

**GROTON PLANNING BOARD
DECEMBER 4, 2003
MINUTES**

Chairman Barringer called the meeting to order at 7:30 PM in the Town Hall
Members present: Barringer, Clements, Eliot, Lewis, Perkins and Wilson
Members absent: Degen

MRPC HOUSING PLAN

The Planning Board received a copy of the draft housing plan prepared by the Montachusett Regional Planning Commission (MRPC) funded by Executive Order 418. The plan contains numerous statistical and factual errors. The motion was made by Eliot to write a letter to the Board of Selectmen pointing out the egregious errors in the document and recommending the Selectmen not approve payment of any invoices until corrections have been made. *The motion was seconded and passed unanimously.*

PRE-SUBMISSION REVIEW – CHILDREN’S EXTENDED CARE

(Member Eliot stepped down)

The Board met with Edward Doucette of Children’s Extended Care, Richard Martell of Seven Hills Foundation, and Architect Richard Monihan to discuss an addition to the hospital facility on Hillside Drive.

Mr. Martell explained that Seven Hills intends to purchase the facility from Children’s Hospital on January 1, 2004. Improvements to the facility will be completed in phases over the next few years. The existing two-story building contains 71 beds for severely disabled children. The proposed changes will add 12 new beds and provide a number of much needed improvements to the facility. Seven Hills would like to go through the site plan review process this winter. Construction will begin during summer of 2004 with occupancy in 2005. The addition of 12 newbeds is subject to the availability of additional sewer capacity.

Member Lewis asked about parking spaces. Mr. Monihan said at the present time, there are three separate parking lots with 50, 17 and 25 cars each. Chairman Barringer asked what the total number of parking spaces would be after the renovations. Mr. Monihan said he did not know yet. Chairman Barringer asked the size of the proposed addition. Mr. Monihan said the addition would have a footprint of 10,000 sq ft. There will be 12 new beds, the maximum allowed in the license grant by the state. Seven to ten new staff members will be hired.

The Board suggested adding sidewalks along the streets and a pedestrian connection to the rail trail. Mr. Doucette said the 12 – 15 ft change in elevation makes access to the rail trail challenging but they would investigate it.

Member Clements asked about impact on wetlands. Mr. Monihan said the proposed project would stay away from the wetlands.

Member Lewis reminded the applicant that the project must not increase runoff from the site. Mr. Monihan said the site plan would comply with the Site Plan Review Regulations.

BULLDOG REALTY TRUST

The Board continued the review of the site plan for Bulldog Realty Trust’s project at 14 Station Avenue to December 11, 2003.

SPECIAL PERMIT DECISIONS – AL PRIME

The Board discussed the special permit decision for the AL. Prime service station on Boston Road. TheBoard received letters and photographs from some of the abutters after the close of the public hearing.

Member Perkins said she was not comfortable receiving this information after the hearing was closed. Other members of the Board agreed.

The motion was made by Perkins that the Planning Administrator will decline acceptance of material received after a public hearing is closed. *The motion was seconded and passed unanimously.*

The motion was made by Lewis to **GRANT** the special permit to by A. L. Prime 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, with revisions through November 4, 2003.

Findings:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by upgrading the existing gasoline station. The existing underground storage tanks will be replaced with new tanks installed in compliance with current regulations. This gasoline station is one of only two gasoline stations in the Town today. Sixteen years ago there were seven.
2. **Traffic flow and safety:** The existing traffic flow pattern is undefined and can be very dangerous. The proposed facility will address traffic flow and safety issues by defining the curb cuts on Route 119, establishing one-way traffic flow around the building, and addressing gasoline deliveries by tanker trucks. The Planning Board received comments from the Police Chief and from its consulting traffic engineer, Judith Nitsch Engineering, Inc. (JNEI) regarding the traffic impact of the proposed plan.
3. **Adequacy of utilities:** The proposed use will be served by an on-site well and sewage disposal system subject to the approval of the Board of Health.
4. **Neighborhood character:** The facility is located on land zoned B-1 (Business). The proposed changes to the facility will improve the condition of the site by razing and replacing the existing building. The overall appearance of the site will be improved. Fencing and landscaping will screen the abutting residential area. Lighting glare will be diminished by the discontinuation of use of floodlights on utility poles on Route 119.
5. **Impacts on the environment:** There is no surface or stormwater management system on the site today. The improvements to the site include installation of a new drainage system. Stormwater runoff and snowmelt will be directed to the new drainage system. The existing underground storage tanks will be removed and replaced with new tanks in compliance with federal, state and local regulations. Groundwater quality will be monitored in accordance with the condition contained herein. The existing sewage disposal system will be replaced with a new system in compliance with current regulations.
6. **Fiscal impact on the Town:** The proposed development will have a positive fiscal impact on the Town because the assessed value of the property and tax revenue will increase.
7. **Water Resource Protection Districts:** The Board determined that the installation of new underground storage tanks for the existing gasoline station is an Accessory Use in the WRPD III. Although a new gasoline station would not be permitted in a WRPD III, the Building Inspector determined that the proposed improvements to the site do not require a special permit from the Zoning Board of Appeals (see Building Inspector's letters dated November 6 and 13, 2003). The Planning Board received an opinion dated November 6, 2003 from Town Counsel stating that a special permit for a change in a pre-existing non-conforming use from the Zoning Board of Appeals is required. The Planning Board acknowledges the Building Inspector's statutory authority to make the determination as Zoning Enforcement Officer. The Board also acknowledges the abutters right to appeal the Building Inspector's determination to the Zoning Board of Appeals pursuant to Chapter 40, § 8, and Groton Zoning By-law §218-33B(1).

The special permit plan meets the purposes set forth §218-30 because the existing underground tanks will be removed and replaced with new tanks in compliance with federal, state and local regulations. Soil and groundwater testing will be conducted when the tanks are removed. Monitoring wells will be installed to test

groundwater quality. The proposed canopy area and new pumps will result in reduced risk of accidental spillage. The stormwater will be treated by the installation of a new drainage system. The existing sewage disposal system will be replaced by a new system subject to current regulations.

8. Comprehensive Master Plan – The proposed improvements comply with the Goals and Objectives of the Comprehensive Master Plan including:

- To support existing commercial and industrial businesses.
- Strengthen efforts to identify and monitor underground tanks and other forms of hazardous material storage.

Conditions:

1. § 218-30G states, “surface and groundwater quality resulting from on-site wastewater disposal or other operations on-site shall not fall below the more restrictive of federal or state standards for drinking water, or, if existing surface or groundwater quality is already below those standards, on-site disposal or operations shall result in no further deterioration.”

The applicant’s submission states, “All these taken together lead to the determination that ground water quality resulting from on-site operations will not fall below federal or state standards for drinking water.”

Two groundwater-monitoring wells shall be installed at the rear (northerly and easterly) corners of the site. A baseline test for Safe Drinking Water Standards (SDWS) shall be performed prior to the commencement of any site alterations. The wells shall be tested for SDWS quarterly for one year after issuance of the occupancy permit, and annually on June 30th thereafter. The applicant shall submit the groundwater test results to the Board of Health, the Groton Water Department, Building Inspector/Zoning Enforcement Officer, and the Planning Board (as Special Permit Granting Authority) for review.

2. As stated at the public hearing, the applicant shall store all chemicals and hazardous material indoors. There shall be no outside storage or displays of products sold on the premises. The applicant shall submit an updated copy of the inventory annually on June 30th to the Board of Health, the Groton Water Department, Building Inspector/Zoning Enforcement Officer, and the Planning Board (as Special Permit Granting Authority).
3. Snow banks and stockpiles shall not exceed a height of three (3) feet at any time. Snow in excess of three feet in height shall be removed from the site and disposed of in an area that is not within a Water Resource Protection District.
4. The stormwater management system shall be maintained in accordance with the approved Operation and Maintenance plan (Sheet 1 of 3 on the site plan).
5. The applicant shall apply a minimum amount of other deicing chemicals to the paved areas on site. The applicant shall submit information regarding the type of chemicals and quantity to the Board of Health for its review and approval.
6. This special permit shall not be in effect until certified copies of the special permit decision is recorded at the Middlesex South Registry of Deeds as required in GL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording is submitted to the Planning Board by the applicant.
7. This special permit shall lapse in 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. The recording of the special permit and subsequently approved ANR plan shall constitute commencement of substantial use.
8. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion was seconded and passed unanimously.

The motion was made by Perkins to **GRANT** the following waivers of the Site Plan Review Regulations:

1. **§345A-19(N)** – To accept the submission of the site plans at a scale of 1"=20' rather than 1"=40" and architectural drawings at a scale of 1/4" = 1'.
2. **§345-1(P)** – To accept plans for the proposed retaining wall design without a stamp by a structural engineer because the height of the retaining wall will be a maximum of three (3) feet.
3. **345-2(A)(3)** – To allow a four (4) foot wide sidewalk rather than plantings along the foundation of the building.
4. **§345A-2(D)(7)** – To allow no curbing between the back edge of the parking lot and snow storage area to facilitate snow plowing and snow removal. A poured concrete sidewalk is proposed between the parking lot and the building.

The motion was seconded and passed unanimously.

The motion was made by Perkins to **APPROVE** the Level II site plan entitled, "Site Plan of Land in Groton, Massachusetts Prepared for A.L. Prime Energy," prepared by David E. Ross Associates, dated March, 2003 with revisions through October 31, 2003, and "A.L. Prime Energy, Boston Rd (Route 119), Groton, MA, Tank Layout," prepared by Ayoub Engineering, dated July 14, 2003, with revisions through November 4, 2003, with the following conditions:

1. 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). Stormwater and snowmelt shall be directed to the new drainage system.
2. There shall be no ponding of water on the site or at the intersections at the entrance/exits of the site on Route 119.
3. The stormwater management system shall be maintained in accordance with the approved Operation and Maintenance plan (Sheet 1 of 3 on the site plan).
4. Snow banks and stockpiles shall not exceed a height of three (3) feet at any time. Snow in excess of three feet in height shall be removed from the site and disposed of in an area that is not within a Water Resource Protection District.
5. The applicant shall submit written evidence to the Planning Board and Building Inspector from MassHighway stating whether a new Highway Access Permit is required. If a permit is required, the Board understands that an Environmental Notification Form must be filed with MEPA because the site is within an Area of Critical Environmental Concern (ACEC).
6. As recommended in the JNEI traffic report dated October 30, 2003, a "Do Not Enter" sign is proposed to replace the "Exit Only" sign. The "Do Not Enter" sign shall be posted in conformance with the Manual on Uniform Traffic Control Devices (MUTCD).
7. There shall be no outside storage or display of products sold on the premises. There shall be no vending machines on site.
8. Vegetative screening and fencing shall be installed as shown on the plan to provide screening for abutters. Plantings shall be installed as specified in the "Planting Schedule" shown on the landscaping plan (Sheet 3 of 3). In any event, no invasive species shall be planted.
9. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h). The applicant shall work with the Groton Electric Light Department to discontinue the floodlights at utility poles #3-220 and 221

as shown on the plan. The new lights installed on the site, on the building and under the canopy shall be consistent with the LSI Industries lighting details sheets and photometric diagram (Sheet 1 of 1) submitted by the applicant. Lights on the canopy shall not be left on after operating hours.

10. The blue and yellow stripes on the canopy shall be 3-4 inches wide as offered by the applicant. The dimensions shown on the plan shall be corrected prior to endorsement of the plan by the Planning Board.
11. The dumpster shall be water tight and screened appropriately from view from the public way or abutting properties.
12. The "Proposed Interlocking Block Retaining Wall – 3' Max." shall be no greater than three (3) feet in height as stated on the plan. The wall shall remain stable and in good repair at all times. A detail showing wall construction shall be added to the site plan prior to endorsement of the plan by the Planning Board.
13. 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.
14. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.
15. The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions.
16. An erosion and sedimentation control plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Soil Erosion and Sedimentation Control.
17. 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.

COMMITTEE APPOINTMENTS

The motion was made by Wilson to recommend that Selectmen appoint Carolyn Perkins as the Planning Board's representative to the Housing Task Force. ***The motion was seconded and passed unanimously.***

The motion was made by Lewis to recommend that Selectmen appoint Bruce Clements as the Planning Board's representative to the Community Preservation Act Committee. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 9:00 PM

Respectfully submitted,

Michelle Collette, Planning Administrator

