

**GROTON PLANNING BOARD**  
**AUGUST 21, 2003**  
**MINUTES**

Chairman Barringer called the meeting to order at 7:00 PM in the Town Hall  
Members present: Barringer, Clements, Eliot, Lewis, Perkins and Wilson  
Members absent: Degen

**PUBLIC HEARING (con't) – ROCKY HILL SPECIAL PERMITS/DEFINITIVE PLAN**

The Board held the continuation of the public hearings to consider the special permit applications and Rocky Hill definitive plan. Applicant David Moulton and Attorney David Moulton were present.

Mr. Collins said a wildlife study is being prepared by Brian Butler of Oxbow Associates and should be completed by November. They are working closely with Patricia Huckery of the Natural Heritage and Endangered Species Program in the process.

Mr. Collins said he would like to submit a modification to the special permit applications in order to use the amendments to the Flexible Development by-law adopted at the 2003 Annual Town Meeting. If the applicant can use these new provisions, the 24-month in deadline in 218-27C is less critical. Mr. Collins requested that the Board vote to establish the Basic Number of Units as 82 as shown on the concept plan approved by the Special Town Meeting in September, 2001.

Member Lewis said he has reservations about taking a vote on the Basic Number of Units without the submission of a Basic Number of Lots plan. Mr. Collins said 82 is a very modest number considering the significant amount of open space that will be protected.

Member Perkins said she does not object to making a determination on the number of units at this time especially with the proposed donation of land to Massachusetts Audubon and the variety of proposed housing types. 82 units on 600 acres is very reasonable.

Member Wilson said he agreed that 82 units as shown on the concept plan is reasonable. Member Clements agreed and asked the applicant to summarize the types of housing to be constructed.

Mr. Collins said there would be eight (8) affordable units, 24 units for people over 55, 12 starter homes, and 38 market-rate houses.

Member Wilson noted that 8 affordable is less than 10% of 82 units. Mr. Collins responded that there were 74 units plus 8 affordable thus meeting the 10% requirement.

Chairman Barringer asked if Judith Nitsch Engineering, Inc. (JNEI) reviewed the concept plan approved by Town Meeting. Planning Administrator Michelle Collette said, "no," the Board does not usually have concept plans reviewed. Chairman Barringer said he concurs with the 82 units, but the Board must be consistent with all applications.

Member Lewis asked if the road could be constructed without any waivers. Mr. Collins said, "yes." Member Lewis asked if a waiver of the granite curbing requirements would be requested. Mr. Collins said, "yes." Member Lewis suggested that Mr. Moulton consider a donation to the Lost Lake Fire Station in exchange for the waiver of granite curbing. Mr. Collins said they would consider it because the Lost Lake Station serves this area.

Chairman Barringer read the letter dated August 21, 2003 from Mr. Collins requesting an extension to December 31, 2003.

The motion was made by Wilson to extend the deadline to December 31, 2003 as requested by the applicant. *The*

*motion was seconded and passed unanimously.*

The motion was made by Wilson to confirm that the Basic Number of units is 82 as shown on the concept plan approved by the Special Town Meeting in September, 2001. *The motion was seconded and passed with Barringer, Clements, Lewis, Perkins, and Wilson in favor; Eliot abstaining.*

The motion was made by Lewis to continue the public hearing on September 18, 2003 at 7:30 PM. *The motion was seconded and passed unanimously.*

#### **DEER HAVEN PERFORMANCE BOND REDUCTION**

The Board received a report dated August 21, 2003 from JNEI with revised cost to complete estimates for the Deer Haven subdivision.

Member Lewis asked if the community sewage disposal system is functioning. Mr. Collins said it has been on line since 2002. Member Lewis asked if the Homeowners Association was established to maintain the system. Mr. Collins said, "yes."

Member Perkins asked about the other outstanding issues. Mr. Collins said the conservation restriction has been submitted to Joel Lerner at the Division of Conservation Services for review, a plan will be submitted to the Building Inspector for the two affordable units, and Mr. Moulton is working with the Conservation Commission and Earth Removal Advisory Committee to clean up Parcel C. Mr. Collins stated that the bond only covers the road and drainage system – not the other issues.

Member Lewis expressed concern that the topography of Parcel C may not be the same as the topography shown on the definitive plan. He suggested that JNEI look at the site. Mr. Collins said the site excavation issues would be corrected within two weeks.

The Board postponed voting on the bond reduction until the other matters have been resolved.

#### **SITE PLAN REVIEW – SURRENDEN FARMS LOTS 8 & 9**

At the request of the applicant, the Board voted unanimously to continue the site plan review for the Surrenden Farms Lots 8 & 9 to September 4, 2003 at 8:00 PM.

#### **ANR PLAN – ZOE ELEFThERIO, COMMON STREET**

The Board considered the Approval Not Required (ANR) plan submitted by Zoe Eleftherio to create one new lot with 2.5 acres and 226 ft frontage on Common Street. The Board questioned whether the new lot had the required 80,000 sq ft upland area.

The motion was made by Clements to endorse as Approval Not Required the plan entitled, "Plan of Land in Groton, Mass., Prepared for/Owned by Zoe Eleftherio at 106 Common Street," prepared by Goldsmith, Prest & Ringwall, Inc., dated August 12, 2003, with the following note:

"Such endorsement shall not be deemed to constitute any determination of compliance with the requirements of the Zoning By-law."

*The motion was seconded and passed unanimously.*

#### **PUBLIC HEARING – AL PRIME SPECIAL PERMIT & SITE PLAN REVIEW**

In accordance with the provisions of Chapter 40A, §§ 9 and 11, M. G. L., the Groton Planning Board held a public hearing to consider the application for a special permit submitted by A. L. Energy Consultants to utilize the provisions of Groton Zoning By-law Section 218-30 Water Resource Protection Districts to upgrade the existing gasoline filling station and replace three (3) 5000 gallon underground storage tanks with two (2) underground storage tanks totaling 20,000 gallons. The proposed work is shown on the plan entitled, "A.L. Prime Energy, Boston Rd (Route 119), Groton, MA, Tank Layout," prepared by Ayoub Engineering, dated July 14, 2003. The proposed project

is located on land owned by Nasser S. Buisier, shown as Assessors' Map 121, Parcel 16, located on the easterly side of Boston Road.

Chairman Barringer called the public hearing to order. Clerk Perkins read the notice published in the August 8 & 15, 2003 issues of the *Groton Herald*. Applicant Nasser Buisier of A. L. Prime Energy, Attorney James Gmeiner, design engineer Gary Shepherd of David Ross Associates, design engineer Anthony Guba, and abutters were present.

Mr. Shepherd presented the plan to remove the existing gas station and construct a new gas station and convenience store on the same lot. The 27,395 sq ft lot is zoned B-1. The existing building contains 2100 sq ft, and the proposed building will contain 1250 sq ft. An island will be constructed to control traffic entering and exiting on Route 119. The new pumps will be easier to navigate, and tractor-trailer trucks will not have to back up on the site. Mr. Shepherd said the site is not very attractive today. The proposed changes will improve aesthetics as well as safety.

Chairman Barringer read the letters from the Groton Water Department and the Fire Chief.

The Fire Chief, who was present at the hearing, said he met with the applicant to discuss upgrading the tank and bringing everything into compliance with code. He said the proposed engineering design is better for delivery trucks because they will be able to access around the rear of the building away from Boston Road.

Member Clements asked if the site would be served by a private well. Mr. Shepherd said, "yes." Member Clements asked if any other work would be done on the adjacent lot. Mr. Shepherd said Prime owns both lots – one is zoned B-1 and the other is zoned R-A. The 2002 Annual Town Meeting voted down the rezoning of the R-A parcel to B-1. All the proposed changes to the site are on the lot zoned B-1 except the well which is located in an easement on the lot zoned R-A.

Member Clements asked if the lot is in the Water Resource Protection District. Mr. Shepherd said, "yes." The proposed changes will be an improvement over the existing conditions.

Member Clements asked about the design of the canopy over the pumps. Mr. Guba said the canopy would be as small as possible to cover the pumps and dispensing area. Mr. Shepherd said the 42' x 50' canopy would prevent runoff from going onto the pumps. Member Clements noted that the canopy must comply with the sign by-law. Mr. Shepherd agreed.

Member Lewis asked for more details about lighting.

Member Clements asked how late the gas station and convenience store would be open. Mr. Buisier said, "9:00 PM."

Chairman Barringer asked the applicant to submit architectural drawings and elevations for the proposed building and canopy. Mr. Shepherd said the site plan was submitted under Level I which does not require architectural information. Chairman Barringer noted that Section 218-25 states that alterations of more than 5000 sq ft land area are under Level II.

The motion was made by Lewis that the site plan for the Prime gas station/convenience store is a Level II. ***The motion was seconded and passed unanimously.***

Member Wilson said the upgrades to the facility would improve the aesthetics of the site. He said he would like to see more information on landscaping as well as a photometric diagram of the proposed lighting. He noted that the regulations require that the drainage be based upon the 100-year storm, not the 25-year storm. The Board determined that the plan and calculations should be sent to JNEI for review.

Member Eliot asked if a 21E Site Assessment is required to ensure the site is clean. Mr. Shepherd said, "no," because there is no exchange of property.

Mr. Guba said when underground tanks are removed from the site, a Licensed Site Professional (LSP) must do an

assessment at that time. Member Lewis asked if the LSP would look at the entire site or just the area where the tanks are located. Mr. Guba said they would only look at the whole site if there is evidence of contamination migration. There is no evidence of contamination at this time. Member Lewis said there might be some toward the rear of the site.

The Fire Chief stated that protections were added in 1999 so there is a system in place to monitor the tanks.

Member Eliot asked if one-way traffic had been considered. She expressed concern about the parking space for the disabled located in the two-way traffic area. She requested that JNEI review the traffic circulation plan. Mr. Shepherd said the access is 32 ft wide at both entrances so it should not be a problem.

The Fire Chief asked if the gas station would be self-serve. Mr. Shepherd said, "yes." The Fire Chief said it is important to have signage to direct traffic flow.

Mr. Buisier said he cannot have one-way traffic because 75% of the cars have gas tanks on the driver's side and 25% have tanks on the passenger side.

Member Perkins asked about the average width of a gasoline delivery truck. Mr. Guba said most trucks are 7.5 to 8 ft wide. He said they will address the Fire Chief's concerns about traffic flow for tanker trucks and emergency vehicles.

Member Lewis requested that delivery trucks come to the site on off-hours only. Mr. Buisier said it is difficult to control the timing of deliveries, but they do not pump when the tanker trucks are unloading gasoline.

Member Perkins asked if the dumpster will be screened. Mr. Shepherd said not unless the Planning Board requires it.

Member Perkins asked if the lights will be off at night. Mr. Buisier said, "yes," the only lights left on at night are the light department's streetlights.

Member Lewis requested a copy of the operation and maintenance plan for the drainage system. He asked about snow removal and snow storage. Mr. Shepherd said snow will be stockpiled at the rear of the site. Snowmelt will flow into the drainage system. Member Lewis cautioned that there should be no ponding of water at the entrance on Route 119. Mr. Shepherd said the site will comply with all the Board's regulations.

Member Lewis asked if it is legal to have a well on the adjoining property zoned R-A. The Board will request a legal opinion from Town Counsel on this point.

Member Lewis asked why Old Lantern Lane is shown as a "proposed road" on the site plan. Mr. Shepherd said the road was never constructed and may not exist today.

Chairman Barringer said it is important to screen headlights glare from Old Lantern Lane.

Abutter Lloyd Isley said Old Lantern Lane is not shown accurately on the plan.

Abutter Peter DeFranco expressed concern about the visual impact of the proposed canopy. He said a modern canopy is not in keeping with the character of a colonial town. He expressed concern about snow removal and traffic flow.

Abutter Patrick Kenney said there will be more traffic with the new pumps and the convenience store. He said he is concerned about the impact of lighting on the abutters.

Mr. DeFranco said the clear cutting of the adjacent lot should be addressed. The site should not be left as it is now.

The motion was made by Lewis to request an opinion from Town Counsel and the Board of Health regarding the proposed location of the well on the adjoining lot and whether a 21E site assessment is required. ***The motion was seconded and passed unanimously.***

Abutter Lorraine Isley said she owns the barn next to the access road, She said delivery trucks often come during the middle of the night and wake her up. She agreed that the proposed plan will improve the site and address traffic flow. Mr. Buisier said the new tanks will reduce the number of deliveries by 50%.

The Board will conduct a site walk on Tuesday, September 23, 2003 at 6:30 PM.

The motion was made by Lewis to extend the deadline to November 21, 2003. *The motion was seconded and passed unanimously.*

*The Board voted unanimously to continue the site plan review on September 25, 2003 at 7:30 PM.*

#### **SITE PLAN REVIEW (con't) – GIBBET HILL RESTAURANT**

The Board continued its review of the site plan for the proposed restaurant on Gibbet Hill. Applicants Steve, Nancy and Josh Webber, design engineer Todd Lobo of Beals Associates, and traffic engineer Gary Hebert of FST were present.

The Board received a report dated August 21, 2003 from Judith Nitsch Engineering, Inc. (JNEI) and a written list of waivers from Beals Associates.

Mr. Lobo explained the Level II site plan with one parking space for every three seats. The parking lot will have a star-pack surface, but the parking spaces for the disabled and the apron at the entrance on Lowell Road will be paved.

Gary Hebert presented his findings to the Board. He said the existing sight distance to the west is poor and must be improved sufficiently for cars traveling at prevailing speeds. He said the Town's regulations require 300 ft sight distance. However, 305 ft is required for cars traveling 40 mph. The recommended sight distance for this intersection is 420 ft. The traffic volume is 4000 cars per day with 400 cars per hour during peak hours. He said the new restaurant will generate about 52 cars per hour during the peak hours. The Friday afternoon peak will be the worst-case condition. The level of service at the intersection of the entrance to the site and Lowell Road is "A", except left hand turns which are "B". The entrance to the site does not meet the warrants for a turning lane. He suggested that the Town install warning signs on Route 40 to let drivers know about the upcoming access.

Mr. Hebert said the new traffic count at the intersection of Route 119 and Route 40 shows a reduction in trips per day. The number of cars per day was 18% higher in 1997. Considering the background traffic levels, this intersection is at a level of service "F" today.

Mr. Lobo described the proposed changes to the entrance of the site that will be implemented to improve sight distance at the intersection. The existing wall will be eliminated. He asked whether the Board would like curbing at the entrance. The Board responded that the curbing should be installed to give definition to the entrance.

Member Lewis asked about the total number of spaces. Josh Webber said 205 are required, and 173 spaces will be provided. An overflow parking area with 24 spaces will be available.

Member Wilson asked how erosion will be prevented if the site is not paved. Mr. Lobo said the slope is not steep so erosion should not be a problem.

Chairman Barringer read the letter dated August 21, 2003 from the Fire Chief.

The Fire Chief stated that the pillars at the entrance to the site should be removed. He expressed concern about the 22 ft aisle width in the parking lot. He said he must be able to drive fire trucks around the site. He requested that the applicant redesign the gable at the side of the building. The Webbers agreed.

Member Clements asked the applicant to minimize the amount of lighting at the site. Member Eliot suggested using lower level lighting along the walkways.

Chairman Barringer reviewed the list of waivers requested by the applicant.

***The Board voted unanimously to continue the site plan review on September 4, 2003 at 9:00 PM.***

### **GROTON DUNSTABLE HIGH SCHOOL SITE**

The Board received a letter dated August 21, 2003 from the Fire Chief regarding the emergency vehicle access road at the new Groton Dunstable Regional High School. He expressed concern about a concrete berm that creates an obstruction near the sewer pumping station as well as concern about the width of the access road in some curved areas that may be difficult for fire trucks to maneuver. He thought guardrails may be necessary.

The motion was made by Lewis to send a memorandum to the Building Inspector regarding compliance with conditions of the site plan approval dated August 17, 2001 with a copy of the letter from the Fire Chief attached. ***The motion was seconded and passed unanimously.***

### **COMMENTS TO THE ZBA – OAKRIDGE MANOR**

Attorney Douglas Deschesnes and applicants Matthew Field and Robert Tierney of MattBob, Inc. met with the Board to present plans for the Oak Ridge Manor comprehensive permit plan. Mr. Deschesnes said the site contains nine acres of upland and 17 acres of wetlands located at the Groton-Littleton town line. The project was designed to keep structures out of the buffer zone. A Notice of Intent will be filed with the Conservation Commission for the roadway crossing the wetlands.

The plan includes 44 units for people 55 years old and older. There will be eleven colonial style buildings with four units in each. Eleven units (25%) will be affordable under state guidelines. The project complies with the recommendation of the Governor's Housing Task Force because there will be less than seven units per acre. The affordable units will sell in the range of \$155,000 to \$165,000.

Member Eliot requested that a higher percentage of affordable units be provided. She said she appreciated the architectural design plans.

Member Wilson expressed concern about the safety of proposed access onto Route 119. He asked if a turning lane should be constructed. Mr. Deschesnes said a traffic study is underway and will be submitted to the ZBA.

Member Wilson asked about the sewage disposal system. Mr. Field said there will be two separate community sewage disposal systems.

Member Clements asked if the project is within the ACEC. Mr. Deschesnes said there is a certified vernal pool on the site.

Member Lewis asked about cut and fill. Mr. Field said the cut and fill will be about nine feet at the entrance to the site.

Chairman Barringer asked about the distance from Boston Road to the end of the loop road. Mr. Deschesnes said about 2200 ft. The distance from Route 119 to the intersection of the loop is about 500 ft. Chairman Barringer asked if there will be access to Sunset Road. Mr. Dechenses said, "no," there is a significant wetland in this area.

The Board will comment to the ZBA that, in general, the Board's opinion of the plan is quite favorable provided the following concerns are addressed:

1. The entrance road must cross through wetlands. The impact on wetlands, including any vernal pools, must be carefully reviewed by the Conservation Commission.
2. A culvert should be installed in the area of the wetlands crossing to ensure proper drainage.

3. The Board recommends that the ZBA require a traffic study to address sight distance issues at the road entrance on Route 119. This is a critical public safety issue.
4. Sidewalks should be provided throughout the development as required in the subdivision regulations to facilitate and encourage pedestrian access.
5. The Board suggests that the ZBA ask the developer to construct a community center to serve the social needs of residents of the development, especially since it is located so far from the Town Center.

Meeting adjourned at 11:15 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator