

**GROTON PLANNING BOARD  
FEBRUARY 3, 2005  
MINUTES**

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

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

**PUBLIC HEARING – ROCKY HILL SPECIAL PERMIT & DEFINITIVE PLAN**

The Board continued the public hearing to consider the Rocky Hill special permit and definitive plan submitted by Fox Meadow Realty Corporation. Applicant David Moulton, Attorney Robert Collins, design engineer Robert Pine of Pine & Swallow Associates, design engineer Drew Garvin of R. Wilson Associates, and the Board's consulting engineer William Maher of Judith Nitsch Engineering, Inc. (JNEI) were present.

Mr. Collins reviewed his letter dated November 4, 2004 requesting waivers from the Subdivision Regulations including off-site engineering information, scale of the plan, access to the open space, park area, right-of-way to adjacent land, centerline radii, centerline grade, cut and fill, sidewalks on only one side of the road, and asphalt berms rather than granite curbing. The Board agreed in concept with all the requested waivers. Mr. Maher of JNEI concurred. The Board reserved the right to revisit the waivers when the definitive plan and site plan are approved.

The Board voted unanimously to continue the public hearing on February 24, 2005 at 8:30 PM.

**ANR PLAN – DAVID MORTON, BROWNLOAF ROAD**

The Board considered the Approval Not Required plan submitted by David Morton to create a hammerhead lot and three other lots with frontage on Brownloaf Road. Mr. Morton was present at the meeting. At its regular meeting on January 27, 2005, the Board had voted to grant a special permit for the hammerhead lot shown on the plan.

The motion was made by Perkins to endorse as Approval Not Required the plan entitled, "Plan of Land in Groton, Massachusetts, Prepared for David C. Morton," prepared by Dillis and Mische, dated January 4, 2005. *The motion was seconded and passed unanimously.*

**SITE PLAN REVIEW – OLIVER WRIGHT MEADOWS**

The Board continued its review of the Oliver Wright Meadows site plan submitted by Missic Realty Trust. Applicant James Patierno, Attorney Robert Collins, design engineer Robert Pine, and the Board's consulting engineer William Maher of JNEI were present.

The Board received a report dated February 1, 2005 from JNEI. Mr. Collins said they will address all the engineering items in the JNEI report.

Mr. Collins said he met with the Highway Surveyor and Police Chief to discuss relocating the Police Department's shooting range on the adjacent Highway Department property. Mr. Patierno will work with the Police Chief to move the shooting range to an area on the northerly portion of the site. The new poured-concrete facility will be much better for the police and the neighborhood.

Member Lewis noted that the new location may impact abutters on Bridge Street and people who live in the new subdivision in Tyngsborough. Mr. Collins said the new facility will be able to contain sound much better than the existing facility.

Chairman Eliot asked if a site plan for the new shooting range will be submitted to the Board. Mr. Collins said site plan review is not required because this is an exempt use.

Chairman Eliot read the letter dated February 1, 2005 from the Police Chief.

Member Wilson asked who will pay to relocate the shooting range. Mr. Pine said they are still working out the details.

Chairman Eliot asked about landscaping for the housing development. Mr. Pine said buffering is an important concern to the Highway Surveyor. The landscaping plan is only conceptual at this time. Mr. Pine said he will work with the Highway Surveyor on the planting details along the Highway Department's property line. He said there is a planting schedule on the plan for the area near the foundations, around the pond and along the roadways.

Member Perkins asked about a secondary access to the site. Mr. Pine said this issue must be discussed with the Highway Surveyor and Fire Chief.

Member Lewis asked about the purpose of the pond. Mr. Pine said the pond is the focal point of the development. The fill excavated from the pond will be used to raise the elevation of the site. The pond will be sized to handle the 100-year storm.

Member Lewis expressed concern about excavating into the groundwater because this site is a former sand and gravel operation. He said the pond may receive contaminants from the capped landfill on the Town's property. Mr. Pine said the groundwater flows in the opposite direction. He said they will submit data on groundwater flow to the Board.

Member Wilson asked about plantings around the buildings and why there are no plantings on the other side of the road. Mr. Pine said they are trying to naturalize the area. More trees can be added to the planting plan.

Member Perkins asked about invasive species and whether there would be aquatic zone plantings around the pond. Mr. Pine said there are no invasive species shown on the plan. There will be plantings around the pond with some gaps for access. The level of the pond will vary about 2-3 feet. Member Perkins asked about the highest flood elevation of the pond. Mr. Pine said it will be 2-3 feet below basement levels.

Member Clements asked about the depth of the pond. Mr. Pine said it would be 8 feet deep in the center.

Member Barringer asked how eutrophication of the pond will be prevented since there is no inlet or outlet. Mr. Pine said groundwater will recharge the pond and there will be infiltration from the stormwater management system to help maintain the pond during the dry season. If there is degradation in water quality, there will be a management plan in place to improve the pond.

*(Member Degen arrived.)*

Member Barringer said he would like to see how the groundwater will be managed. He expressed concern about the depth of the pond for safety reasons. He said a second access to the site is needed to serve the 48 proposed units. Mr. Pine said they would discuss access to the site with the Highway Surveyor and Fire Chief.

Mr. Maher highlighted the comments in his report dated February 1, 2005. He requested that the plans show a turnaround for the driveway at the last duplex. He asked if 82 parking spaces would be sufficient for 48 units and asked the applicant to prepare a table showing the required number of parking spaces. He asked if more detail on the proposed 6000 ft water main extension to the site. He agreed that a fence should be installed around the pond to protect the children.

Mr. Maher's report detailed information missing from the plan. Mr. Pine said all the requirement information would be submitted to the Board.

Member Barringer asked for more information on the proposed 20-ft high berm. He said a 20 ft berm would contain 85,000 cubic yards of earth material and a 10-ft high berm would contain 30,000 cubic yards. Mr. Pine said the earth material is readily available on site. He said the purpose of the berm is to provide screening between the housing development and the Highway Department site. Mr. Maher said a cut and fill analysis should be submitted.

Chairman Eliot asked if the berm is constructed on Town property, is a Town Meeting vote required to grant an easement to the Homeowners Association. She suggested asking Town Counsel for an opinion on this question.

Chairman Eliot read the comments from the Earth Removal Advisory Committee.

Member Degen asked about the length of the road to the last building. Mr. Pine said the road is 900 ft long, but the total distance to the last building is 1300 ft. Member Degen said there must be a second means of access to this site.

Member Degen asked if the road would be constructed to subdivision regulation standards. Mr. Maher said, "yes."

Member Degen said he liked the overall landscaping plan for this site. He requested that trees be planted along Cow Pond Brook Road and that the proposed plantings on the berm be specified.

The Board voted unanimously to extend the deadline to March 30, 2005 as requested by the applicant.

The Board voted unanimously to continue review of the site plan on March 24, 2005 at 7:30 PM.

### **MILL RUN PLAZA UPDATE**

*(Member Wilson stepped down from the Board.)*

The Board met with Robert Walker and Peter Potenza of Ryan Development, Attorney Robert Collins, design engineer Mark Sleger of LandTech, the Board's consulting engineer William Maher of JNEI, Richard Colangelo, and Dr. Robert Evans to discuss Mill Run Plaza.

Mr. Collins said the developer is concerned about the Planning Board's recommendation to the Building Inspector that no occupancy permits be granted at the Mill Run Plaza site until the drainage problems have been resolved. Mr. Collins said the engineers must determine whether the system is installed as designed.

Mr. Maher said he visited the site during a rainstorm on January 14, 2005 and there was water running down Mill Street. He submitted a report and a series of photographs to the Board showing the conditions on that date. Mr. Maher said the drainage system was not built as shown on the approved site plan.

Mr. Sleger said the situation is improved because prior to this development there was no drainage system in Mill Street. The third drainage basin will be expanded to accommodate Groton Residential Gardens. The elevation of the basin must be lowered by about 6" for extra capacity.

Mr. Maher described the serious erosion that resulted from lack of stabilization at the site. He said culverts were underwater and pavement is being undermined as shown in the photographs. Rip rap should be installed in the swales and the slopes should be stabilized.

Mr. Sleger submitted draft as-built plans for JNEI to review. However, the final as-built plans will not be done until work has been completed in the spring.

Mr. Collins suggested that both engineers – Mark Sleger and Bill Maher – get together to discuss what needs to be done to correct the problems.

Chairman Eliot read the Site Plan Review regulation requirements for occupancy permits. She asked if the drainage system was built according to the plan and whether it is adequate.

Member Degen said there was only 1.5 inches of rainfall on January 14, 2005. He asked if Basins 1 & 2 were functioning. He said the swale along Mill Street is adding water to the basins.

Member Barringer asked why the February 1, 2005 letter from LandTech states that the system only works when the ground is not frozen. Mr. Sleger said the frozen ground reduces the infiltration capacity. He said runoff from the swale along Mill Street was considered when the system was designed. The swale was constructed to take runoff from the gutter line. He said the detention basins will be enlarged when the weather permits. He agreed that erosion must be addressed in the spring.

Mr. Maher said the lack of slope stabilization is adding sediments to the basins. A major cleaning of the basins will be needed. Mr. Sleger agreed that this work is necessary, but the drainage system is working as designed.

Mr. Collins reiterated his suggestion that the engineers get together and work out the details.

Mr. Maher's report, suggested installation of a dry well at the bottom of the third basin. Sandra Brock of JNEI co-signed the report because she reviewed the Groton Residential Gardens comprehensive permit plan for the Zoning Board of Appeals.

Mr. Sleger did not agree with JNEI's recommendation for groundwater quality reasons. Member Barringer expressed concern about whether a dry well would work since the groundwater elevations are 2-3 ft below the bottom of the basin. Member Lewis said it is up to the design engineer to design the plan and the Board's engineer to review the design.

Member Perkins asked if the original design was adequate. Mr. Sleger said, "yes." However, the conditions are worse in the winter when the ground is frozen and there is no vegetative cover on the slopes.

Chairman Eliot expressed concern about the runoff at the base of the retaining wall along Mill Street. Mr. Sleger said the wall is stable and will function as designed. Member Degen said a Registered Structural Engineer should certify that the wall is structurally sound considering the running water in the swale at the base of the wall. Mr. Walker said he already submitted sign off from a structural engineer, and the Building Inspector accepted it.

Mr. Walker said there was never a drainage problem at the site. The site plan was prepared by his engineer and reviewed by the Town's engineer. There is erosion at the site, but there are no drainage problems.

Chairman Eliot asked about the fence that was required at the top of the retaining walls. Mr. Collins said the Board should review the black chain link fence that has been partially installed.

Member Perkins asked what permits are being held up. Chairman Eliot said the Board recommended that the Building Inspector not grant any new building permits or occupancy permits. This includes the tenant fit-up permits.

Mr. Colangelo of Remax Real Estate said he is waiting for his tenant fit-up permit so he can finish the interior of his unit. He said he and his 28 employees must move out of his existing space. He requested that the Board not hold up building permits for tenant fit-up since it can hold the permits for Building #5 and for Groton Residential Gardens.

Dr. Evans requested that the Board not penalize people who are waiting for occupancy permits.

Mr. Collins said the interior work does not impact runoff or the drainage system. He said the regulations on the final as-built plans and engineer's certification apply to final, not temporary, occupancy permits.

The motion was made by Perkins to recommend release of the tenant fit-up permits. The motion was seconded.

After some discussion about temporary occupancy permits, the motion was made by Perkins to amend the motion to recommend issuance of temporary occupancy permits for the two tenants who have already applied for occupancy permits. The motion was not seconded.

***The main motion passed unanimously.***

The motion was made by Lewis to send a letter to the Building Inspector to inform him the design engineer and the Board's consulting engineer will address the outstanding engineering issues related to the drainage system including submission of an as-built plan. The Board will continue its discussion of temporary occupancy permits at its meeting

on February 10, 2005. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 11:30 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator