

GROTON PLANNING BOARD

JULY 25, 2002

MINUTES

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

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

Members absent: Barringer and Lewis

SITE PLAN REVIEW – KEN CHRIS MURPHY REALTY TRUST

The Planning Board discussed a draft decision on the site plan submitted by Ken Chris Murphy Realty Trust for property on Hollis Street.

The motion was made by Clements to the Level II site plan entitled, “Site Plan of Land, Groton, Prepared for Ken Chris Murphy Realty Trust,” (Sheets 1 – 4), prepared by David E. Ross Associates, dated March, 2002, with revisions through July 12, 2002. The Board approved the site plan with the following conditions:

1. The “4’ sidewalk” shall be installed with vertical granite curbing as shown on the above-referenced plan to maximize pedestrian safety.
2. During all aspects of construction, the applicant shall make every effort to protect and preserve the existing trees in and around the northerly parking area, especially the tree adjacent to the handicapped parking space closest to Hollis Street. If the trees do not survive for 24 months after completion of construction, a new tree with a minimum caliper of 6” will be planted to replace each tree that did not survive.
3. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h). New lighting will be installed as shown on the “Lighting Plan”, Sheet 3 of the above-referenced plan and on the “Fairfax Lane” detail sheet.
4. The HVAC equipment cabinet shall be securely locked to prevent accidental injury.
5. 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).
6. 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.
7. The project is subject to an Order of Conditions issued by the Conservation Commission and Certificate of Appropriateness issued by the Historic Districts Commission.
8. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.
9. Three copies of the final site plan 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.

FIRST PARISH CHURCH COMPLIANCE ISSUES

(Member Eliot stepped down.)

The Board received a report dated July 18, 2002 from John Schmid of Judith Nitsch Engineering, Inc. (JNEI) regarding outstanding issues at the First Parish Church site. The Board will ask representatives of the church to attend a future meeting and discuss the matter.

WEST GROTON WATER SUPPLY DISTRICT

(Member Eliot stepped down.)

The Board considered the site plan submitted by the West Groton Water Supply District to construct a water storage tank on land off Townsend Road. WGWSO Superintendent Gordon Newell presented the plan.

Mr. Newell said the water tank will be accessed via an easement on land owned by Michael McPartlan. The tank will be 76 ft in diameter, 27 ft in height, and will contain 600,000 gallons. The tank will not be at the hilltop so it will not be visible. In addition, it will be painted forest green for screening.

Chairman Degen read the comments from the Board of Health, the Groton Water Department, and the Police Chief.

Chairman Degen asked what the grade of the access road would be. Mr. Newell said the 1500 ft long, 12 wide gravel road will have a 10 to 12% slope in one area. Chairman Degen asked if the 12 ft wide road would have 2 ft shoulders on each side. Mr. Newell said, "no," 12 ft is sufficient because there are no turns in the road. The road is easily accessible for all the construction equipment.

Member Clements asked if there will be any lighting. Mr. Newell said, "no."

Chairman Degen asked if the access road will be gated. Mr. Newell said there will be a gate at the McPartlan/WGWSO property line.

The motion was made by Perkins to consider the WGWSO plan as a Level I with no traffic study required. The motion was seconded and passed unanimously.

The motion was made by Perkins to approve the Level I site plan entitled, "West Groton Water District – Townsend Road Water Storage Tank," (Sheets C1 and C2), prepared by Dufresne-Henry, dated April, 2002. The Board approved the site plan with the following conditions:

1. Any expansion, modification, or change in access to the site requires the submission of a new site plan under the provisions of §218-25 Site Plan Review.
2. 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).
3. The project is subject to an Order of Conditions issued by the Conservation Commission and Erosion Control Permit to be issued by the Earth Removal Advisory Committee.
4. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.
5. Three copies of the final site plan 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.

PUBLIC HEARING (con't) – HANNAFORD GROCERY STORE CONCEPT PLAN

The Planning Board continued the public hearing to consider the concept plan submitted by Hannaford Grocery Store. Peter Friedrichs of Hannafords, Attorney Robert Collins, design engineer Robert Pine of Pine & Swallow Associates, and many abutters were present.

Chairman Degen read the letter dated July 24, 2002 from abutter Mark McCarthy and the letter dated July 22, 2002 from Haley and Aldrich.

Mr. Collins presented a revised concept plan with Hannaford's as the sole occupant. Mr. Collins said the letter from Haley and Aldrich addressed the contamination issues and the letter from TEPP, traffic engineers, addressed traffic issues expressed at the last meeting.

Peter Friedrichs said that Hannafords negotiated several changes with developer Robert Walker in order to control the entire area from Main Street to Arlington Street and Mill Street. Hannafords will be the only use in this area thereby reducing density by 25%. The stormwater management system is now on the surface instead of being underground as shown on previous plans. In addition, there will be two entrances on Main Street – one for customers and the other for deliveries. There is no entrance from Mill Street to the parking lot, but there will be an exit only from the parking lot onto the relocated portion of Mill Street. A continuous landscaped buffer and a six foot high stockade fence will be provided along Mill Street.

Member Eliot said this plan is an improvement over the previous concept plan. She asked the size of the proposed building. Mr. Friedrich said it is the same size – 35,600 sq ft.

Member Eliot suggested that the applicant look at Market Basket on Broad Street in Lowell as a good example. She said she would like to see more trees planted in the parking area. Mr. Friedrich said the landscaping issues will be addressed during site plan review.

Chairman Degen read the letter dated July 1, 2002 from the Board of Selectmen.

Member Wilson said he was encouraged with the accommodations made by the applicant. He said he was pleased to see the new access on Route 119 and the elimination of the access on Mill Street. He said it would be very useful to review the landscaping design during site plan review. He agreed that more interior landscaping in the parking lot would be helpful.

Member Wilson asked if a traffic light will be required. Mr. Friedrich said the traffic engineers will look into the necessity of having a traffic light.

Member Clements asked how many parking spaces are required and how many are proposed. He added that there should not be more parking than what is required in the by-law. Mr. Friedrich said there will be 5.5 spaces for every 1000 sq ft of floor area based upon Hannafords' experience at other stores. (*Note: The by-law requires one space for every 250 sq ft floor area.*)

Member Clements asked why is there an exit onto Mill Street if there are two exits on Route 119. Mr. Friedrich said the exit on Mill Street will be easier for traffic going north on Route 119, especially if there is a traffic light.

Member Perkins said she was very appreciative of the changes to the plan which are a great improvement. She asked if the approval of Massachusetts Highway Department is required. Mr. Friedrichs said, "yes."

Chairman Degen thanked the applicant for listening to the Planning Board's concerns and making changes to the plan. He asked the applicant to address Mr. McCarthy's concerns about the realignment of Mill Street. He asked why a private drive would be needed if Mill Street is not relocated.

Mr. Friedrich said the concept plan is not dependent upon the relocation of Mill Street. If Mill Street is not relocated, the portion shown on the plan will be constructed as a private drive.

Abutter Mary Durham asked when the continuation of the public hearing on the Mill Street definitive plan will be held. Planning Administrator Michelle Collette said on August 22, 2002 at 7:30 PM.

Ms. Durham asked about the height of the building which will be 11 ft below grade. Architect William McKinney said the building will be 23 ft high at the Main Street access and it will be 13 ft higher than Arlington Street. People will not be able to see the building from Arlington Street.

Member Wilson asked the applicant to submit sight line drawings to show the slope of the elevations from the street since this is a significant area of concern for abutters.

Chairman Degen said the architectural details will be reviewed during site plan review if the concept plan is approved

by Town Meeting.

Mill Street resident Connie Sartini asked if part of Mill Street is a private drive, how will this impact the traffic light. Mr. Friedrichs said that is a matter for Mass Highway to address.

Mr. McCarthy asked why the relocation of Mill Street is shown on the concept plan to be presented at Town Meeting. Chairman Degen said the access onto Route 119 can be through a relocation of Mill Street or a private drive.

Member Perkins said a Town Meeting vote is required for the relocation of Mill Street. Mr. Collins reiterated that the project can go forward with or without the relocation of Mill Street.

Harlan Fitch said if the concept plan is only an outline of the proposed project, then it is not enough to present to Town Meeting according to the by-law. He suggested that there be a turning lane on Route 119 similar to the one at Victory Market in Townsend.

Chairman Degen said it is up to Mass Highway to determine if turning lanes are needed because Route 119 is a state highway.

Mill Street resident Nicola Harnish said she still does not want to have a retail store in this location because it will invite more traffic on Mill Street. She said she would prefer a 9 to 5 office building.

Chairman Degen asked if the applicant would be willing to support a truck exclusion on Mill Street. The Board of Selectmen would have to make this decision.

Mill Street resident Crissie Stafford said traffic is the primary aspect of this plan. She said she appreciated the changes made by Hannafords, but the impact on the town as a whole must be considered. She said she is concerned about the overall impact of retail development on traffic throughout the town. This project is not in the best interest of the Town as a whole.

Abutter Carrie Kneeland asked about the day care center and restaurant as shown on the previous concept plan. Chairman Degen said the day care center and restaurant are not the subject of this public hearing.

Mr. Collins said the day care center has already been approved, but there will be no day care center on the site if the concept plan for Hannafords is approved.

Carrie Kneeland said the Comprehensive Master Plan states that there should be no commercial development unless land is zoned B-1. Member Perkins said this land is zoned B-1.

Carrie Kneeland said the master plan talks about small retail stores that fit in within Groton's small-town character. She expressed concern about traffic backing up on Mill Street without a third access on Route 119.

Carrie Kneeland asked about the depth to groundwater in this location. Mr. Friedrichs said the groundwater elevations were tested. Ms. Kneeland stated her concerns about groundwater contamination issues with the Conductorlab site on Route 119. She noted that there are flooded basements on Anthony Drive and Arlington Street.

Mr. Friedrich said the depth to groundwater varies depending upon the location on the site according to the Haley and Aldrich letter.

Mill Street resident James Western said this area is zoned for commercial development, and this proposal is the best concept plan for the site. He said there will be more traffic on Mill Street no matter what goes here.

Carrie Kneeland asked about sewer capacity. Sewer Commissioner Harlan Fitch said there is no application before the Sewer Commission at this time. Member Perkins said if there is not enough sewer capacity, the project cannot be built. Carrie Kneeland said people have a right to know before Town Meeting whether or not there is enough sewer

capacity.

Mill Street resident Gail Greenlaw said not everyone on Mill Street is opposed to this plan. She said she would like to see this project go forward.

The Board voted unanimously to close the public hearing.

Chairman Degen will prepare a draft recommendation for the Board's consideration at its meeting on August 8, 2002.

PUBLIC HEARINGS – GIBBET HILL ORCHARD

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Newbury Street Development for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26.1 Major Residential Development to create seventy-seven (77) lots/units as shown on the plans entitled, "Plans to Accompany Application for Special Permit, Zoning By-Law §218-26.1 Major Residential Development; Gibbet Hill Orchard in the Town of Groton, Massachusetts"; prepared by Beals Associates, dated July 1, 2002. The proposed subdivision is located on Groton Assessors Map & Parcel 220-32, owned by the Marion D. Campbell Trust, and Map & Parcel 220-33, owned by the Strachan Family Trust. The properties are located on the westerly side of Farmers Row, southerly side of Joy Lane, easterly and southerly sides of Shirley Street.

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Newbury Street Development for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Open Space Residential Development (Cluster) to create twenty-seven (27) units plus seven (7) transfer incentive lots as shown on the plans entitled, "Plans to Accompany Application for Special Permit, Zoning By-Law §218-26F(2) Cluster Development; Gibbet Hill Orchard in the Town of Groton, Massachusetts – Concept Plan 1 and Concept Plan 2"; prepared by Beals Associates, dated July 1, 2002. The proposed subdivision is located on Groton Assessors Map & Parcel 220-32, owned by the Marion D. Campbell Trust, on the westerly side of Farmers Row and southerly side of Joy Lane.

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Newbury Street Development for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Open Space Residential Development (Flexible) to create forty-three (43) lots as shown on the plans entitled, "Plans to Accompany Application for Special Permit, Zoning By-Law §218-26F(1) Flexible Development; Gibbet Hill Orchard in the Town of Groton, Massachusetts"; prepared by Beals Associates, dated July 1, 2002. The proposed subdivision is located on Groton Assessors Map & Parcel 220-33, owned by the Strachan Family Trust, on the easterly and southerly sides of Shirley Street.

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Newbury Street Development for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23C(3) Shared Driveways to construct a shared driveway serving lots 6-2, 6-3, and 6-4 as shown on the plans entitled, "Plans to Accompany Application for Special Permit, Zoning By-Law §218-23C(3) Shared Driveways; Gibbet Hill Orchard in the Town of Groton, Massachusetts"; prepared by Beals Associates, dated July 1, 2002. The proposed subdivision is located on Groton Assessors Map & Parcel 220-32, owned by the Marion D. Campbell Trust, located on the westerly side of Farmers Row and southerly side of Joy Lane.

Chairman Degen called the public hearing to order. Clerk Wilson read the notices published in the July 12 and 19, 2002 issues of *The Groton Herald*. Applicant Joseph Falzone, Attorney Mark Johnson, Attorney Ray Lyons, design engineers Lawrence Beals and Donald Yonika of Beals Associates, and many abutters were present.

Mr. Beals presented a flow chart detailing the approval process. He said the first thing the Planning Board must decide is whether it prefers a conventional subdivision or open space subdivision for this land. He said the proposed subdivision is located on two parcels – 73 acres owned by the Marin D. Campbell Trust and 91 acres owned by the Strachan Family Trust. ANR plans were submitted to create a few frontage lots from both parcels. Common driveways will be used to access the ANR lots. The ANR lots will be restricted so houses must be placed more than 200 ft from the road. Mr. Beals said the wetlands were delineated by Mark West who reviewed the Academy Hill subdivision for the Conservation Commission. The Commission is reviewing the wetlands delineation for this site.

Each lot has 80,000 upland area. Shirley Road will be upgraded to provide adequate access.

Member Perkins asked if Shirley Road is a public way. Mr. Beals said the road goes back to the 1800's. More recently, Town Meeting voted to discontinue a portion of Shirley Road as a public way at the request of Groton School.

Mr. Beals continued that the basic number of lots is 75. A "footnote 1" plan with three acre lots would result in 56 lots or a potential of 112 units.

Mr. Beals described the lot calculations as follows:

Basic Number	+75
Minus ANR lots	<u>-11</u>
Total basic # lots	64

Affordable lots	+6
TDR's	<u>+7</u>
Total units	77

Chairman Degen read the comments from the Groton Dunstable Regional School Committee, the Board of Health, the Police Chief, the Conservation Commission, the Water Department, and the letter from Harlan Fitch.

Mr. Fitch said he requested that the viewshed from Farmers Row be protected.

Member Perkins questioned why the area of the ANR lots could be counted as part of the Basic Number of Lots. She encouraged the applicant to preserve as much open space as possible. She asked about the potential soil contamination from the orchard. She said a site walk is needed.

The Board will ask Town Counsel about including the area of ANR lots in the calculation of the Basic Number of Lots and about the potential soil contamination in the area of the orchard.

The Board scheduled the site walk for Saturday, July 27, 2002 at 7:00 AM and 8:00 AM.

Member Clements noted that the total number of lots will be 88 if you add the 11 ANR lots. Mr. Beals said, "yes."

Member Clements expressed concern for any construction in the 100 ft buffer zone from wetland areas. He said the conventional plan does not intrude into the buffer zone. Mr. Beals said the Conservation Commission may allow work in the buffer zone if there is a public benefit.

Member Wilson said he would like to see an open space design that preserves a large, contiguous area of open space. He said he did not like the ANR lots at all. He would prefer to leave the viewshed open from Route 111 and push the development into the interior of the site. He suggested using the cluster provisions on both parcels to preserve more open space and construct less roadway.

Member Eliot said she agreed. She noted that the Board must determine the adequacy of both Shirley Road and Joy Lane. She said she agreed with Mr. Fitch's comment about the viewshed. She asked if the bridge over James Brook would be reconstructed. Mr. Beals said, "yes," but the applicant must get through the permitting process first.

Member Eliot requested that the applicant discuss the school's request for land for an elementary school. Mr. Beals said they would discuss the matter with the School Department. School Committee Chairman Chris Mills said the district is looking for approximately 15 acres. If the land is classified as agricultural land, it must be replaced with other agricultural land. Mr. Beals said the goal of the project is to keep the existing agricultural land as open space.

Chairman Degen asked how much of the land has been used as an orchard. Mr. Beals said about 30 acres. Chairman

Degen said the land use history must be submitted to the Planning Board and the Board of Health.

Chairman Degen asked what is the total acreage in Groton. Mr. Beals said the site contains 164 acres in Groton. Chairman Degen said the required 5% set asked for parkland should be subtracted from the Basic Number of Lots.

Wendy Good said it is important to consider connecting trails and wildlife corridors when reviewing the proposed open space. She said the rail trail is located to the east of the property and there is a gas main easement on this land (*correction: the easement is held by AT&T.*) Ms. Good said she prefers the flexible/cluster plan.

Board of Health Chairman Susan Horowitz asked how much of the orchard is located in the proposed open space. Mr. Beals said the orchard and some pasture lands are in the open space areas. Approximately one-half of the open space was once an orchard.

Member Perkins asked if the subdivision road going through the open space could be eliminated.

Abutter Ann Luther expressed concern about the impact of the development on their views. She said her house is 300 years old. She asked the Board to consider the bigger picture including the increase in traffic.

Kenneth Hill of Dolan Drive said Smith Street is used as a cut through today, and this plan will only increase traffic. Chairman Degen responded that a traffic study will be required at some point in the review process.

Laurie Heron of Amandrey Way asked when the soil testing will be done. Chairman Degen said the applicant will work with the Board of Health on soil testing.

Abutter Jacqueline Butler asked if all lots will have on-site sewage disposal systems. Mr. Beals said, "yes." Mrs. Butler asked about the phasing plan. Chairman Degen said the development is subject to the provisions of the Development Rate Limitation By-law.

Gail Greenlaw of Mill Street said a recreational trail from the river to the rail trail is needed in this area rather than a soccer field.

Peter Morrison of the Conservation Commission said if land is donated to the Conservation Commission, it will be used for passive recreation only.

Member Perkins said she supports the preservation of agricultural land. Mr. Beals said if the land is subject to an Agricultural Preservation Restriction (APR), a farmer can own the land and continue farming.

Peter Gardner expressed concern about the visual impact on the area and the traffic impact on Farmers Row.

Larry Harrington asked if the houses will be single-family or duplexes. Mr. Beals said all the lots in the flexible portion of the site will be single family. The units in the cluster section will be a mix of single family and multifamily.

Laurie Heron asked about the affordable housing. Chairman Degen said the Zoning By-law requires that 10% of the units be affordable and these units must meet the criteria established by the Department of Housing and Community Development.

The Board voted unanimously to extend the deadline to September 30, 2002 as requested by the applicant.

The Board voted unanimously to continue the public hearing on September 5, 2002 at 7:30 PM.

ANR PLANS

The Board considered the Approval Not Required (ANR) plans submitted by Newbury Street Development to create 11 new lots on parcels owned by the Marion D. Campbell Trust and the Strachan Family Trust.

The Board said it must determine the adequacy of Shirley Road before acting on the ANR plans.

The Board voted unanimously to extend the deadline to August 2, 2002 as requested by the applicant.

The Board will view Shirley Road on its site walk on July 27, 2002 and will act on the plan on August 1, 2002.

CONTRACT WITH MARK BOBROWSKI

The Board reviewed the proposed contract with Attorney Mark Bobrowski for drafting zoning amendments as part of the implementation of the Master Plan.

The motion was made by Perkins to accept the contract in the amount of \$20,000.00. The motion was seconded and passed unanimously.

WEED MANAGEMENT COMMITTEE

The motion was made by Eliot to recommend Member George Barringer as the Planning Board's representative on the Weed Management Committee. The motion was seconded and passed unanimously.

GDRHS Site

The Board received a copy of the letter from Peter Spooner to the Groton Dunstable School Committee. Mr. Spooner is requesting that the school extend the stockade fence along his property line. The Board expressed concern that extending the fence may obstruct sight distance on Chicopee Row.

Meeting adjourned at 11:30 PM

Respectfully submitted,

Michelle Collette
Planning Administrator