

**GROTON PLANNING BOARD
SEPTEMBER 30, 2004
MINUTES**

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

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

BOSTON ROAD MARKET PLACE

Performance Bond - The Board received a performance bond in the amount of \$3,885,000 from Shaw's for construction of the Boston Road Market Place. The bond was based upon an estimate provided by Fay, Spoffard & Thorndike, the Planning Board's engineer. The motion was made by Degen to accept the bond in the amount of \$3,885,000 for the Boston Road Marketplace. *The motion was seconded and passed unanimously.*

Fill - The Planning Board's site plan approval dated March 27, 2003 included a condition requiring testing of the fill and approval by the Planning Board and Board of Health because the site is located in a Water Resource Protection District. The Board received copies of letters dated June 24, 2004 from Haley & Aldrich and July 1, 2004 from the Massachusetts Department of Environmental Protection regarding 55,000 cubic yards of fill stockpiled at Devens. Some stockpiles contained contaminated soil and others did not. Appledore Engineering requested permission for the uncontaminated fill to be used at the Boston Road Marketplace.

The Planning Board will meet with the Board of Health on October 4, 2004 to discuss its reservations about using the fill from Devens at the Boston Road Marketplace site. Members of the Board agreed that the applicant should find other sources of clean fill.

PUBLIC HEARING – ACADEMY HILL SPECIAL PERMIT MODIFICATION

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 a modification of a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Open Space Development, subsection 218-26F(2) Cluster Development, and Section 218-26.1 Major Residential Development to create ninety-four units as shown on the plan entitled, "Plans to Accompany Application for Cluster Development Pursuant to Section 218-26F(2) for Academy Hill in the Town of Groton, Massachusetts – Design Concept Plan 4"; prepared by Beals Associates, dated August 26, 2004. The proposed subdivision is located on Groton Assessors Map & Parcels 202-74 owned by Dennis & Helen Magee; 202-75 and 202-76 owned by John & Roberta Lavalley; 202-73, 204-4, 204-7, 204-10 & 204-11 owned by Habitech, Inc.; 202-77 owned by Lewis Trust; 204-6 and 204-14 owned by Groton Throne Hill Realty Trust; 204-5 and 205-44 owned by Kern Family Nominee Trust; 204-1, 204-2 and 204-3 owned by George G. Hayes; 204-13 owned by Nicholas & Joel Bissell; 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 Eliot called the hearing to order. Clerk Degen read the notice published in the September 10 and 17, 2004 issues of *The Groton Herald*. Applicants Bruce Wheeler and Brian Ahern of LandWest, Attorney Louis Levine, Attorney Ray Lyons, design engineer Lawrence Beals of Beals Associates, and traffic engineer Gary Hebert of Fay, Spoffard and Thorndike were present.

Mr. Beals presented an overview of the proposed modification to the Academy Hill definitive plan with 94 units including 57 single family homes on individual lots, 13 detached single-family condominiums, and 24 multifamily units. The proposed modification is based upon a series of meetings between the developer's team and the Natural Heritage and Endangered Species Program (NHESP) staff as part of the MEPA process.

Chairman Eliot stated that all members of the Board would be present for a only short time since Member Wilson has to leave soon. Attorney Lyons said this public hearing was set up as a special meeting when all members would be present. Member Wilson said he must attend a business meeting with a client and did not have a choice. (*Note: The Planning Administrator informed the applicant at 9:00 AM that morning that Member Wilson would have to leave the*

meeting at 7:45 PM.)

Chairman Eliot said the applicant must decide whether to go ahead with the hearing with six members or request a continuation to a later date.

(Member Wilson left the meeting.)

Mr. Levine asked for time to consult with his client. The Board voted unanimously to continue the public hearing at 8:15 PM.

SEVEN HILLS SITE PLAN REVISION

The Board met with Ed Doucette of Seven Hills Foundation to discuss the trucking route during construction. During the site plan review process, the applicant offered to use Fairview Avenue only to enter the site. West Street and Whiting Avenue would be used for both entering and exiting the site. The Water Department will be installing water main in West Street and Whiting Avenue, so Seven Hills would like to use Fairview Avenue for trucks removing fill during the two week time period. Approximately two trucks per day will leave the site.

The motion was made by Lewis to accept the applicant's request to revise construction vehicle access as recommended by the Highway Surveyor and Police Chief. Any change in the schedule or number of trucks is subject to the discretion of the Police Chief. ***The motion was seconded and passed unanimously.***

PUBLIC HEARING – ACADEMY HILL SPECIAL PERMIT MODIFICATION

The Board reconvened the public hearing on Academy Hill. Mr. Levine said the applicant prefers to continue the hearing to a later date when all members could be present.

The Board voted unanimously to continue the public hearing on October 7, 2004 at 6:30 PM.

STREET ACCEPTANCES

The motion was made by Perkins to recommend that the Board of Selectmen accept Pacer Way in the Westridge Commons subdivision as a public way. ***The motion was seconded and passed unanimously.***

The motion was made by Perkins to recommend that the Board of Selectmen accept Hayden Road in the Carmichael Estates II subdivision as a public way. ***The motion was seconded and passed unanimously.***

The motion was made by Perkins to recommend that the Board of Selectmen accept Madeline Drive in the Carmichael Estates II subdivision as a public way. ***The motion was seconded and passed unanimously.***

(Note: Member Barringer stepped down because he is an abutter.)

The motion was made by Perkins to recommend that the Board of Selectmen accept Integrity Way in the Integrity Estates subdivision as a public way. ***The motion was seconded and passed unanimously.***

MINUTES

The Board voted unanimously to approve the minutes of August 26, 2004 as amended.

The Board voted unanimously to approve the minutes of September 9, 2004 as amended.

The Board voted (Eliot, Clements, Degen, Lewis and Perkins in favor and Barringer abstaining) to approve the minutes of September 23, 2004 as amended.

DEER HAVEN

The Board received a memorandum dated September 29, 2004 from the Conservation Commission regarding the condition of the retention basin at the Deer Haven subdivision. The Commission is concerned that siltation is preventing the drainage system from functioning properly. The Board will request that its engineer, Judith Nitsch Engineering, Inc. (JNEI), inspect the site and submit a report to the Board and the Conservation Commission.

COMMENTS TO THE SELECTMEN – PINERIDGE COURT, JENKINS ROAD

The Board discussed its comments to the Board of Selectmen on the proposed Pineridge affordable housing project submitted by Robert M. Hicks for land owned by Donald MacMillan on Jenkins Road. The Planning Board will submit the following comments to the Selectmen:

1. The proposed 44-unit apartment building is very large and completely out of scale with the neighborhood and character of the Town of Groton.
2. There are only 41 parking spaces shown on the plan. The Zoning By-law requires two parking spaces for each dwelling unit or 88 parking spaces.
3. The Board has serious concerns about the status and adequacy of Jenkins Road to handle the increase in traffic. The Board suggests that the Selectmen file a Request for Determination of Access Adequacy with the Planning Board pursuant to Groton Zoning By-law §218-22A Frontage, which states:

“(e) Any other way or portion of a way in existence when the Subdivision Control Law became effective in Groton which, because of unusual conditions such as limitations upon the extent or type of land use to be served, the Planning Board, following consultation with the Highway Surveyor, Police Chief, Fire Chief and Board of Selectmen, has been determined to be sufficient for the needs of access and utilities to serve potential needs of land abutting on or served thereby. The Planning Board may specify that its determination of adequacy applies only to given premises and not generally to all properties served by that way in cases where the limitations or other conditions justifying access adequacy for those premises are not generally true for other properties served by that way.”

4. When the Partridgeberry Woods subdivision was constructed, the Planning Board’s approval prohibited construction vehicles from using Jenkins Road as access to the subdivision because the condition of Jenkins Road was not adequate to handle heavy equipment traffic. Jenkins Road will provide the only access to the proposed Pineridge Court development.
5. The intersection of Jenkins Road and Mill Street is very dangerous in its present configuration and should be reconfigured to accommodate any increase in traffic.
6. The Board has concerns about the site’s flat topography, which may result in drainage problems. As you can see from the plan, a large portion of the lot is wetlands. Although, the lot is not within the 100-year floodplain as shown on the attached FEMA maps, the area may be subject to isolated flooding and inundated with stormwater.
7. The water table is very high in this area, and the installation of the sewage disposal system to serve the proposed 44-unit building may impact the health and well being of the abutters.
8. The Board strongly recommends that an Environmental Site Assessment, pursuant to Chapter 21E, be submitted for this site because it is located in close proximity to the area downgradient from the Conductorlab facility and the junkyard on the Clapp property.

SPECIAL MEETINGS

The Board will meet with the Board of Health on Monday, October 4, to discuss fill at the Boston Road Marketplace. The Board will also meet with the Selectmen on October 4 to discuss the Pineridge Court housing proposal.

Meeting adjourned at 8:45 PM

Respectfully submitted,

Michelle Collette

