

**GROTON PLANNING BOARD
AUGUST 26, 2004
MINUTES**

Chairman Eliot called the meeting to order at 7:00 PM in the Town Hall

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

LIAISON REPORTS

Community Preservation Act

Bruce Easom, member of the Conservation Commission and Community Preservation Act (CPA) Committee, requested that the Planning Board vote to endorse passage of the CPA at the November election. Member Clements noted that the Planning Board did vote to support the CPA warrant article at the Annual Town Meeting. The Board said it wanted more information and more time to consider endorsement of the CPA ballot question.

Habitat for Humanity, Whitney Pond Road

(Member Degen stepped down and did not participate.)

Member Lewis reported that he observed serious erosion problems on Whitney Pond Road, which provides access for the house under construction by Habitat for Humanity. He said the road must be graded toward the gravel bank and away from Whitney Pond. Planning Administrator Michelle Collette said the Earth Removal Advisory Committee would be looking at the site on Friday, August 27, 2004 at 4:00 PM.

PUBLIC HEARING (con't) – ACADEMY HILL MODIFICATION

The Planning Board continued the public hearing to consider the Academy Hill special permit modification. Applicants Bruce Wheeler and Brian Ahern, Attorney Louis Levine, and Attorney Ray Lyons were present.

Mr. Levine said the Natural Heritage and Endangered Species Program (NHESP) would like to eliminate the through road shown on the Academy Hill definitive plan. However, the elimination of the through road results in a dead-end street much longer than 1000 ft and does not comply the Subdivision Regulations. The revised plan eliminates all of the development in the center portion of the site. The latest revision to the plan shows a second access onto Townsend Road. There will be no through road, no gated road, and the habitat area will be protected.

Chairman Eliot asked who owns the land with the second access road and whether a new application is required. Mr. Levine said the land is owned by Bissell.

Member Barringer said this is a good resolution. He asked how many units are shown on the plan. Mr. Levine said, "94."

Member Wilson said he agrees that this is a good resolution and he applauds the effort. He said he hoped the development could be consolidated more to minimize impact on the most sensitive area of the site.

Mr. Levine said there are no new lots on the second access road on the Bissell property. The developer has worked hard with the Town and NHESP to preserve the endangered species habitat area.

Member Wilson said this is an opportunity to change the plan. He said he prefers the special permit plan to the 40B application. He suggested that the Board and the developer could continue to work together to create a better design using the new Flexible Development provisions. He noted that the Board must consider the traffic impact of 94 units on Townsend Road. Member Wilson asked what the distance is between the two new roads. Mr. Levine said about 2000 ft. The subdivision road meets the regulations with only a few minor cut and fill issues.

Member Clements said it appears that the new connector on Townsend Road meets the regulations and that all other issues have been resolved. He asked who owns the land on both sides of the new connector road. Mr. Lyons said LandWest is only buying the right-of-way.

Member Clements said the environmental issues are the foremost concerns that must be approved by the NHESP.

Member Perkins asked if the number of affordable units would be 10% of the total. Mr. Lyons said there would be nine affordable units. Member Perkins asked if it is possible to have ten affordable units.

Member Degen said the revised plan is a huge step in the right direction. He said the Board must review the sight lines and traffic impact on Townsend Road. He requested that the applicant submit a traffic study. Member Degen agreed that there should be ten affordable units, not nine, to comply with the required 10%. Member Degen asked about the grade of the subdivision road. Mr. Levine said it would have an 8% grade. Member Degen asked the length of the new road. Mr. Levine said it is less than 1000 ft. Member Degen said the applicant must prove that the road can be built without reliance on waivers. Mr. Levine said the Board could waive the Subdivision Regulations if it is in the public interest to do so. Mr. Lyons said only the Basic Number of Lots must be based upon no waivers or variances.

Member Lewis asked if the applicant is still proposing a flexible development plan. Mr. Lyons said, "yes." Member Lewis asked how many units are proposed in the Chapter 40B Comprehensive Permit plan. Mr. Lyons said "200."

Chairman Eliot cautioned the Board that this is not the appropriate forum to discuss the proposed 40B plan.

Member Lewis said the new loop road would help with traffic flow.

Marion Stoddart agreed that the elimination of the through road is an improvement. She said she would like to see the units more consolidated. She expressed concern about landings turtles migrating across Townsend Road to the Squannacook River.

Planning Administrator Michelle Collette said the addition of the new parcel, owned by Bissell, requires a new application, new public hearing, and notice to abutters. Mr. Lyons said the risk is the applicant's if the special permit is appealed. After some discussion, Mr. Levine agreed to submit a new special permit application.

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

SITE PLAN REVIEW UPDATE – WILLIAMS BARN

(Members Clements and Degen stepped down because they are members of the Williams Barn Committee.)

The Board reviewed the status of the Williams Barn site plan now that the Farmers Market has been operational for seven weeks. Chairman Eliot read the letters from the Police Chief and the Highway Surveyor.

Member Perkins asked if the location of the driveway had been changed. Bruce Clements said, "no," but the Highway Surveyor cleared vegetation along the roadside to improve visibility.

Member Barringer said he did not notice any problem with sight distance when he was at the Farmers Market.

Mr. Clements submitted a new plan showing 33 parking spaces in the field behind the barn. There are 21 spaces in front of the barn for the Farmers Market. The parking for the disabled will be on land owned by the Groton Cemetery Association. The Committee is waiting for a letter from the Cemetery Association granting permission to use this land for parking.

Member Lewis asked about trail head parking and a list of proposed uses for the barn and conservation land. The Committee agreed to submit such a list after consultation with the Conservation Commission.

Joshua Degen said the Committee plans to widen the access road to a width of 24 ft so cars can pass each other. He requested that the Board waive the requirement for a parking attendant for functions as required in the Site Plan Review conditions. He said this condition requires members of the Williams Barn Committee to be there to supervise use of the site. Bruce Clements said it is no longer necessary to have Committee members present during the Farmers Market.

Chairman Eliot said if the Committee members do not want to supervise the activity, then someone from the Farmers Market should be delegated to be sure everything continues to run smoothly.

Police Chief Robert Mulhern said the situation should be closely monitored because there could be problems if it becomes too busy.

Member Perkins said the Farmers Market is fine, but she has concerns about other functions. She asked whether a traffic supervisor should be required for such events. Chief Mulhern agreed that a traffic detail officer should be required for such events when people arrive and leave at the same time. Mr. Clements asked if it must be a police officer. Chief Mulhern said, "yes."

The motion was made by Perkins to approve the updated site plan for the Williams Barn with the following conditions:

1. Any use of the facility with more than 25 cars must be reviewed by the Police Chief. The Chief shall determine whether a traffic supervisor is required.
2. The Williams Barn Committee shall submit a list of proposed uses of the facility.
3. The Williams Barn Committee shall submit a letter from the Groton Cemetery Association authorizing use of its property for parking.

The motion was seconded and passed unanimously.

Mr. Clements asked the Police Chief if a traffic supervisor is needed for the Farmers Market. The Police Chief said, "not at this time."

PRE-SUBMISSION REVIEW – GROTON COLLISION

The Board met with applicant Robert Olsen, Attorney Ray Lyons, and design engineer Jesse Johnson of David Ross Associates to discuss a proposed addition to the Groton Collision repair shop on Arlington Street.

Mr. Johnson said the addition will be 20' x 30'. The total gross square footage will be 3000 SF with the new addition. The applicant requested that the Board waive the Level II requirements and accept a Level I submission. A variance is required for the 35 ft front yard set back.

Member Lewis said there were many issues with this site in the past. Member Perkins said the drainage requirements should be considered. Chairman Eliot agreed that a Level II submission is preferable.

Mr. Lyons said this is not a new use – it is an addition to an existing business in a B-1 District. The applicant is a small business owner. A Level I submission should be sufficient.

The Board said this is a sensitive site so a Level II submission is necessary. However, the applicant may ask for waivers of some of the submission requirements.

PUBLIC HEARING (con't) – ROCKY HILL SPECIAL PERMIT & DEFINITIVE PLAN

The Board continued the public hearing to consider the Rocky Hill special permits and definitive plan. Applicant David Moulton, Attorney Robert Collins, and design engineer Robert Pine were present.

Mr. Pine described the plan for the 55 and older housing units. The area will be regraded so the land slopes down to a common area. A considerable amount of earth removal will be required. The material will be for construction elsewhere on the site. Mr. Pine submitted cross sections and profiles showing the proposed change in slope.

Chairman Eliot asked if the houses would be constructed on fill. Mr. Pine said, "yes," some houses will be constructed on "structural fill," but that is a matter for the Building Inspector.

Member Degen asked how much earth material would be removed. Mr. Pine said about 27,000 cubic yards. Member Degen asked what would happen to the area beyond Station 7+00. Mr. Pine said the elevation would be from 270' to 285' with grades of 10 –15%. The housing units will be located 300-400 ft away from the road. Plantings will be used to provide a buffer but will not hide the housing units.

Mr. Collins offered to go through the list of all outstanding items for the Board's review so the applicant can go forward with the engineering plans.

The Board voted unanimously to continue the public hearing on September 9, 2004 at 8:00 PM.

SITE PLAN REVIEW – PGI REALTY, 318 MAIN STREET

The Board continued its review of the site plan submitted by PGI Realty to demolish an existing gasoline-service station and to construct a new gas station and convenience store. Applicant Paul Palmer, Attorney Robert Collins, the applicant's consultant Kevin Leverone, the Planning Board's consulting engineer William Maher of Judith Nitsch Engineering, Inc. (JNEI), and many abutters were present.

Mr. Collins said he submitted revised plans to the Planning Board and to JNEI. A number of new details have been added to the plans. The size of the canopy has been reduced by 20%. The lighting has been reduced from 65 to 50 foot candles. Mr. Collins said this lot is zoned B-1, and a gas station has been located here for 50 or 60 years. There are many potential uses allowed by-right in the B-1 District. Mr. Collins stated that Mr. Palmer has refused many offers from convenience stores that wanted to use the existing building as is. Mr. Palmer wants to do the right thing and have an attractive site. The building footprint is 2900 SF, which is much smaller than other buildings in the neighborhood.

Member Barringer asked if 50 foot candles would provide adequate lighting. Mr. Maher said, "yes," it is the same lighting as other gasoline stations.

Police Chief Robert Mulhern said moving the gas station and convenience store back will be much safer because the internal traffic flows will be defined better. The Police Chief agreed that delivery trucks should enter the site from Route 119 and exit on Champney Street as shown on the traffic flow plan submitted by the applicant. The Chief said the truck exclusion on Champney Street does not apply to trucks making deliveries.

Member Lewis asked about the temporary snow storage area. Mr. Collins said the snow would be removed from the site. The Police Chief said if the snow bank is 3-4 ft high, it might create a sight distance problem.

Member Degen noted that the applicant is taking credit for ten on-street parking spaces as permitted in §218-23. The Chief said on-street parking would be very difficult in this area. Member Degen said the Board should not allow on-street parking for this site. The Police Chief agreed.

Member Degen expressed concern about children who must walk past this site on their way to and from school. The Police Chief said the proposed improvements to the site would make the situation safer than what is there today. The new driveway must meet the Town and MassHighway's regulations for width and turning radius, etc.

Member Perkins suggested that a crosswalk be installed in this location to improve pedestrian safety. The Police Chief said Route 119 is a state highway so MassHighway requirements must be met. He noted that there is no sidewalk on the other side of Route 119.

Member Clements said a letter from the abutter (Miller) took exception with the applicant's statement that traffic on Champney Street would only increase for four vehicles. The Police Chief said this is not unreasonable since the gas station and convenience store will rely on existing traffic that is passing by on Route 119. William Maher of JNEI agreed with this assumption.

Member Barringer asked about internal traffic flow and deliveries during peak hours. The Police Chief said deliveries

do not usually occur during peak hours because the owner can control delivery times. Mr. Palmer agreed that he would have the flexibility to schedule deliveries during off-peak hours, for example from 10 –11 AM rather than 7 – 9 AM.

Abutter Duane Cromwell asked about the “no trucks’ sign on Champney Street. The Police Chief said this means no through trucks – deliveries are allowed.

Mr. Cromwell asked if all deliveries would be from Route 119. Mr. Palmer said he would direct all trucks to make deliveries from Route 119, not Champney Street.

Abutter Diane Rice said the traffic would increase with the addition of the convenience store, especially during the hours children are walking to and from school. The Police Chief said there is not that much pedestrian traffic, and it should not prevent this plan from going forward.

Ms. Rice said she does not object to business use of this property, but she does object to the nature of the business based upon pedestrian safety issues.

Shawn Sullivan asked if Route 119 is a State Highway in this location. The Police Chief said, “yes.”

Mr. Sullivan asked if it is realistic to expect the applicant to move snow rather than stockpile it. Mr. Collins, said snow will be removed – there will be no storage of snow at the site.

Mr. Sullivan said the issue of grandfathering has not been resolved yet. Mr. Collins said that question is a matter for the Zoning Board of Appeals. The applicant submitted applications for a variance and special permit to the ZBA. Mr. Palmer said his permit to sell gasoline is still in effect until December 2004, but he decided to apply for the special permit because the facility will not be open until spring of 2005.

Mr. Cromwell said there is no legacy for the gas station to be there. The property could be used for a dentist, doctor or professional office. Mr. Cromwell said the proposed canopy is out of scale with the neighborhood. Chairman Eliot said the decision regarding the special permit for the gas station would be decided by the ZBA, not the Planning Board.

Mr. Maher summarized his report dated August 26, 2004. A question was raised about the existing 24” pipe that crosses the property at a depth of four feet. Mr. Leverone said the site was designed around the pipe so it would not be disturbed.

Mr. Maher asked whether the Highway Surveyor had approved work on the catch basin on Champney Street. Mr. Leverone said he would consult with the Highway Surveyor and the design engineer.

Member Lewis thanked the applicant for reducing the size of the canopy and lighting. Mr. Leverone described the type of lighting to be used under the canopy and in the yard. All fixtures will have flush lenses so the bulbs will not be exposed. There will be five, 20 ft high poles installed. The original canopy area had 18 fixtures with 400 watt bulbs. The revised plan has 12 fixtures with 175 watt bulbs. The average foot candle is 31.5 under the canopy.

Member Degen asked about the grades and plantings in the area with the HVAC equipment. Mr. Leverone said the grading is shown on the plan, and a hedgerow will be planted to provide screening.

Member Lewis asked the applicant to be sure the HVAC equipment cabinet is locked at all times to prevent injury. The applicant agreed.

Member Degen said this is a good landscaping plan and building design plan. However, retail use has much higher impact on parking. He said he would like to see more parking provided on site.

Mr. Collins said the use of the second floor is limited to office use. Mr. Palmer said his own office will be located on

the second floor and he is not planning to rent the 900 SF space. Member Degen noted that any change of use would require submission of a new site plan.

Member Degen suggested that parking be added over the tank area for other deliveries. Mr. Palmer said he did not want delivery trucks to take up parking spaces. Member Barringer said it might not be legal to park over the tanks for fire protection reasons. Member Degen requested that the applicant designate an area for delivery parking and provide more parking spaces on the site.

Chairman Eliot asked the applicant to respond to the JNEI report dated August 26, 2004.

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

Diane Rice asked about delivery hours. Mr. Collins said deliveries would be limited to hours of operation. Ms. Rice noted that the applicant is proposing to operate from 6:30 AM to 10:00 PM. Member Perkins said the Board of Selectmen governs hours of operation.

Mr. Sullivan asked why there are six fueling stations rather than four. He stated that the proposal would result in increased traffic, trash and noise at 6 AM. The proposed canopy does not fit well and the fueling trucks will have problems. Mr. Sullivan requested that the Board follow the Zoning By-law and regulations in reviewing this application.

Mr. Collins said this proposal is a significant improvement over what is at the site today.

The Board voted to continue the site plan review on October 7, 2004 at 7:30 PM.

MILL STREET RELOCATION PLAN

The Board of Selectmen requested that the Planning Board endorse the Mill Street Relocation Plan for recording at the Registry of Deeds. Mr. Collins, representing Ryan Development, said the Selectmen voted on the Order of Taking on August 23, 2004. The Town must record the plan within 30 days of the signing of the Order of Taking.

Members of the Board expressed concerns about whether the terms and conditions of the agreement between the Town and Ryan Development had been met. The Board requested that the Selectmen submit something in writing to the Planning Board regarding the status of the agreement.

DEER HAVEN STREET LIGHTS

The Board received a petition from the residents of the Deer Haven subdivision requesting that the requirement for installation of streetlights within the subdivision be waived. All the residents signed the petition. The motion was made by Perkins to waive the street light requirements as requested in the petition signed by all the homeowners. ***The motion was seconded and passed unanimously.***

MINUTES

The Board voted to approve the minutes of July 29, 2004 and August 12, 2004.

LETTER TO THE EDITORS

Members Wilson and Barringer offered to draft a letter to the editors in response to recent newspaper articles about its consultant, Mark Bobrowski. The draft will be reviewed by Board members before it is submitted to the newspaper.

Meeting adjourned at 11:30 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

