

GROTON PLANNING BOARD
OCTOBER 7, 2004
MINUTES

Chairman Eliot called the meeting to order at 6:30 PM in the Town Hall

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

PUBLIC HEARING – ACADEMY HILL SPECIAL PERMIT MODIFICATION

The Board continued the hearing to consider the application submitted by LandWest to modify the Academy Hill special permit. Applicants Bruce Wheeler and Brian Ahern, Attorney Louis Levine, Attorney Ray Lyons, design engineer Lawrence Beals and traffic engineer Gary Hebert were present.

Mr. Beals presented the revised plan that complies with the Subdivision Regulations. A few minor waivers are required. The new road onto Townsend Road is within a 50 ft right-of-way with a 22 ft pavement width. The grade of the road will be 10%. A waiver will be required for the required rounding at the intersection with Townsend Road.

Attorney Levine said Gary Hebert of Fay, Spoffard & Thorndike prepared a traffic analysis of the impact on Townsend Road as requested by the Planning Board. Mr. Hebert said the project will increase traffic on Townsend Road by 2000 trips per day. The direction of traffic will be divided 50:50 on each subdivision road entering Townsend Road. The intersection of Townsend Road and Route 119 has a Level of Service (LOS) = F. The intersection of West Groton Square has a LOS = B. Approximately 27% of the traffic will go north to Route 119, and 27% will go south to West Groton Square.

Member Perkins asked if LOS=F is the worst ranking. Mr. Hebert said, "yes."

Member Clements asked whether the 120-second delay at the intersection of Townsend Road and Route 119 meets the warrants for signalization. Mr. Hebert said, "yes." It is up to the Town and MassHighway to determine when the signal should be installed and who should pay for it.

Member Barringer asked about West Groton Square. Mr. Hebert recommended trimming vegetation to improve sight distances. The crosswalk should be relocated so it is on the other side of the stop sign because the stop bar should come before the crosswalk.

Chairman Eliot asked Mr. Hebert about the difference in traffic between the previous plan and the revised plan. Mr. Hebert said the previous plans had more units, but more trips went directly to Route 119. Member Eliot asked if the revised plan will create more traffic at the intersection of Route 119 and Townsend Road. Mr. Hebert said, "yes." The previous plan resulted in 13% of the traffic going through the intersection, and the revised plan results in 27% of the traffic going through the intersection.

Member Perkins asked if other plans were considered in the traffic counts for West Groton Square. Mr. Hebert said, "yes." Member Degen noted that the Bertozzi subdivision has eight new lots and the Squannacook Hills 40B development will have 24 units. Mr. Hebert said the original study was done in 2001, but the projections were based upon a higher rate of growth.

Member Degen asked what the traffic count is on Route 119. Mr. Hebert said there are about 1900 to 2000 trips per day. Member Degen said he is concerned about the intersection of Townsend Road and Route 119 with a LOS=F and the impact on West Groton Center.

Mr. Hebert said there will be one trip every three or four minutes going through West Groton Square. Member Degen asked if this will change the LOS of this intersection. Mr. Hebert said, "no," it will still operate at LOS=B or C.

Member Lewis asked if the pavement width of the subdivision road could be reduced to 18 ft. Mr. Hebert said the road should be constructed to conform with the minimum width required in the Subdivision Regulations. Member

Lewis said if public safety officials agree, then the pavement width should be reduced to 18 ft because there is less environmental impact. Mr. Beals said the previous plan showed the through road width as 18 ft.

Abutter Wendy Blatt expressed concern about pedestrian access along Townsend Road. Mr. Hebert said pedestrian access was considered as well as vehicular traffic. He noted that there are no sidewalks on Townsend Road but there is a bikepath in Groton. Ms. Blatt said there is much more traffic on Townsend Road today and there is no room for pedestrians to walk. She said the Town should consider constructing sidewalks along Townsend Road.

Mr. Levine said the previous definitive plan was approved by the Planning Board. The revised traffic report was submitted to address the Planning Board's concerns. The through road was eliminated to address environmental issues. The revised plan complies with the Subdivision Regulations. The easterly portion of the site will be set aside as open space. The applicant has done everything possible to protect the habitat of endangered species. There will be fewer units and greater expense.

Member Barringer noted that the bikepath is located in Groton Center, not in West Groton.

Member Degen asked about the number of affordable units. Mr. Wheeler said there will be 10% as required in the by-law. Mr. Levine agreed to round up so there will be ten affordable units. Member Degen asked about the types of housing and where the affordable units will be located. Mr. Beals said there will be 57 single-family units, 13 single-family condominiums, and 24 multifamily units. The affordable units will be located in the multifamily area.

Member Degen asked if the applicant would be requesting a waiver of collector street standards for the width of the right of way and the width of pavement. Mr. Levine said there is a 50:50 split in the direction of traffic; this is a minor street rather than a collector street. The Board said it is a collector street under the regulations because the road serves more than 50 dwelling units. The applicant will submit a written request for waivers with the application for modification of the definitive plan.

Member Degen asked if there is a 60 ft wide right-of-way for the new road on Townsend Road. Mr. Beals noted that the applicant demonstrated the number of lots/units with the conventional Basic Number of Lots plan submitted with the original special permit application. The Board agreed.

Member Degen said if the Board approves the modification of the special permit, it must still review site plans for the multifamily units under § 218-25 Site Plan Review.

Planning Administrator Michelle Collette said she contacted Town Counsel Judith Cutler about the grandfathering question. Attorney Cutler said only the land shown on the original preliminary plan is protected from any zoning changes for eight years. The additional land, to be purchased from the Bissells, with the new connector road is not grandfathered.

Member Clements said it is very important the Board review the criteria set forth in § 218-32.1 before in order to make findings on the application to modify the special permit. He provided a copy of the criteria for Board members and others present. He stated that, in his opinion, three of the six criteria are not met by the proposed plan, which has adverse impact on the Town, the neighborhood, and the environment.

Chairman Eliot noted that the proposed plan better serves the neighborhood than the conventional plan. Member Clements said there has not been enough reduction in the number of lot/units if you look at the plan from an environmental point of view.

Mr. Beals said the applicant has been working with the Natural Heritage and Endangered Species Program (NHESP) for many months. The proposed revision to the plan is an alternative plan resulting from the discussions with NHESP.

Terri Ragot requested that the applicant construct age-restricted housing. Mr. Levine said his applicant would not have a problem with age-restricted housing, but there may be a problem with state statute because lot areas are less than five acres.

Marion Stoddart said she supports the “no build” option for this sensitive area.

Planning Administrator Michelle Collette confirmed that the number of affordable units would be ten. The applicant agreed. She asked if the open land would be deeded to the Town or made subject to a conservation restriction, or both. Mr. Wheeler said whatever the Planning Board prefers.

The Board voted unanimously to close the public hearing. The Board will vote on the special permit decision at its meeting on November 4, 2004.

SITE PLAN REVIEW – PGI REALTY, 318 MAIN STREET

The Board continued its review of the site plan submitted by PGI Realty to construct a gasoline station and convenience store at 318 Main Street. Applicant Paul Palmer, Attorney Robert Collins, and consultant Kevin Leverone were present.

The Board received a report dated October 6, 2004 from Judith Nitsch Engineering, Inc. (JNEI) and a letter dated September 27, 2004 from the Highway Surveyor.

Mr. Palmer said he decided not to have any office space on the second floor of the convenience store in response to abutters’ concerns. This eliminates the dormer, gables, and 1950 SF of occupied space. There are no other changes to the proposed 2900 SF building. The second floor will be attic only. The number of required parking spaces is reduced so all parking spaces will be on site without any parking on the street.

Chairman Eliot said the Board received a letter dated September 23, 2004 from abutter Tim Dumont, a letter dated September 27, 2004 from the Highway Surveyor, a letter dated September 15, 2004 from MEPA, a letter dated September 18, 2004 from Ensol, a letter dated September 20, 2004 from MHF, and a report dated October 6, 2004 from JNEI.

Chairman Eliot asked about the lighting design. Attorney Collins said the lights shown on the plan do not create glare. Mr. Leverone said the lighting is designed to shine in one direction and the foot candles at the lot line will be less than one.

Member Barringer asked about the color of the posts. Mr. Leverone said they would be white. Member Barringer said black would be less visible. Mr. Palmer said the building is white with red brick so the posts will blend in better if they are white. The building will have a more traditional look with shutters, gables and windows.

Member Degen asked if the landscaping plans had changed. Mr. Collins said, “no.” Member Degen asked if all parking would be on the site. Mr. Collins said, “yes.”

Abutter Duane Cromwell said he appreciated the concessions made by the applicant. He asked about hours of operations. Mr. Collins said the facility will be open from 6 AM to 10PM.

Mr. Cromwell said if the store would sell liquor. Mr. Collins said, “no,” they could not because they are located too close to a church.

Mr. Collins requested that the Board not require bollards in front of the building because a curb will be installed in this location. Mr. Palmer added that the liability for any accidents would be on the property owner.

Member Perkins asked if MassHighway had granted a curb cut permit. Mr. Palmer said only verbally, the written permit is in progress.

Member Degen asked the applicant to put up signs indicating that there shall be no parking on the street. Mr. Palmer agreed.

The motion was made by Degen to approve the Level II site plan submitted by PGI Realty pursuant to Zoning By-law §218-25 Site Plan Review. The submission materials include:

- “Proposed Site Development, Assessors Lot 112-70, Groton Exchange, 318 Main Street, Groton, Massachusetts, prepared for PGI Realty,” prepared by MHF Design Consultants, dated June 4, 2004, with revisions through September 29, 2004
- “Drainage Calculations and Stormwater Management, Assessors Map 112-70, Prepared for PGI Realty,” prepared by MHF Consultants, dated June 14, 2004, with revisions through September 21, 2004
- “Proposed Elevations – New Construction of Groton Exchange, 318 Main Street, Groton, Massachusetts,” prepared by Landry Architects, dated May 25, 2004 with revisions through October 6, 2004
- “Traffic Impact and Access Study – Proposed Mixed Use Development, Groton, Massachusetts,” prepared by GPI, dated May, 2004
- “Truck Turning Plan, Assessors Lot 112-70, Groton Exchange, 318 Main Street, Groton, Massachusetts, prepared for PGI Realty,” prepared by MHF Design Consultants, dated July 27, 2004

And with the following conditions:

1. If the Board of Health requires any changes to the plan, a new site plan shall be submitted to the Planning Board for Site Plan Review Modification.
2. Approval of the site plan is conditional upon the granting of a curb cut permit by Mass Highway. The applicant shall submit a copy of the permit to the Building Inspector and Planning Board prior to issuance of any occupancy permit.
3. The applicant shall install signs on the site stating that there shall be no on-street parking.
4. If the snow banks exceed 2.5 feet, snow shall be removed from the site within 24 hours after plowing is finished.
5. As offered by the applicant, the hours of operation will be between 6 AM and 10 PM.
6. A curb shall be installed along the edge of the sidewalk in front of the parking spaces near the building as shown on the plan.
7. The building shall be constructed as shown on the above-referenced building elevation plan dated October 6, 2004. There shall be no occupancy of the second floor, as offered by the applicant.
8. The 24” drainpipe under the existing building shall not be disturbed. If the pipe is damaged, it must be repaired at the expense of the applicant. If the pipe is located during construction, a Registered Land Surveyor shall show the elevation and location of the pipe on the as-built plan.
9. The HVAC equipment cabinet shall be securely locked to prevent accidental injury.
10. Bollards shall be installed in front of the gas meter.
11. There shall be no net increase in the rate or volume of storm water runoff from the site as required in Section 218-25G(1)(c). The stormwater management system shall be maintained in accordance with Operation and Maintenance Plan included in the above-referenced approved Stormwater Management Plan.

12. Vegetative screening shall be planted as shown on the "Landscape Plan," prepared by MHF Design, dated June 4, 2004, with revisions through August 3, 2004.
13. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G (1) (h). Lighting shall be installed as shown on the "LSI Industries Proposal for Petro Station, Groton, MA," dated May 31, 2004, with revisions through July 7, 2004
14. Parking for the disabled and access to the building shall comply with the requirements of the Architectural Access Board Regulations, 521 CMR, and the Americans with Disabilities Act.
15. Public water shall be supplied to the site as shown on site plan. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
16. The parking lot shall be maintained properly and kept free of litter.
17. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton. The Sign Committee must confirm that the sign conforms with the Sign By-law prior to the issuance of an occupancy permit.
18. The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions.
19. An erosion and sedimentation control plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Soil Erosion and Sedimentation Control.
20. Three copies of the final site plan approved by the Planning Board shall be submitted to the Board for endorsement as required in Section 218-25G(3).
21. All outstanding engineering invoices must be paid in full prior to issuance of a building permit.

The motion was seconded and passed unanimously.

PUBLIC HEARING (con't) - BENNETT BLACK SPECIAL PERMIT

The Board continued the public hearing to consider the application submitted by the Bennett Black Realty Trust for a special permit to create three new lots on Burnt Meadow Road. Applicant Bennett Black and design engineer Dan Wolfe of David E. Ross Associates were present.

Mr. Wolfe submitted a revised yield plan based upon a 1977 survey. The revised plan removes the 6.5 acre lot shown on the previous plan. The revised preliminary plan meets the 35% open space requirements. Each lot shown on the yield plan contains 80,000 SF upland area.

The Board received a report dated September 30, 2004 from Judith Nitsch Engineering, Inc. (JNEI) confirming that the yield plan complies with zoning.

Member Clements expressed concern that the yield plan could not be constructed without crossing wetlands. Mr. Wolfe said the wetlands crossing would be permitted as a "limited" project under the Wetlands Protection By-law. However, the shared driveway will not require a wetlands crossing. The work will only be in the buffer zone.

The Board voted unanimously to close the public hearing. The Board said it would vote on the special permit on October 14, 2004.

MINUTES

The Board voted unanimously to approve the September 30, 2004 minutes.

PUBLIC HEARING – O’NEILL SHARED DRIVEWAY

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 Sean O’Neill for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to construct a shared driveway serving Lot 1 as shown on the plan entitled, “Plan of Land in Groton, Mass. Prepared for Fairview, Inc.” prepared by L. Ducharme Associates, dated October 28, 1997, and “Fairview, Inc. I – Barry Hill, Groton,” prepared by Gawdy & Farrell, Inc. The proposed shared driveway is located on Assessors Lots 234-55 and 234-55.1, on the southerly side of Whitman Road.

Chairman Eliot called the public hearing to order. Clerk Degen read the notice published in the September 24 and October 1, 2004 issues of *The Groton Herald*. Applicant Sean O’Neill, landowner Edward O’Neill, and Board of Health members Susan Horowitz and Robert Hanninen were present.

Sean O’Neill presented his plan to use the existing access to the orchard as a driveway to the new house on the hammerhead lot. Ed O’Neill noted that this driveway has been in existence for about 50 years.

Chairman Eliot read the comments from the Police Chief, the Board of Health, and the Water Department.

Ed O’Neill stated that the Planning Board granted a special permit for the creation of the five-acre hammerhead lot in 1998 when the Agricultural Preservation Restriction (APR) was placed on the surrounding 80-acre orchard. The foundation for the house has been constructed. The existing driveway to the orchard has been paved since 1950.

Member Degen asked if the applicant plans to use the existing paved driveway rather than construct a new driveway. Sean O’Neill said, “yes.”

Dr. Susan Horowitz said the O’Neills are caught in this situation because past pesticide use may create potential health problems. In January 2004, the Board of Health adopted a policy that requires developers to disclose historical uses of a property.

Chairman Eliot stated that the Planning Board and Board of Health should schedule a joint meeting to discuss this issue, but the Board should not delay the current applicant.

Member Lewis agreed. He said the landowner created the hammerhead lot when he placed an APR on his orchard. The Town benefited from the preservation of the orchard. The application to use the existing shared driveway makes sense and results in far less disturbance to the land than construction of a new driveway.

Dr. Horowitz stated that the Board of Health appreciates the O’Neill placing an APR on their property. The Board of Health is being forced to raise this issue by another applicant.

Board of Health Member Robert Hanninen said we should not minimize the potential health issues from past pesticide applications. The Planning Board agreed that a joint meeting should be held to discuss this topic.

The Board voted unanimously to close the public hearing.

The motion was made by Lewis to grant a special permit to Sean O’Neill to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to use the existing driveway to serve Lot 1 and the orchard as shown on the plan entitled, “Plan of Land in Groton, Mass. Prepared for Fairview, Inc.” prepared by L. Ducharme Associates, dated October 28, 1997, and “Fairview, Inc. I – Barry Hill, Groton,” prepared by Gawdy & Farrell, Inc.

Findings:

The Planning Board made the following findings based upon the criterion set forth in Zoning By-Law §§ 218-26D and 218-32.1:

1. **Social, economic and community needs:** The shared driveway will serve the hammerhead lot created in 1998.

The Agricultural Preservation Restriction placed on the surrounding 80-acre orchard is a great benefit to the Town. The community will be better served by having fewer driveway cuts on Whitman Road.

2. **Traffic flow and safety:** Traffic flow and safety will be improved by using the existing driveway cut instead of creating a new driveway cut on Whitman Road.
3. **Adequacy of utilities:** Utilities will not be impacted by the proposed shared driveway.
4. **Neighborhood character:** There will be less impact on neighborhood character with fewer driveway cuts rather than individual driveways serving the orchard and the hammerhead lot. The APR on the orchard enhances and protects neighborhood character. In addition, preservation of agricultural land is a goal of the Comprehensive Master Plan.
5. **Impacts on the environment:** Fewer driveway cuts means less environmental impact on the land. The use of the existing driveway serving the orchard results in less disturbance to the slope on the hillside and less tree removal than construction of a new driveway on the hammerhead lot.
6. **Fiscal impact on the Town:** There will be no additional fiscal impact on the Town from the shared driveway.

Conditions:

1. The proposed shared driveway shall meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996.
2. This special permit shall not be in effect until a certified copy of the special permit decision is recorded at the Middlesex South Registry of Deeds as required in GL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording is submitted to the Planning Board by the applicant.
3. This special permit shall lapse in 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. The recording of the special permit and subsequently endorsed definitive plan shall constitute commencement of substantial use.
4. This special permit runs with the land and applies to any successor in interest or successor in control.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

