

**GROTON PLANNING BOARD**  
**MARCH 24, 2005**  
**MINUTES**

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

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

Member absent: Perkins

**SITE PLAN REVIEW – OLIVER WRIGHT MEADOWS**

The Board continued its review of the Oliver Wright Meadows site plan submitted by James Patierno to construct 48 units of housing on Cow Pond Brook Road. Mr. Patierno, Attorney Robert Collins, design engineer Robert Pine, landscape architects Matthew Org and James Emanuel were present.

Mr. Collins said the Zoning Board of Appeals (ZBA) granted a special permit under the provisions of §218-27B Subsidized Elderly Housing. The design engineer met with the Board's engineer, William Maher of Judith Nitsch Engineering, Inc. (JNEI). The applicant will submit new plans with landscaping details.

Mr. Pine presented revisions to the plan showing a second access to the site from Cow Pond Brook Road. The second access will be used for emergency vehicles. A five foot high berm will be constructed as requested by the Highway Surveyor. Landscaping will be added to the berm.

Mr. Emanuel described the low maintenance landscaping plan with honey locus, red maples and a variety of native plants and shrubs. Foundation plantings will be provided around the duplex units. A pedestrian walkway and community area will be created around the pond.

Member Lewis asked the distance to the capped landfill and the depth of the pond. Mr. Pine said the pond will be eight (8) feet deep. Member Lewis asked how the Town will be protected if contaminants from the landfill reach this residential development. Member Lewis said he preferred that the land be used for a sports complex as previously proposed.

Mr. Collins said Mr. Patierno met with the Board of Selectmen on numerous occasions to discuss the proposed use of this site as part of the settlement of the Town's litigation with VH Shea Corporation. The benefits to the Town include extending town water and the construction of 24 affordable housing units.

Member Lewis asked if there would be a second means of access to the site. Mr. Collins said, "yes."

Member Degen said the landscaping plan was well done. He asked about the height and type of plantings to be used around the buildings. Mr. Patierno said 33 ft tall red oak, pear and cherry trees would be planted.

Member Degen said this parcel is isolated from the Town and from emergency services. However, 24 units of affordable housing are good for the Town.

Member Clements asked who would maintain the landscaping. Mr. Collins said the Homeowners Association would be responsible.

Member Wilson said the project is commendable because it helps the Town meet its affordable housing needs. He said the landscaping plan is well done and agreed that it is important to screen the Highway Department site.

Member Barringer asked if the applicant had prepared a drawdown model for the proposed irrigation well. Mr. Pine said the drawdown would vary from year to year, but there is a 100-acre wetland to the south of this site.

Chairman Eliot said this is a poor site for housing because it is isolated from the Town, and close to the Town's shooting range. She said she would prefer that this land be used for non-residential purposes. She requested that the

applicant g back to the Board of Selectmen to discuss the matter. Mr. Collins agreed.

Chairman Eliot read the letter dated March 22, 2005 from the Groton Housing Authority.

The Board voted unanimously to extend the deadline to May 31, 2005 as requested by the applicant.

The Board voted unanimously to continue the site plan review on April 21, 2005 at 7:30 PM.

### **PUBLIC HEARING – AMANDA’S WAY SPECIAL PERMIT & DEFINITIVE PLAN**

In accordance with the provisions of Chapter 41, Sections 81-U and 81-T, the Groton Planning Board held a public hearing to consider the application submitted by Missic Realty Trust, James Patierno, Trustee; for approval of the definitive plan entitled, “Definitive Subdivision – Amanda’s Way, Groton, Massachusetts,” prepared by Land Engineering & Environmental Services, LLC, dated January 25, 2005. The proposed subdivision is located on Assessors’ Map 250, Parcel 90, on the southerly side of Lowell Road.

Chairman Eliot called the hearing to order. Clerk Degen read the public hearing notice published in the March 11 & 18, 2005 issues of *The Groton Herald*. Applicant James Patierno, Attorney Robert Collins, design engineers Robert Pine and Douglas Lees, and several abutters were present.

Mr. Collins presented the plan to create three new lots on the 7.25 acre site off Lowell Road. The existing house on Lowell Road will be kept as an affordable house and will be deed restricted so it will count in the Town’s subsidized housing inventory. The new lots are surrounded by open space which abuts the Town’s Whitney Pond well site.

Mr. Pine described the land that slopes to the west and rear of the site. A proposed “T” turnaround will serve the three new lots. A common driveway from the T-turnaround will serve two of the three lots. The sand and gravel soils are good for sewage disposal systems and drainage. The applicant will extend town water to the site.

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

Member Degen said he would rather see a shared driveway used rather than a subdivision road. He asked if the applicant had considered the new Residential Compound Regulations. A shared driveway would not create the setback issues for existing houses as referenced in the Building Inspector’s comments.

Member Clements asked about access to the existing house. Mr. Collins said access could be from Lowell Road or from the new subdivision road.

Member Wilson agreed that a shared driveway is preferable to a subdivision road. He said he is not sure the open space surrounding the lots is very valuable.

Mr. Collins said the 124,618 acres of open space complies with the 35% requirements of §218-26. It also guarantees a permanent buffer and protects the existing trail system. The open space is adjacent to the Town’s Whitney Pond well site.

Abutter Craig Sullivan said he likes the proposed open space buffer, but the 40 ft wide right-of-way impacts his home severely. The right-of-way is located along his property line. He said he would prefer a shared driveway rather than a subdivision road.

Abutter Jeff Wallens asked about the proposed density in the Water Resource Protection District. He said the Board should require the density specified in the Zoning By-law.

Abutter Holy Estes asked if the existing house would be renovated. Mr. Collins said some of the systems must be updated, but it is nice, one-bedroom house that could be occupied by a senior citizen. Ms. Estes asked how the applicant could create one-acre lots when the Town has two-acre zoning. She said her property was impacted by drainage problems from the Painted Post subdivision. She noted that the wetlands may not be shown correctly on the

plan. She also expressed concern about headlight glare.

The Board responded that the plan was submitted under the provisions of §218-26 Flexible Development.

Brooks Lyman of the Groton Housing Authority expressed appreciation for the affordable housing unit.

Abutter Kenneth Ferreira said the edge of the wetland shown on the plan is in his backyard. The pond may also be on his property. He asked who will have access to the trails and open space. Mr. Collins said the open space will be gifted to Town.

Member Wilson asked about the size of the houses. Mr. Patierno said they will have about 2800 sq ft floor area. Member Wilson encouraged the applicant to construct smaller houses. He suggested the road be relocated to mitigate headlight glare.

Harlan Fitch asked how the existing house will remain as an affordable unit. Mr. Collins said a restriction will be placed on the deed requiring that the house remain affordable as defined by the Department of Housing and Community Development. Mr. Fitch asked if the house would count toward the Town's required 10%. Mr. Collins said, "yes."

Member Degen said he would like the Conservation Commission to confirm the wetland delineation. The Board will walk the site on Saturday, April 9, 2005 at 9:00 AM.

The Board voted unanimously to continue the hearing on April 21, 2005 at 8:15 PM.

#### **SITE PLAN REVIEW – CROSSROADS PLAZA**

The Board continued its discussion of the Crossroads Plaza site plan, although a revised plan had not been submitted to date. Architect Joseph Lagrasse, design engineer David Kelley, real estate broker Frank Hartnett, and many abutters were present.

Planning Administrator Michelle Collette stated that all engineering bills were paid in full by the applicant.

Mr. Lagrasse said he tried to address the Planning Board's concerns by reducing building footprints from 30,000 sq ft to 26,000 sq ft. The plan shows new access and egress points with right turn only. More green space will be provided as requested by the Planning Board. The traffic engineer will revise the traffic study. The 16-18 ft high wall is now only 8 ft high so less fill is required. The revised plan will have four buildings: a bank, a restaurant, a pharmacy, and a medical office building.

Mr. Hartnett said Mr. Wong contracted him to do marketing, based upon the specific business needs in the Nashoba area. The proposed pharmacy and medical offices are less intrusive than a strip mall, will generate less traffic, and will have less impact on abutters.

Member Lewis said the plans must address headlight glare issues, and the lights in the parking lot should not be left on all night. Roof drainage should be directed into the drainage system and should not be discharged on the ground.

Member Degen expressed concern about the location of dumpsters and adverse impact if trash blows around the site. Member Degen asked about the number of parking spaces. Mr. Lagrasse said they are 13 spaces short based upon the proposed uses. 216 spaces are shown on the plan, but 229 are required in §218-23.

Member Clements asked if Groton could support three pharmacies. Mr. Hartnett said, "yes."

Member Wilson thanked the applicant for addressing the Board's concerns.

Member Barringer asked if the scale of the buildings and footprints are smaller. Mr. Lagrasse said, "yes."

Member Barringer asked about truck access. Mr. Lagrasse said it would be from Sandy Pond Road. He will submit a turning radius plan to the Board. Member Barringer said the parking near the entrance should be relocated to avoid conflict with truck access.

Abutter Les Trainor asked if a new traffic study would be done based upon existing data or would traffic counters be installed. Mr. Kelley said the traffic study considers the proposed uses for the development. It is similar to previous studies done for this area.

Paul Fanning expressed concern about traffic and safety issues. He said he could not access Route 119 from his driveway and turn safely with existing traffic conditions.

Linda Deciccio said the proposed development will impact their ability to access onto Route 119. She asked the Board to consider impact on people who already live in the area.

Member Clements said it is important to consider all the B-1 zoned land in this area when reviewing traffic and other impacts.

Member Barringer said the proposed development requires a special permit because the site is in a Water Resource Protection District. Mr. Kelley said they will submit a special permit application.

Member Lewis said plantings should be used to help block headlight glare.

Linda Deciccio requested that the Town do its own traffic study. The Board said Fay, Spoffard and Thorndike (FST) will review the traffic study submitted by the applicant. The Town did prepare a traffic study for submission to MassHighway for approval of the traffic light.

The Board voted unanimously to extend the deadline to May 27, 2005.

The Board voted unanimously to continue the site plan review on May 5, 2005 at 7:30 PM.

#### **SITE PLAN REVIEW – GROTON COLLISION**

The Board continued its review of the site plan submitted by Robert Olson of Groton Collision. Mr. Olson, Attorney Ray Lyons, and design engineer Kevin Hardiman were present.

Mr. Lyons said vegetative screening will be used so the parking lot will not be as visible. He said he does not see any issues with the MEPA process. The Board of Health requested that the impoundment area be paved, and the applicant will pave as much of the area as possible.

Chairman Eliot noted that the Board received a report dated March 24, 2005 from Judith Nitsch Engineering, Inc. (JNEI).

Mr. Hardiman said he met Bill Maher of JNEI at the site to review the proposed plan. The parking spaces on the site will be 10' x 24' and there will be 24 ft wide aisles. The by-law does not have any requirements for the number of spaces for this type of use so the Board must make the determination. There will not be very much cut and fill with only 3-4 ft fill on one area. The building design will be similar to the existing building with a color scheme similar to Mill Run Plaza.

Member Lewis said better lighting is needed so there will not be any glare for abutters or toward the sky. Member Lewis requested that the dumpster be emptied during the day and not at night. Mr. Olson said the dumpster is emptied at 9 AM, but his tow trucks are needed 24 hours a day, seven days a week.

Mr. Lyons said a shadow box fence will be installed to provide screening and the drainage issues will be resolved with JNEI.

Member Lewis expressed concern about high groundwater in the area and requested that test pits be dug on this site.

Mr. Hardiman agreed.

Member Barringer asked about the request to waive curbing. He said he would like some curbing to define the entrance to the site. Mr. Hardiman said radius will be edged with cobblestone. Member Barringer said he did not want to see the curb cuts widened over time.

Chairman Eliot suggested that the Board ask its landscape architect to review the plans.

Mr. Lyons said the site is not visible from Arlington Street, and better screening could be provided with vegetation.

Member Degen asked about traffic flow. Mr. Hardiman said he measured sight distances 10 ft away from the road. The existing shrubs that block sight distance will be removed.

Member Degen asked about the impact on the house on Arlington Street. Mr. Lyons said the headlights shine into a forested area and not onto the house. Member Wilson noted that most traffic will come and go on Route 119 and not on Arlington Street.

Chairman Eliot said there are a number of design issues with this plan including the impoundment area and traffic flow.

Member Clements asked why there are different entrances for the repair service and garage. Mr. Hardiman said most of the work is done in the center of the site. The applicant is hoping his customers will use the appropriate entrance rather than driving through the site.

Member Lewis asked if the service facility would be doing inspections. Mr. Olson said, "no."

Planning Administrator Michelle Collette noted that the proposed use requires a special permit from the ZBA. Mr. Lyons said they decided to submit the site plan for approval prior to applying for a special permit.

Member Degen asked if the applicant is willing to pave the impoundment area. Mr. Hardiman said they will pave as much surface as the drainage system would support.

Member Barringer requested that the applicant submit an inventory of chemicals to be used on the site and demonstrate that there will be proper storage and containment.

The Board voted unanimously to extend the deadline to April 29, 2005.

The Board voted unanimously to continue the site plan review on April 21, 2005 at 9:00 PM.

#### **ANR PLAN – ROBERT CUSHMAN, WHARTON ROW**

The Board considered the Approval Not Required (ANR) plan submitted by Robert Cushman to create two new lots on Wharton Row. Mr. Cushman and Attorney Ray Lyons were present at the meeting.

The Board received a report date March 16, 2005 from JNEI.

Member Degen asked whether the guardrail would impede access to the lot. Member Clements said case law supports denying ANR endorsement if a guardrail obstructs access. Member Lewis said that case refers to limited access highways.

Mr. Lyons read §218-22A Frontage, noting that the proposed lots have frontage on an approved subdivision road. This is not like Route 495. The guardrail does not go by the entire frontage of the lot. There is a 40-60 ft wide section without the guardrail

The motion was made by Wilson to endorse as Approval Not Required the plan entitled, "Plan of Land in Groton,

Massachusetts, Prepared for Robert Cushman,” prepared by Ducharme & Wheeler, Inc., dated November 20, 2004, revised March 7, 2005. *The motion was seconded and passed with Barringer, Clements, Eliot, Lewis, and Wilson in favor; Degen abstaining.*

### **PROPOSED AMENDMENT - ACCESSORY APARTMENTS**

The Board discussed the revised draft of the accessory apartment provisions prepared by Mark Bobrowski. The Board will advertise a new public hearing to be held on April 14, 2005.

The motion was made by Barringer to strike Item D from the proposed by-law in its entirety. Item D reads as follows:

**“D. Special Regulations pertaining to Accessory Apartments.** The following special regulations shall apply to applications for accessory apartments:

- 1. Flexible Developments authorized by special permit prior to May 5, 2003.** No accessory apartment shall be permitted in a Flexible Development authorized by special permit prior to May 5, 2003.
- 2. Hammerhead Lot authorized by special permit pursuant to Section 281-23.1.** No accessory apartment shall be permitted in single family dwelling on a Hammerhead Lot authorized by special permit pursuant to Section 218-23.1.”

*The motion was seconded and passed unanimously.*

Chairman Eliot said she would like the by-law to permit accessory apartments in detached, accessory structures. She suggested that language be added to the text permitting the use of detached structures for smaller houses that have no other options.

After some discussion, some members of the Board said they did not want to go against the Building Inspector’s recommendation on this point.

The motion was made by Barringer to restore language to Section C3(b) to allow accessory apartments in detached, accessory structures. The motion was not seconded.

### **LANDSCAPE ARCHITECT SERVICES**

Planning Administrator Michelle Collette summarized the references for Carol R. Johnson Associates, the Cecil Group, and Dodson Associates.

After reviewing nine proposals, interviewing three firms and checking references, the Board voted unanimously to hire Dodson Associates as its landscape architect consultant.

The motion was made by Degen to request an estimate from Dodson Associates to review the site plans for Shaw’s, Samantha Realty Trust, and as background for the review for the Crossroads Plaza. *The motion was seconded and passed unanimously.*

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

