

**GROTON PLANNING BOARD
MARCH 4, 2004
MINUTES**

Chairman Barringer called the meeting to order at 7:30 PM in the Town Hall

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

PUBLIC HEARING – ACADEMY HILL EXTENSION

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 LandWest, Inc. for an EXTENSION of special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Open Space Residential Development to create 106 units (94 units plus 12 transfer units) as shown on the plan entitled, "Plan to Accompany Application for Cluster Development Pursuant to Section 218-26F(2) for Academy Hill in the Town of Groton, Massachusetts – Design Concept Plan 3"; prepared by Beals Associates, dated January 15, 2002 with revisions through February 12, 2002. The proposed subdivision is located on Groton Assessors Map & Parcels 202-74 owned by Dennis & Helen Magee; 202-75 & 202-76 owned by John & Roberta Lavalley; 202-73, 204-4-0, 204-7-0, 204-10-0 owned by Habitech, Inc.; 202-77 owned by Lewis Trust; 204-6-0, 204-14-0 owned by Groton Throne Hill Realty Trust; 204-5-0 & 204-44-0 owned by LandWest, Inc.; 204-1-0, 204-2-0 & 204-3-0 owned by George G. Hayes; and Pepperell Assessors Map and Parcel 37-30 owned by Charles & Robin McCann. The properties are located on the easterly side of Townsend Road and southerly side of the Old County Road in Groton and the northerly side of the Old County Road and southerly side of South Road (Route 119) in Pepperell.

Chairman Barringer called the hearing to order. Clerk Perkins read the notice published in the February 13 and 20, 2004 issues of the *Groton Herald*. Design engineer Lawrence Beals of Beals Associates and wildlife biologist Brian Butler of Oxbow Associates represented the applicant at the hearing.

Mr. Beals explained the history of the subdivision approval and subsequent MEPA process. The Board granted the special permits in April 2002 and approved the definitive plan in May 2002. Mr. Beals said the applicant is requesting a one-year extension to continue working with the Natural Heritage and Endangered Species Program (NHESP) and MEPA to address environmental impacts. If the Board does not grant the extension, the applicant will submit the mylars for endorsement and record the plan at the Registry of Deeds. Mr. Beals submitted a letter dated March 3, 2004 from Dr. Thomas French of NHESP to the Board.

Member Wilson said there is no purpose to be served by denying the extension. The applicant should be given time to work with NHESP and MEPA.

Member Clements said he would like to hear from Brian Butler. Mr. Butler said they have had many meetings with NHESP in order to meet the performance standards for a conservation permit for the project. The final details are being worked out with NHESP.

Mr. Beals said as soon as a solution is reached with NHESP, the applicant will file a supplemental draft EIR to MEPA for review and comment. A final EIR will then be submitted to MEPA.

Mr. Beals said NHESP is very concerned about the development in the center of the site. The lots and units in this area will be relocated to other portions of the site. These changes will require a modification of the subdivision plan.

Member Lewis said the Planning Board approved the plan knowing there were outstanding issues with NHESP. He said the Board should grant the extension and wait to hear from NHESP. Members Eliot and Perkins agreed.

Member Degen said the Planning Board and the applicant worked together during the Open Space Residential and Major Residential Development parts of the process. The landowner knew that state procedures would be required. The Town spent a large sum of money to preserve open space in this area. Member Degen asked since the Planning Board acted on the definitive plan in a timely manner in 2002, then why should the Board grant an extension when it knows a modification to the plan will be required?

Chairman Barringer said either the applicant must submit the mylars for endorsement or the Planning Board must grant an extension for the special permits. He said it is fair to the applicant to extend the special permits for one year to allow the applicant time to work out the details with NHESP and MEPA.

Member Degen said if the mylars are not endorsed, then the special permits will lapse and the developer must submit new

plans in accordance with current zoning and subdivision regulations.

Member Lewis said the Board should not be in the business of making applicants spend money for no reason.

Member Eliot said the approved plan serves the land better than several separate, smaller subdivisions.

Chairman Barringer said the applicant submitted a legal plan that the Board acted upon in a timely manner.

George Zacharakis of Pepperell asked what has been done in Pepperell. Mr. Beals responded that the process ran concurrently in Groton and in Pepperell. Both Planning Boards approved the definitive plan and the Conservation Commissions issued Orders of Conditions in 2002.

Mr. Zacharakis expressed concern about impact on abutters in Pepperell. Chairman Barringer said these concerns should be addressed to the Pepperell Planning Board.

The Board voted unanimously to close the public hearing.

The motion was made by Lewis to grant an extension for one year from April 8, 2004 to April 8, 2005 for the special permit for Major Residential Development for the Academy Hill subdivision. The motion was seconded.

Member Degen said the Board requested a time line from NHESP because one year is a long time. He said the applicant has not provided reasons for a year extension. He suggested extending the special permit for three months rather one year.

The motion was made by Clements to amend the main motion to extend the special permit for Major Residential Development for three months. ***The motion was seconded and did not pass with Clements and Degen in favor; Barringer, Eliot, Lewis, Perkins, and Wilson opposed.***

The motion to extend the special permit for MRD for one year passed with Barringer, Eliot, Lewis, Perkins, and Wilson in favor; Clements and Degen opposed.

The motion was made by Lewis to grant an extension for one year from April 8, 2004 to April 8, 2005 for the special permit for Open Space Residential Development for the Academy Hill subdivision. The motion was seconded.

The motion was made by Clements to amend the main motion to extend the special permit for Open Space Residential Development for three months. ***The motion was seconded and did not pass with Clements and Degen in favor; Barringer, Eliot, Lewis, Perkins, and Wilson opposed.***

The motion to extend the special permit for OSRD for one year passed with Barringer, Eliot, Lewis, Perkins, and Wilson in favor; Clements and Degen opposed.

PUBLIC HEARING – SPECIAL PERMIT, SAMANTHA REALTY TRUST

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 Samantha Realty Trust, LLC, to utilize the provisions of Groton Zoning By-law Section 218-30 Water Resource Protection Districts to construct a new structure to be serviced by an on-site wastewater disposal system with a design capacity greater than 110 gallons per day (GPD) per 10,000 SF lot area in a Water Resource Protection District III. The proposed work is shown on the plan entitled, "Permit Plan, 785 Boston Road, Groton, MA," prepared by GPR, Inc., January, 2004. The proposed project is located on Assessors' Map 133, Parcel 11, located on the easterly side of Boston Road and northerly side of Forge Village Road.

Chairman Barringer called the meeting to order. Clerk Perkins read the notice published in the February 13 and 20, 2004 issues of the *Groton Herald*. Applicant Steve Catalano of Samantha Realty Trust, design engineers Bruce Ringwall and Brian Connors of GPR, Inc., and Attorney Thomas Gibbons were present. The Board's engineer, William Maher of Judith Nitsch Engineering, Inc. (JNEI) was also in attendance.

Mr. Ringwall presented the plan to construct an additional building on the site zoned B-1 located at the intersection of Boston Road and Forge Village Road. The new, two-story building will have a 3500 sq ft footprint and total floor area of 7000 sq ft. The existing historic building on the property will be renovated. The buildings will be used for a restaurant, retail and office space. Mr. Ringwall said the use requires a special permit because the site is located within Water Resource Protection District III. The site plan shows the new intersection design approved by MassHighway. The parking meets the

regulations with 17 spaces for the restaurant, 9 spaces for the retail use, and 59 spaces for the office use. There will be a total of 85 parking spaces. The building footprints create 9% impervious surface, and the parking lot creates 51% for a total of 60% impervious area.

Mr. Ringwall said the traffic flow, as shown on the plan, uses the existing curb cut on Route 225. The front building acts as a buffer with one-way access around the building. A stockade fence will provide screening at the rear of the site. The sewage disposal system has a capacity of 1000 gpd at the present time. The proposed changes will require 1350 gpd. The existing sewage disposal system will be removed and a new "innovative alternative" system will be installed with secondary treatment. Drainage will be directed via sheet flow toward the rear of the site with additional treatment at the southeast area of the lot. A swale with catch basins will direct runoff to a VortechTM unit. This will be a retention rather than a detention unit because there is nowhere for the water to go. The water will recharge into the ground through trenches. All water will be recharged on site through the Vortech unit. An overflow outlet will be installed for the 100-year storm.

William Maher of JNEI presented his report dated March 3, 2004 based upon the latest revisions to the plan. Mr. Maher said his greatest concern is the drainage system because the contours at the boundaries of the site are not shown on the plan. Additional topographic information is needed in order to evaluate the proposed drainage system. He said sight distance should be shown on the plan for the traffic engineer to review. Hedges and trees may block sight distance. A light plan was not submitted as required in the by-law and regulations. Snow stockpiles must meet DEP's Best Management Practices. Mr. Maher said he needs revised plans and drainage calculations before he can complete his review of the plan.

Mr. Ringwall said testing has been done on the site and the results are shown on the existing conditions plan. More testing can be done if the Planning Board thinks it is necessary. All soils are Merrimac sand and gravel with 2" percolation rates. Mr. Maher said the testing was done 17 years ago, perhaps during the month of August, so groundwater elevations may not be accurate. Mr. Ringwall said the testing was done in April and the soils have not changed in this area in 17 years.

Member Eliot asked how much of the lot would be impervious. Mr. Ringwall said 44,518 sq ft or 60% of the lot area. Member Eliot said she is concerned about the amount of impervious surface.

Member Eliot said she would like to see more screening around the parking lot. Mr. Ringwall said they must keep enough area open for snow storage.

Member Perkins said she is concerned that there will only be one dumpster on the site for several businesses. She asked about grading on the lot. Mr. Ringwall said the steepest slope will be 3:1.

Member Perkins asked who would be responsible to maintain the drainage system. Mr. Ringwall said it will be the owner's responsibility.

Member Perkins expressed concern about the location of the access road so close to the intersection. She said a traffic study should be required.

Member Lewis said this is a B-1 District that abuts R-A zoned land. He expressed concern about vehicle headlights impacting abutters. He said ponding at the intersection of the access to this site and Route 225 has always been an issue. This should be addressed with this site plan.

Member Lewis said the site is contained in the WRPD III because groundwater flows toward the lake and the Whitney Pond well site. The amount of impervious surface and use of road salt are major considerations. Member Lewis said snow should be removed from the site before the snow banks reach one foot in height. Groundwater testing should be done to monitor water quality. In addition, drainage and impact on abutters are concerns. All Level II requirements, including a traffic study, should be met.

Member Wilson expressed concern with the amount of impervious surface and traffic issues. He said there may be problems during morning commuter hours because cars must make two left turns to enter the site. Stacking at the intersection on Forge Village Road may be a problem.

Member Degen said this is a good location for retail use, but he agreed with others that there is too much impervious surface on the site. He asked if the building could be scaled back to reduce the amount of impervious surface to 40 – 50%. He agreed that a traffic study is required and a photometric diagram must be submitted for the Board's review.

Member Degen suggested planting a solid wall of evergreens instead of roses to reduce headlight glare. He asked about the

stockade fence at the rear of the building. Mr. O'Connor said there is an existing 6 ft fence on the abutter's lot.

Member Degen said the retention basin should be screened with a solid hedge. Mr. Ringwall said guardrails will be installed around the basin as shown on the plan. He said the retention basis should be open and visible so people can see if there are children near the pond. Member Degen said there is a significant drop in elevation in the pond.

Chairman Barringer read comments from the Board of Health, the Water Department and the Sewer Department.

Chairman Barringer said new percolation tests should be done because the testing is 17 years old. There are no tests shown in the area of the retention basin. A lighting plan must be submitted to the Board. The retention basin must be secured with a fence for safety reasons. A traffic study is required because Dunkin Donuts will increase traffic. A list of any chemicals to be used, beyond normal household use, on the premises must be submitted as required in the Water Resource Protection Districts provisions. Mr. Ringwall said they would review the by-law and submit all the required information.

Member Degen said the applicant must reimburse the Town for peer review of the traffic study. He asked JNEI to provide an estimate to review the study. Mr. Maher said an estimate will be submitted to the Board.

Member Degen said the applicant should match the architectural materials on the new building with the existing building so it will fit in the area.

The Board voted unanimously to extend the deadline to April 30, 2004 as requested by the applicant.

The Board will walk the site on Saturday, March 20, 2004 at 9:00 AM.

The Board voted unanimously to continue the public hearing on April 8, 2004.

PUBLIC HEARING – DISTRICT 6 FIRE COMMUNICATIONS SPECIAL PERMIT

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing on Thursday, March 4, 2004 to consider the application submitted by District 6 Fire Communications for a special permit to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to relocate existing fire radio and antenna to Gibbet Hill Tower's approved 150-foot monopole style telecommunications tower on land owned by Gibbet Hill Tower, LLC, shown as Assessors Map 224, Parcel 49, on the northerly side of Lowell Road and Westerly side of Shattuck Street.

Chairman Barringer called the public hearing to order. Clerk Perkins read the notice published in the February 20 and 27, 2004 issues of *The Groton Herald*. Groton Fire Chief Joseph Bosselait, Westford Fire Chief Richard Rochon, and Implementation Coordinator Edward Joy of the Billerica Fire Department were present.

Chief Bosselait presented the plan to add the communication antenna to the Gibbet Hill telecommunication tower. He said the fire departments need two-way communication between the towns and the state. There are 18 communities in District 6.

Chief Rochon said the Chelmsford tower transmits and receives, but the other towers only receive. The proposed antenna on the 150 ft Gibbet Hill tower will be able to transmit and receive. The hilly terrain in this area makes it difficult for communications. The antenna will have one UHF channel in the district for mutual aid and will allow towns to communicate with state agencies. A Homeland Security Grant is providing funding for the project. The monopole antenna will be about 4 to 5 ft in height and approximately 1" in diameter. The ground equipment will be installed in Nextel's cabinet.

Member Perkins asked what elevation requires lighting. Chairman Barringer said the FAA requires lighting if the tower is 200 ft AGL. Chief Bosselait said this equipment would not be any higher than the existing fire tower.

Member Degen requested that the applicant submit specifications for the antenna,

Member Wilson asked if the line of sight would be adequate. Chief Rochon said, "yes."

Member Wilson asked why not leave the antenna on the fire tower. Chief Rochon said the existing antenna is on the Water Department land, not the DEM fire tower. Moving the antenna to the Gibbet Hill tower will provide continuous power for transmitting.

Chairman Barringer asked about the wattage. Chief Bosselait said it is 10 watts.

Chairman Barringer reminded the applicant that the installation must comply with all the conditions of the special permit for the Gibbet Hill tower. The applicant agreed.

The Board voted unanimously to close the public hearing leaving the record open for submission of the antenna specifications.

WHARTON ROW

The Board met with design engineer Lawrence Beals of Beals Associates and William Maher of JNEI to discuss the proposed acceptance of Wharton Row as a public way as requested in the letter dated February 27, 2004 from Beals Associates. The Board also received a field report dated March 1, 2004 from JNEI.

Mr. Beals described the remedial actions taken last year to repair damage to the road. He stated that John Schmid of JNEI waived the requirement for the top four inches of process gravel in the field. Wharton Row has been repaired, the existing pavement was ground up, new process gravel was added, and the road was repaved last summer and fall. The developer is requesting that the Town accept the road as a public way.

Mr. Maher submitted photographs showing the conditions of the roadway on March 1, 2004. He agreed that the silt content of the sub-base material was too high, but the material used was not the same as the material used for the sieve analysis. The problems with the pavement breaking up occurred last March. The Board approved the remediation plan submitted by Beals Associates. The repairs were made through the spring and summer. The binder course was paved in August, and final course paved on November 11 and 12, 2003. The Board notified the developer that it would hold the bond for the final paving until April 2005. The sidewalks were not paved until December. Mr. Maher said there are still many deficiencies in the roadway as noted in his March 1, 2004 field report and as shown in the photographs.

Mr. Beals expressed his dismay with the fact that John Schmid approved a change in the specifications in the field. Member Degen said it is important for the Planning Board to see the JNEI field report documenting the waiver.

Member Perkins said the contractor has responsibility in this matter. There must have been valid reasons when this decision was made. Board members agreed that it must resolve this issue.

Mr. Beals said he would like to walk the site with the Board's engineer to go over all the outstanding issues. The Board agreed. Member Lewis reminded Mr. Beals that the applicant is responsible for scheduling inspections through the Planning Board office. The applicant is responsible for this project.

The motion was made by Perkins to notify the developer that Wharton Row is not eligible for street acceptance at the present time for the following reasons:

1. The Planning Board has not released the performance bond. In its letter dated November 3, 2003, the Planning Board stated that it would hold the bond until April 30, 2005 to be sure the road does not deteriorate.
2. The road is in need of repair as detailed in the field report dated March 1, 2004 from Judith Nitsch Engineering, Inc. (JNEI).
3. The Board has not received the required as-built plans of Wharton Row.

The motion was seconded and passed unanimously.

LAVALLEY ANR PLAN EXTENSION

The motion was made by Perkins to extend the deadline for the Lavalley ANR plan to March 17, 2004 as requested by the applicant. ***The motion was seconded and passed with Barringer, Clements, Eliot, Lewis, Perkins, and Wilson in favor; Degen opposed.***

MINUTES

The Board voted unanimously to approved the February 19, 2004 minutes. The Board voted unanimously to approve the February 26, 2004 minutes.

Meeting adjourned at 10:30 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

