

**GROTON PLANNING BOARD
JUNE 17, 2004
MINUTES**

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

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

Members absent: Perkins

TOWN OF AYER – WAIVER REQUEST

The Planning Board received a letter dated June 15, 2004 from the Town of Ayer requesting a waiver of the required notice for the Ayer Planning Board's public hearing to consider a zoning amendment. The motion was made by Lewis to grant the waiver. *The motion was seconded and passed unanimously.*

LIAISON REPORTS

Member Lewis, representative on the Weed Management Committee, reported that another application of the herbicide Diquat had taken place on June 14, 2004.

Member Degen reported that the emergency vehicle access road had been used for regular vehicular traffic after the recent high school graduation. Such use is contrary to the Site Plan Review conditions and the terms of the conservation restriction.

PUBLIC HEARING – ROCKY HILL SPECIAL PERMIT & DEFINITIVE PLAN

The Board continued the public hearing to consider the application submitted by Fox Meadow Realty Corporation to construct 24 units of housing for people 55 years old and older as part of the Rocky Hill development. Applicant David Moulton, Attorney Robert Collins, design engineers Robert Pine and Drew Garvin were present.

The Board received a letter dated June 15, 2004 from Massachusetts Audubon to MEPA and a letter dated June 14, 2004 from the Massachusetts Historical Commission to MEPA.

Mr. Pine reviewed the plans for the 55 and older housing units. Significant clearing and grading will be required to develop this very challenging area near an old gravel pit with a vertical embankment. Mr. Pine submitted five cross sections showing the grade changes. The central portion of the housing area will be lower than the subdivision road. A large plateau with an open field will be created for the community sewage disposal system. The units will step down to a lower level in the rear to work with the topography.

Mr. Collins said the architect who designed this proposed development also designed the Hickory Hills site in Southborough. He presented photographs of that development to the Board.

Member Wilson said the topography in this area is very dramatic, especially in the northwest corner of the site. The area close to the former gravel pit is very, very steep.

Mr. Pine said approximately two-thirds of this area will be cut and the remainder of the slope will be graded. All grading will be outside the 100 ft buffer zone. The limit of clearing is shown on the plan. The vegetation is very dense up to the ridge line.

Member Wilson expressed concern about erosion in this area. Mr. Pine said they are not cutting into the slope so it will be easier to work with the grades to prevent erosion.

Member Clements asked about the grades of the driveways. Mr. Pine said they would be around 3-4%. The grade of the road will be 6-8% down to a relatively flat area. Some significant cut and fill is required.

Member Clements asked about drainage and runoff. Mr. Pine said all drainage would be contained on the site, noting that drainage is a challenge on this site.

Member Degen asked whether an application for an Erosion Control Permit had been submitted yet. Mr. Collins said, “no,” the application would not be submitted until the final design plan is submitted.

Member Degen said he liked the layout of the plan better than the previous version. He said he would like to see existing and proposed grades and profiles.

Member Barringer asked whether the extensive grading would change the direction of flow on the site. If the flow changes, the vernal pools could be impacted. Mr. Pine said the flows would be accommodated so there will be very little change to the vernal pools. The hydrology of the site must be recreated.

Member Barringer asked about the use of fertilizers and nutrient loading. Mr. Pine said that is a good question because of impact on very sensitive water bodies.

Mr. Collins said Mr. Moulton agreed to limit the use of fertilizers and pesticides in the Old Homestead subdivision. He would be willing to do the same thing here.

Chairman Eliot stressed that the limit of disturbance should be shown on the plan. She said houses should not be constructed in fill. Mr. Pine said the structural fill will be controlled so that no foundations would be placed in fill. However, some garages may be in fill. Chairman Eliot said the Board must ask JNEI to review this issue.

Mr. Pine noted that approximately 25,000 cubic yards of earth material will be removed from this area to be used elsewhere on the site. Mr. Collins added that they are trying to make the site self-contained to avoid gravel trucks on Route 119.

Member Lewis asked that a temporary sedimentation pond be constructed to control erosion. Mr. Pine agreed.

Chairman Eliot asked if the clubhouse and the pool are for the whole development or just this area. Mr. Collins said it is just for these 24 units.

The Board voted unanimously to extend the deadline to October 31, 2004 as requested by the applicant.

The Board voted unanimously to continue the public hearing on July 1, 2004 at 9:00 PM.

SPECIAL PERMIT DECISION – ROCKY HILL STARTER HOMES

The motion was made by Degen to grant a special permit to Fox Meadow Realty Corporation to construct 12 starter homes as shown on the plan entitled, “Special Permit Plan for the Starter Home Phase,” prepared by R. Wilson and Associates, dated January 29, 2004 with revisions through May 26, 2004, with the following findings and conditions:

Findings:

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law §§ 218-26, 218-27C and 218-32.1:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by providing housing which is designed for people who may be buying their first home and just entering the housing market. The development will blend aesthetically with its surroundings. The topography of the site and set back of the houses act together in minimizing the visual impact of the proposed development from the public ways.
2. **Traffic flow and safety:** A traffic light will be installed at the intersection of Boston Road and Sandy Pond Road, and MassHighway will reconfigure the intersection in the summer of 2004. It is not anticipated that the proposed development will adversely impact traffic flow in the surrounding area because traffic from the proposed development was taken into consideration during the design of the intersection improvement plan.
3. **Adequacy of utilities:** There are adequate public utilities at this location to serve the proposed development.

4. **Neighborhood character:** The proposed development will blend into the visual environment and will be screened from the public ways.
5. **Impacts on the environment:** The proposed starter homes are only a portion of the larger 84-unit development. With the careful siting of homes, the environmental impacts will be minimized. The proposed \pm 400 acre parcel to be donated to the Massachusetts Audubon Society significantly augments the existing public open space, protects important natural resources and wildlife habitat, protects a Zone III watershed area, and enhances quality of life for Groton residents.
6. **Fiscal impact on the Town:** The proposed 12-unit starter home development will not have a significant fiscal impact on the Town.
7. **Basic Number of Lots:** At its meeting on August 21, 2003, the Planning Board voted that the basic number of units for the entire Rocky Hill development is established as 82 new units, pursuant to § 218-26C(1). On November 20, 2003, the Board agreed to increase the basic number of units to 84 with the inclusion of the existing house on Assessors' Lot 121-48, purchased by the applicant, and the ninth affordable unit to be constructed on Lot 3, Sandy Pond Road, as part of Special Permit 2003-09.
8. **Consistency with the Comprehensive Master Plan:** The proposed special permit plan is consistent with the goals and objectives of the Comprehensive Master Plan, particularly by providing diversified housing, providing open space, and protecting natural resources.
9. **Consistency With Concept Plan:**
The Special Town Meeting, held on September 24, 2001, voted to approve the Rocky Hill Concept Plan (Article 8). The Planning Board's report to the Special Town Meeting included the following recommendations and conditions:

Concept Plan Recommendations:

- The concept plan submission is complete and complies with the requirements of Groton Zoning By-law Section 218-27C.
- Approximately 400 acres will be permanently protected as open space for the enjoyment of current and future residents. The open space will be subject to a permanent conservation restriction under the provisions of Chapter 184, Sections 31-33. The land to be protected is ecologically sensitive and is one of the largest undeveloped tracts of land in the Town.
- Approximately ten (10) acres of land off Sandy Pond Road will be donated to the Town of Groton for the Groton Electric Light Department's offices and operations, for a neighborhood fire station, and potentially for offices for the Groton Water Department. In addition, approximately fifteen (15) acres off Nathan Nutting Road will be donated to the Town for the Groton Electric Light Department's future substation. The applicant is also working with the Water Department to set aside land for a future water storage tank.
- The proposed residential development with a total of 82 units will have less fiscal impact on the Town than the concept plan for the same site with 245 residential units approved by a Special Town Meeting in January, 1989.
- The proposed concept plan will provide much needed diversity in housing, including starter homes and affordable housing for people with moderate incomes.
- The site will be visually attractive with wooded buffers from the public ways and abutting properties. Several abutters expressed support of the proposed concept plan at the Planning Board's public hearing.
- In conclusion, the Rocky Hill residential concept plan is consistent with the goals and objectives of the

Comprehensive Master Plan.

Planning Board Determination

As required in §218-27C(2), the Planning Board determined that the special permit plan is consistent with the concept plan approved by Town Meeting because:

- Approximately 400 acres will be permanently protected as open space, thereby protecting valuable natural resource, wildlife habitat, and Zone III watershed areas.
- The number and type of units and layout of the development are consistent with the concept plan approved by Town Meeting.

Conditions:

1. All homes shall be limited to three bedrooms without the expansion possibilities to include additional bedrooms. A restriction shall be included in the deed for each unit limiting the number of bedrooms to three, as offered by the applicant.
2. All homes shall be 1½ story with exterior articulation consistent with the representative facades submitted; while consistent does not mean identical, it is the intent that the house designs are to be of a high quality with a significant degree of articulation rather than being unadorned “boxes”.
3. Street lighting shall be decorative post lanterns at the end of each driveway and at such other relocations as may be required by the Planning Board as part of Site Plan Review. The maintenance responsibilities shall be with the homeowners’ association, which the applicant will create.
4. The private way serving the twelve (12) homes shall be maintained by a homeowners association, which the applicant shall create. The engineering plan of the private way shall be submitted to the Planning Board as part of Site Plan Review.
5. A sidewalk shall be installed, the location of which and construction specifications for which shall be approved by the Planning Board as part of Site Plan Review.
6. The applicant shall submit a revised site plan including (in addition to that required by § 218-25 of the by-law) a limit of disturbance plan, a landscaping plan, retaining wall design certified by a Registered Structural Engineer, and fully engineered drawings and detail sheets showing the various components of the development.
7. Use of this special permit, and thus the construction of the twelve homes envisioned by this special permit, is subject to the approval of a site plan showing this portion of the “Rocky Hill” development, and the approval of the definitive subdivision plan for the entire “Rocky Hill” development. Building permits may not be issued until the definitive plan is approved and endorsed, the road and drainage system are bonded or constructed, and lots have been released by the Planning Board.
8. Use of this special permit is made upon the recording thereof; the time period during which the applicant may make use of this special permit shall not begin to toll until the date of endorsement of the definitive subdivision plan.
9. Public water shall be extended to the site as offered by the applicant. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
10. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording the special permit and definitive plan is submitted to the Planning

Board by the applicant.

11. The 400-acre open space parcel shall be made subject to a permanent conservation restriction held by the Town pursuant to MGL chapter 184, §§ 31 to 33. The conservation restriction must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Inspector prior to the issuance of any building permits.
12. 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.

ANR PLAN – MILL RUN PLAZA

The Board considered the Approval Not Required plan submitted by Ryan Development for land at the Mill Run Plaza site. Attorney Robert Collins presented the plan. All lots meet zoning requirements. The plan will be recorded at the Registry of Deeds along with the approved site plan. Access will be on Route 119 as shown on the site plan.

The motion was made by Clements to endorse the plan entitled, “Plan of Land – Mill Run Plaza, Prepared for Ryan Development,” prepared by Landtech, dated March 18, 2003. ***The motion was seconded and passed unanimously.***

Mr. Collins said the developer would install a post and rail fence with wire in between the rails or a black chain link fence at the top of the retaining walls as recommended by JNEI.

Member Degen said he would prefer a solid fence to block headlight glare.

Member Wilson said a chain link or split rail fence would not look right and would not be very attractive.

Chairman Eliot said the Board should reserve judgment until the wall is installed. Members of the Board agreed to visit the matter prior to issuance of occupancy permit.

The motion was made by Degen to amend the Board’s memorandum to the Building Inspector to require submission of fence design to the Planning Board after construction of the retaining wall and prior to issuance of temporary occupancy permit. ***The motion was seconded and passed unanimously.***

PUBLIC HEARING - SAMANTHA REALTY TRUST SPECIAL PERMIT

The Planning Board continued the public hearing to consider the application submitted by Samantha Realty Trust to renovate an existing building and construct a new building at 785 Boston Road, located in a Zone III Water Resource Protection District. Applicant Steven Catalano, Attorney Thomas Gibbons, design engineers Bruce Ringwall and Brian Connor of GPR, traffic engineer Jennifer Conley (the applicant’s engineer), and traffic engineer Gary Hebert of Fay, Spoffard & Thorndike (the Board’s engineer) were present.

Mr. Ringwall requested that the Board close the public hearing on the special permit application because the applicant has addressed all Water Resource Protection District issues. The Board of Health granted a permit for the on-site sewage disposal system. The Board responded that it would not close the hearing until the site plan review process was concluded.

Gary Hebert of FST presented a traffic simulation of how the intersection will function after the proposed uses shown on the site plan are in operation. Mr. Hebert said there is 133 ft between the access road and the intersection so there is enough room for five to six vehicles to stack. The Level of Service will be C, with or without the proposed new uses at the site. He showed the present conditions and the projected conditions in five years.

Mr. Ringwall said they determined that the access road would only be blocked 1-5% of the time, based upon conservative estimates. If blocking occurs, the applicant and the Town can request that MassHighway re-adjust the timing of the traffic signal to address the problem. Mr. Hebert said MassHighway would not want to adjust the timing of the traffic signal unless there is more traffic from the side streets because the signal is designed to keep

traffic moving on Route 119.

David Martin asked if occupancy permits would be granted for the proposed site before the traffic signal is operational. Mr. Ringwall said only the office spaces would be occupied before the traffic signal is installed because the offices do not generate very much traffic. The retail space and Dunkin Donuts will not open until after the traffic light is operational. Mr. Martin asked about the amount of office and retail space. Mr. Connor said there would be 3000 SF of office space and 1500 SF of retail space.

Jennifer Conley said traffic generation was calculated using the ITE Trip Manuals for the proposed uses. Mr. Hebert agreed that this is the standard methodology.

Chairman Eliot asked if there are any other concerns. She asked if the site would be a safe condition. Mr. Hebert said as long as the sight distance is clear and the signal can be adjusted to prevent blockage of the access road, the access should work well for a number of years.

Chairman Eliot asked if all the issues in the JNEI report dated May 19, 2004 have been addressed. Mr. Ringwall said, "yes."

Member Degen said his concerns about the intersection have been addressed.

Karen Martin asked whether other developments, such as the mill in Forge Village, have been considered. Ms. Conley said they included other proposed projects in the analysis.

Attorney Thomas Gibbons summarized the Board's jurisdiction under §218-25 Site Plan Review and §218-30 Water Resource Protection Districts. He said the proposed uses are allowed by-right in the B-1 District and the Planning Board can impose reasonable conditions on the site plan approval. However, §218-25H limits the reasons the Board can deny a site plan.

The Board voted unanimously to close the public hearing. The Board will act on its decisions at its meeting on July 1, 2004.

GROTON RESIDENTIAL GARDENS COMMERCIAL PROJECT

The Board met with developer Robert Walker and Attorney Douglas Deschenes to discuss the commercial component of the Groton Residential Gardens 40B application. The commercial building will be constructed on land zoned B-1. The one-story building will have a footprint of 4000 SF and the architectural design will be similar to the commercial buildings at Mill Run Plaza. Access to the site will be shared with the access to the residential portion of the site. The number of parking spaces will exceed the requirements of §218-23 for all uses permitted by-right in a B-1 District. Landscaping will be consistent with Mill Run Plaza. Sidewalks will be constructed from the commercial building to the residential units.

The Board received a report dated June 17, 2004 from Judith Nitsch Engineering, Inc. (JNEI).

Member Clements asked if this is part of the comprehensive permit. Mr. Walker said, "yes." Member Clements said the letter from Kopelman & Paige says the comprehensive permit cannot authorize commercial use. Mr. Walker said this is a mixed use development. Mr. Deschenes said the ZBA's consultant suggested combining residential and commercial uses on this site. Chairman Eliot said she welcomes the non-residential use. Member Degen said he advocated for the Planning Board to retain full site plan review authority over the commercial component of this project. Mr. Walker said he is willing to work with JNEI and the Planning Board to address the Board's concerns.

The Board will forward the following comments to the ZBA:

1. All items contained in the attached report dated June 17, 2004 from Judith Nitsch Engineering, Inc. (JNEI) should be addressed to the satisfaction of the ZBA, the Planning Board and JNEI.

2. The applicant should submit a photometric plan to demonstrate that there will be no adverse impact or glare from lighting on adjoining properties or the public ways.
3. The plan should show crosswalks, stop signs and necessary traffic control between the proposed business use and residential units.
4. The vertical granite curbing should be installed throughout the site as required in the Site Plan Review regulations.
5. The ZBA should seek the opinion of the Police Chief and Fire Chief about the locations of parking spaces to be sure there will be sufficient area for vehicles to back out of the proposed parking spaces.
6. The Planning Board supports the public safety official's request for a gated emergency vehicle access road on Anthony Drive.
7. The ZBA should require that there is adequate landscaping to provide screening of the commercial building from Route 119.
8. There are designated areas shown on the plan for snow storage. The retention basins should not be used for snow storage.
9. The sign and plantings in the retention basin along Route 119 should be relocated.

MINUTES

The Board voted to approve the March 4, 2004 minutes.

The Board voted to approve the March 11, 2004 minutes.

The Board voted to approve the March 18, 2004 minutes.

The Board voted to approve the April 1, 2004 minutes.

The Board voted to approve the April 15, 2004 minutes.

The Board voted to approve the May 6, 2004 minutes.

The Board voted to approve the May 13, 2004 minutes.

Meeting adjourned at 11:15 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

