

**GROTON PLANNING BOARD
APRIL 1, 2004
MINUTES**

Chairman Barringer called the meeting to order at 7:45 PM in the Town Hall

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

Members absent: Degen and Wilson

PUBLIC HEARING – PROPOSED ZONING AMENDMENT (con't)

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held the continuation of a public hearing to consider the proposed zoning amendment entitled “Rate of Development and Subdivision Phasing.” Attorney Mark Bobrowski was present.

The Board reviewed the proposed changes to the original text of the proposed amendment. Mr. Bobrowski explained that he subtracted the number of non-conforming lots and TDR lots from the five-year average used to calculate the number of permits to be issued each year. The original text stated the number of permits would be 56 per year, and the revised text states the number of permits for three-bedroom houses will be 50 per year. The expiration date is January 1, 2010. The section on abatements has been removed as requested by the Board of Assessors.

Chairman Barringer read the letter dated March 24, 2004 from Harlan Fitch. Mr. Fitch asked about reconstruction of houses with more than three bedrooms under Exemptions in Section 218-28D1. Mr. Bobrowski said he would clarify the language by adding a statement such as “provided there is no increase in the number of bedrooms.”

Member Perkins said she did not have a problem if people added bedrooms when reconstructing houses.

Member Clements said he liked Mr. Bobrowski’s suggested change.

Member Lewis said the Board still has not justified the need for the by-law with statistics on the impact of growth on Town services. This by-law will only drive up the value of homes.

Mr. Bobrowski said the by-law encourages more diversity in housing stock. There is more impact on Town services from houses with three or more bedrooms.

Chairman Barringer asked if the number of bedrooms is limited in the exemptions under Sections 218-28D2 through D6. Mr. Bobrowski said there is no limit on the number of bedrooms in these sections.

Chairman Barringer asked about the list of permits denied by the Building Inspector. Mr. Bobrowski said the Planning Board would maintain a list of denied permits only if the applicant registers with the Planning Board as stated in Section 218-28F2. Mr. Bobrowski noted that the cap only applies to permits for houses with three bedrooms or more. Houses with less than three bedrooms are exempt.

Connie Sartini said the exemptions include houses for people 55 years old and older as well as housing for low and moderate-income people. She asked why the number of bedrooms is not limited for these houses.

Mr. Bobrowski said houses for people 55 and older are usually tax generators.

Leeann Gunderson said the proposed by-law deals with the number of bedrooms and not the square footage of the houses. Chairman Barringer said that is correct, there is no limit on gross floor area. Mr. Bobrowski said the impact on Town services is based upon the number of bedrooms.

Member Clements said there is no guarantee that other rooms will not be converted to bedrooms in the future.

Mr. Fitch noted that the by-law does not limit the total number of units; it only applies to units with three bedrooms or

more. The Board agreed.

Doris Chojnowski said the Planning Board has too much latitude under Section 218-28F Special Permit Exemption. She said this section is too subjective. Mr. Bobrowski said the Planning Board is the Special Permit Granting Authority, and granting special permits is a subjective business. He said the Board must determine whether the Town is willing to take a short-term impact for a long-term gain. Special permits are discretionary.

Leeann Gunderson asked how many households have children in the public schools. Mr. Bobrowski said families in newer homes tend to have more children.

Member Eliot said the Rate of Development by-law is not aimed at school children. Its purpose is to maintain orderly growth and promote housing diversity.

Member Lewis agreed that the Board should quantify the number of households with school-aged children. (*Note: The Town Clerk's records show that there are 2711 school-age children in 1495 households*).

The motion was made by Perkins to accept the April 1, 2004 draft of the proposed zoning amendment and file the text with the Town Clerk. ***The motion was seconded and passed unanimously.***

The Board voted unanimously to continue the public hearing on April 22, 2004 at 7:30 PM.

PRE-SUBMISSION REVIEW – TEXACO STATION

The Board met with owners Michael and Paul Palmer and design engineer Kevin Laborne to discuss the Texaco Station located at the intersection of Main and Champney Streets. The site is zoned B-1 Business. A service station has been located there since the 1930's. The lot has 25,400 sq ft or 0.6 acres. The existing 4300 sq ft building will be demolished. A new, 3000 sq ft building will be constructed with a gas station and convenience store in a different location on the lot. The existing canopy will be removed, and a new canopy will be constructed in a different location. There will be three new dispensers and three new 8000-gallon tanks. The by-law requires 27-30 parking spaces. Ten of the spaces will be on street as permitted in Section 218-23. Seventeen parking spaces will be constructed on the site.

Board members expressed concern about traffic flow, drainage, lighting, and impact on the abutting residences located in the R-A District. A traffic study and drainage calculations are required with the Level II site plan.

Chairman Barringer said the Board would be very stringent about the number of parking spaces because people will not park along Main Street in this area.

STREET LIGHTS

The Board met with Dan Barton, Chairman of the Historic Districts Commission, and Doris Chojnowski, Manager of the Groton Electric Light Department, to discuss draft standards for decorative streetlights to be submitted to the Board of Selectmen. MassHighway will install underground utilities and decorative streetlights in the public way as part of the Four Corners intersection improvement plan. Mr. Barton showed the Board photographs of 400-watt streetlights installed at Devens. MassHighway is looking for 200-watt fixtures at the Four Corners.

Mrs. Chojnowski said GELD wants to have one decorative street light option that can be used as an alternative throughout the Town. It does not want to stock a variety of poles and fixtures. Whatever light is selected for the Four Corners could become the GELD's new standard for decorative streetlights wherever underground utilities are installed.

Member Eliot noted that the choice of shades is very important in order to prevent lights from shining upward toward the sky. The lamps should not be box style. Member Eliot said she preferred cast iron poles, like the streetlights on Devens, with flared-style shades and arched arms.

Member Clements asked if cost is a concern. Mrs. Chojnowski said the developer pays the cost if the streetlight is

located in a subdivision. The Town pays the cost of lights in the public way.

Mr. Barton said the next step in the process is to look at lights in the area and finalize recommendations to Selectmen. The Board agreed.

MEETING WITH JOHN SCHMID OF JNEI

The Board met with John Schmid of Judith Nitsch Engineering, Inc. (JNEI) to discuss problems that occurred with the pavement breaking up at the Ames Meadow subdivision. Mr. Schmid submitted a letter dated March 25, 2004 to the Planning Board detailing the history of the problem based upon JNEI's records.

Mr. Schmid said he did not recall the details of allowing a substitution in process gravel, but the record shows that the material installed in the roadbed did not comply with the sieve analysis submitted by the contractor. He offered a number of suggestions to prevent such a problem from happening again. Mr. Schmid's recommendations, detailed in a memorandum dated April 1, 2004, include requiring gravel specifications every 200 ft, compaction testing on site, and checking the material at the asphalt plant before the binder coarse is installed.

Mr. Schmid said the new procedures could be incorporated into the conditions of approval and explained to the contractors at the pre-construction meetings.

Member Lewis recommended adopting the new requirements into the Subdivision Regulations. Member Lewis stressed that any changes or decisions should not be made in the field by the engineer, but should be made by the Board at a regular meeting. This way, the developer cannot pressure the engineer into making decisions in the field. The Board and Mr. Schmid agreed.

Mr. Schmid suggested that the Board consider using its own testing firm for the sieve analysis and compaction tests. Planning Administrator Michelle Collette said the cost for testing could be paid out of the 593 accounts if the Board amends the fee regulations.

The Board thanked Mr. Schmid for clarifying the matter. Mr. Schmid said Judy Nitsch or Lisa Brothers would like to meet with the Board in the near future. The Board scheduled the meeting for May 27, 2004 at 7:30 PM.

MINUTES

The motion was made by Lewis to approve the minutes of March 25, 2004. ***The motion was seconded and passed with Barringer, Clements, Eliot, and Lewis in favor; Perkins abstaining.***

MARK BOBROWSKI CONTRACT

The motion was made by Perkins to execute the contract with Mark Bobrowski with the date of April 15, 2004 amended to October 15, 2004 in the Scope of Services. ***The motion was seconded and passed unanimously.***

TRAFFIC STUDY REVIEW

The Board received estimates from JNEI in the amount of \$3500 and FST in the amount of \$2500 to review the traffic study for Samantha Realty Trust's site plan at 785 Boston Road. The Board will request that FST perform the review because Gary Hebert is more familiar with the intersection improvements proposed by MassHighway. The Board will request that Mr. Hebert file a disclosure if he has done any work for other Dunkin Donuts franchises.

RECOMMENDATION TO THE SELECTMEN

The motion was made by Lewis to recommend that the Board of Selectmen **not** exercise the Town's right of first refusal for the property located at 347 West Main Street, owned by Charles Patenaude and Teresa Haire. Most of the 12.50-acre parcel is within the 100-year flood plain and is not buildable. ***The motion was seconded and passed unanimously.***

ZBA LIAISON

The Board received an e-mail from Dennis McEvoy requesting that the Board appoint a member to perform a technical review of the Oak Ridge comprehensive permit application submitted by MattBob. The Board will respond

that Member Perkins is the Board's appointed liaison to the ZBA and Housing Task Force and that technical review is being done by JNEI for civil engineering issues and FST for traffic issues as part of the ZBA review of the application.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette
Planning Administrator