot's Day or during school vacation. She asked if the traffic from NEBS was included in the updated study.

Mrs. Durham noted that she does not intend to give her permission for any shrubs to be removed from her property to improve sight distance. She said the proposed plan is a fictional slight of hand and an insult to the people of Groton. The plan is no different than the previous concept plan.

Barbara Rich asked if the proposed building is in keeping with the Town's vision. Mr. Pine said the Town has very few sites zoned for business use and the proposed plan is in keeping with the Town's plan.

Tom Sartini asked if access to Route 119 could be provided through land owned by Groton Auto Body. Mr. Pine said it is not physically possible with the grade changes.

Member Perkins said the Board cannot require that an access easement be granted through someone else's property.

Linda Lieberg said the plan has not changed from the plan the Town Meeting voted down – the buildings and the access to the site are the same.

Mr. Collins said the previous concept plan included 69,000 sq ft of retail/restaurant space. The present concept plan is only for the 35,600 sq ft grocery store.

Mark McCarthy asked if the Board has the authority to deny the plan under Site Plan Review as stated by Attorney Collins. He asked if the Planning Board can decide not to make a recommendation to Town Meeting.

Chairman Degen said the Board cannot make a recommendation if the public hearing is still open. Selectman Peter Cunningham said the Town Meeting date has not been determined yet.

Selectman Tom McCuin said the Zoning By-law says Town Meeting vote is required if the footprint is greater than 10,000 sq ft. This provision is not a variance – the by-law does not prohibit buildings greater than 10,000 sq ft.

Mrs. Sartini said the Master Plan encourages small, retail and service businesses.

The Board voted unanimously to continue the public hearing on June 27, 2002 at 8:45 PM.

PUBLIC HEARING – VOICESTREAM SPECIAL PERMIT (con't)

The Planning Board continued the public hearing to consider the application submitted by VoiceStream to add equipment to the approved telecommunication tower to be located on land owned by Gibbet Hill Farm, LLC. Attorney Simon Brighenti represented VoiceStream at the hearing. Steven and Joshua Webber of Gibbet Hill Farm were present.

Chairman Degen said he would step down from the Board. Mr. Webber said he would prefer that all members participate because the lot with the tower is now in separate ownership.

Member Wilson said he would participate because he is no longer an abutter. Chairman Degen said he was still going to step down.

Vice Chairman Barringer chaired the public hearing.

Attorney Brighenti said VoiceStream is applying to locate its equipment at the 128 ft elevation on the approved tower. VoiceStream was an applicant for the original tower but withdrew its application. In the meanwhile, all outstanding issues have been resolved.

Mr. Brighenti presented radio frequency coverage maps showing other sites in Dunstable and Pepperell. The

equipment on this tower will fill in the gap in coverage. A small antennae with a GPS unit and signal locator required by Enhanced 911 will be installed on the tower.

Vice Chairman Barringer read comments from the Groton Water Department and the Board of Health.

Member Perkins asked if all equipment is within the framework of the original special permit. Mr. Brighenti said, "yes," a 5' x 7' cabinet would be installed in the compound area.

Member Eliot asked if the equipment could be flush mounted. Mr. Brighenti said, "yes." However, flush-mounted equipment will not provide the same coverage. It will cover a smaller footprint and smaller range. Member Eliot said she would prefer flush mounted, if possible.

Member Wilson said he had no issue with the proposed co-location. He asked what would satisfy FCC coverage requirements. Mr. Brighenti said VoiceStream must provide substantial coverage without gaps along significant roadways.

Member Lewis said he also prefers flush mounted equipment unless it results in more towers. Mr. Brighenti said the Board might be working at cross-purposes if flush mounted equipment results in the need for more towers. He added that the other carriers on this tower would all have standard mounted equipment, except AT&T at the top. He said Voicestream would prefer that it not be discriminated against.

Vice Chairman Barringer said the Board did request other carriers to investigate flush mounting their equipment. The carriers responded that flush mounting requires more vertical space on the tower. He asked the applicant to prepare a coverage map based upon flush-mounted equipment.

Planning Administrator Michelle Collette asked if the coverage from the tower on the Blood is included in the coverage map. Mr. Brighenti said VoiceStream's location on that tower is not certain at this time.

Harlan Fitch asked if other carriers could also apply. Vice Chairman Barringer said, "yes," all licensed carriers can apply.

The Board voted unanimously to continue the public hearing on June 27, 2002 at 7:00 PM.

SITE PLAN REVIEW ISSUES – FIRST PARISH CHURCH

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

The Board met with First Parish Church Trustee Edythe Salzman and contractors Seth Jeanotte and Peter Joy of R. L. Jeanotte Company to discuss unresolved problems with the drainage system.

Chairman Degen said the Board has several issues including: 1) groundwater breakout flowing onto Lowell Road; 2) the drainage swale with the trap rock; 3) safety concerns with the depth of the retention area; and 4) siltation of the catch basins.

Member Lewis said prior to paving, the subsurface gravel and binder course was saturated with water. Mr. Joy said all the soft spots were removed prior to final paving.

Member Lewis said he cannot understand why water is flowing out of the hillside and onto Route 40. Mr. Joy said the water just started flowing this spring. He said he believes it is groundwater breakout.

Seth Jeanotte said they are trying to take care of the problem. They know it is not a broken water main. He asked what must be done so the Stop Work Order issued by the Planning Board can be lifted.

Chairman Degen said the Board voted to issue the Stop Work Order on May 23, 2002 because the binder course was very spongy prior to final paving. The Board did not want the final paving to take place until the subsurface problems were resolved. Mr. Jeanotte said he did not know about the stop work order until after the final paving was done.

Planning Administrator Michelle Collette said, on May 24, 2002 at 7:15 AM, she told the paving contractor about the Board's vote the previous evening to issue a stop work order. He had not started paving at that time but indicated that he would go ahead and pave anyway. She then hand delivered the notice to the contractor between 8:30 and 9:00 AM. Paving was partially done at that time.

Vice Chairman Degen said he stopped by the site at 7:30 AM on the same morning and had the same response from the paving contractor.

Member Lewis expressed his concerns about the safety of the retention pond which is two to three feet deep. A child could fall in and drown. Mr. Jeanotte said they did not design the drainage system.

Member Perkins asked if all the issues in the JNEI report dated May 24, 2002 had been addressed. Mr. Joy said, "yes." He would like to meet the Board's engineer at the site and go over all the outstanding issues.

Member Lewis said the design engineer missed the groundwater breakout when he designed the system. The church must ask its engineer to determine where the water is coming from. Member Lewis said he did not want the church to have an unsafe parking lot.

The motion was made by Lewis to send a letter to the First Parish Church requesting that the design engineer meet with the Planning Board's engineer at the site to discuss solutions to the drainage problems. The motion was seconded and passed unanimously.

DEER HAVEN AFFORDABLE HOUSING

The Board met with Attorney Robert Collins to discuss affordable housing at the Deer Haven subdivision. Two of the 28 units must be affordable as required in Zoning By-law § 218-26F(2). Mr. Collins said developer David Moulton will construct a duplex with two affordable units. He will own and rent the affordable units which will be administered by the Groton Housing Authority. Mr. Moulton would prefer to locate the affordable units at the Four Corners, and he is willing to construct four units instead of two.

Planning Administrator Michelle Collette said the by-law requires that the units be located within the development. Member Perkins said she prefers the integration of affordable units throughout the community. The Board agreed.

ANR PLAN – FOX MEADOW & LONG POND REALTY, SANDY POND ROAD

The Board considered an Approval Not Required (ANR) plan submitted by Fox Meadow Realty and Long Pond Realty to create one new lot and change lot lines on property located on Sandy Pond Road. Attorney Collins presented the plan.

Mr. Collins said the land shown on the plan includes the land to be donated to the Groton Electric Light Department and the Groton Water Department. Lot 3 will be used for affordable housing as described in the concept plan approved by Town Meeting.

The motion was made by Lewis to endorse as Approval Not Required (ANR) the plan entitled, "Plan of Land in Groton, Mass.; Owners and Applicants: Fox Meadow Realty Corp. and Long Pond Realty, LLC," prepared by R. Wilson Associates, dated February 20, 2002. The motion was seconded and passed unanimously.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

