

GROTON PLANNING BOARD
JUNE 9, 2005
MINUTES

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

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

Member absent: Perkins

SITE PLAN REVIEW – CROSSROADS PLAZA

The Board continued its review of the Crossroads Plaza site plan. Applicant Joe Wong, design engineer David Kelly of LandTech Consultants, Inc., architect Joseph Lagrasse, realtor Frank Hartnett, and many area residents were present.

Mr. Lagrasse presented a revised plan to the Board with the buildings sited farther back on the site. The proposed bank building will be located close to the intersection of Boston Road and Sandy Pond Road. The revised plan meets the parking requirements of the by-law, has enough room for the sewage disposal system, and leaves the retaining wall in the same location as shown on the previous plan.

Mr. Lagrasse said he met with Peter Flinker of Dodson Associates, the Board's landscape architect. Mr. Flinker suggested that the buildings be sited closer to the road to create a village appearance.

Engineer David Kelly said he wanted to hear the Board's comments on the revised lay-out before preparing engineered plans.

Member Lewis said he is concerned with the amount of impervious surface shown on the plan and potential runoff problems. Mr. Kelly said the development would be graded toward the rear of the site.

Member Lewis asked about snow storage. Mr. Kelly said temporary storage would be provided near the roadway. Member Lewis said access to the site and parking spaces cannot be blocked with stockpiles of snow. Mr. Kelly said there are more parking spaces than required.

(Member Wilson arrived)

Member Lewis asked about the grade in the rear of the site. Mr. Kelly said it is 7%.

Member Lewis noted that all lighting must be shielded. Mr. Kelly said it would be.

Member Degen said he agreed with Member Lewis about the snow storage issue, especially since the site is within a Water Resource Protection District.

Member Clements asked about lighting in the parking lot. Mr. Kelly said the poles will be 12-15 feet high with lights facing downward.

Member Wilson said there is too much parking in front of the buildings. He asked if more parking could be behind the buildings. Mr. Kelly said it is difficult from a marketing view if parking is in the rear. Mr. Lagrasse said they are willing to work with the Board on this point.

Frank Hartnett said the proposed uses include a bank in the building near the front of the site, a medical office building, restaurant, and retail space. The medical offices will be open during the day, and the restaurant will be open at night. Mr. Lagrasse said the plan shows all the required parking spaces. However, perhaps the applicant could construct fewer parking spaces now with a reserve parking area for the future.

Mr. Lagrasse said the applicant would like to finalize the layout so they can go forward and design the site. He said it would be difficult to locate the buildings closer to the street.

Member Wilson said there is an enormous amount of paved area. He said he would like the applicant to minimize the amount of pavement viewed from the road. If the buildings are not moved, substantial landscaping would be required.

Planning Administrator Michelle Collette said, at the request of the applicant, the design team met with Peter Flinker of Dodson Associates to discuss the plan. The cost to continue reviewing the plan is around \$4000.00. The applicant is required to reimburse the Town for the cost.

The motion was made by Degen to request that the applicant fund \$2000 for Dodson to review the site plan when the revised site plan is submitted to the Board for review. The motion was seconded.

Member Clements asked if the amount of parking could be decreased to provide an area for snow storage.

Alice Smith of Laurel Lane supported the concept of having parking behind and underneath the buildings. She asked the Board to reconsider its motion on design review to allow more flexibility. Chairman Eliot stated that the Board hired Dodson Associates to assist with landscape design and other aesthetic issues.

(Member Barringer arrived.)

Member Lewis said the Board already has a civil engineer and a traffic engineer. Now the Board has a landscape architect in addition to the other consultants.

Member Degen said his motion was to ask the landscape architect to review the plan – not to design it for the applicant.

Member Clements said the Board is asking the consultant to make suggestions on the design --the applicant's engineer designs the site.

The motion did not pass with Degen in favor; Eliot, Clements, Lewis and Wilson opposed; Barringer abstaining. Paul Fanning expressed concern about traffic cutting through the parking lot to avoid the light at the intersection. Mr. Kelly said they could install speed bumps to discourage through traffic.

Mr. Fanning requested that nearby residences be shown on the plan. Mr. Lagrasse agreed and noted that screening would be provided for abutting properties.

Alice Smith asked who would enforce the condition about snow removal. Planning Administrator Michelle Collette said the Building Commissioner is the Zoning Enforcement Officer under State Statute (Chapter 40A, §7).

Alice Smith asked the applicant to reconsider putting the parking in the rear of the site. She stated that the Acton Medical office building has parking in the rear. She questioned the validity of the marketing assumption. Member Lewis agreed that there are many sites where parking in the rear works very well.

Member Degen said when the applicant submitted the site plan to the Board last fall, the Board asked that the buildings be moved back from the street, and now the Board's landscape architect is requesting that the buildings be moved closer to the street.

Michael Aha asked about dumpsters. Mr. Lagrasse said it is not shown on the plan yet.

Leo Trainor asked about lighting and requested that the lights be on timers so they are not left on all night. Mr. Lagrasse said the applicant will submit a photometric plan.

Linda DeCiccio asked whether the applicant has to follow the landscape architect's recommendations. Chairman Eliot explained that the landscape architect is the Board's consultant and makes recommendations to the Planning Board. The applicant must satisfy the Board's concerns to receive approval of the site plan.

All Board members agreed that they did not like the revised layout as shown on the plan presented at the meeting.

Chairman Eliot asked if the applicant would be willing to pay for Peter Flinker, the Board's landscape architect, to attend the next meeting. Member Lewis said the Board should ask for an estimate of the cost.

Mr. Wong asked if the Board has the authority to require him to pay for the consultant. Planning Administrator Michelle Collette noted that the Fee Regulations contain the following provision:

“All expenses incurred by the Planning Board during Site Plan Review, including the expense of engaging outside consultants, shall be paid by the applicant. Reimbursement of these expenses is a requirement of approval, and failure to reimburse shall be cause for denial. The Planning Board may set alternate dates for said reimbursement by setting them as a condition of approval of the Site Plan.”

Mr. Wong agreed to pay for the consultant to attend the next meeting as long as the cost is reasonable. Planning Administrator Michelle Collette said she would call Dodson Associates and request an estimate.

The Board voted unanimously to continue its review of the Crossroads Plaza site plan on July 14, 2005 at 8:00 PM.

PUBLIC HEARING – SAMANTHA REALTY, SPECIAL PERMIT MODIFICATION

In accordance with the provisions of Chapter 40A, §§ 9 and 11, M. G. L., the Groton Planning Board held a public hearing to consider the application submitted by Samantha Realty Trust, LLC, to modify Special Permit 2004-07 to utilize the provisions of Groton Zoning By-law Section 218-30 Water Resource Protection Districts for an on-site wastewater disposal system with a design capacity greater than 110 gallons per day (GPD) per 10,000 SF lot area, underground storage of hazardous materials, and aboveground storage of hazardous materials in quantities greater than normal household use in a Water Resource Protection District III. The proposed modification is shown on the plan entitled, “Permit Plan, 785 Boston Road, Groton, MA,” prepared by GPR, Inc., dated January, 2004, with revisions through May 19, 2005. The proposed project is located on Assessors' Map 133, Parcel 11, located on the easterly side of Boston Road and northerly side of Forge Village Road.

Chairman Eliot called the hearing to order. Clerk Degen read the notice published in the May 27 and June 3, 2005 issues of *The Groton Herald*. Applicants Steve and Frank Catalano, design engineer Bruce Ringwall of GPR, Inc., and real estate broker Frank Hartnett were present.

Mr. Ringwall said the Planning Board granted a special permit for an increase in sewage flow in the Water Resource Protection District and approved the site plan for a Dunkin Donuts and retail/office space in 2004. The applicant is requesting that the Board modify the special permit to allow a day spa including a hair and nail salon and massage therapist, a Subway sandwich shop and Dunkin Donuts. The sewage flow from the hair salon will be discharged directly to a 3500 gallon, double-walled tight tank as required in Title Five. The existing special permit allows 1300 gpd of sewage, and the proposed modification is for 2600 gpd. The same number of parking spaces is required for approved uses and the proposed uses. There are 84 parking spaces on the site. Mr. Ringwall submitted a letter from Conley Associates, the applicant's traffic consultant, stating that the proposed traffic flows will be reduced in the morning peak hours and increased on weekends, but the Level of Service (LOS) will stay the same.

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

Member Lewis expressed his concerns about the chemical use associated with the hair salon in the Water Resource Protection District. He said there is no guarantee that chemicals will not be flushed down the toilet causing damage to the sewage disposal system. He asked who will repair or replace the system if it fails. Mr. Ringwall said the landlord will test the sewage disposal system annually and submit the test results to the Board of Health.

Member Lewis expressed concern about the proposed sandwich shop which will result in increased traffic, more lighting, and people loitering.

Member Degen said he voted in favor of the original special permit, but the proposed change of use will double traffic in the afternoon peak as well as on weekends. Mr. Ringwall said the LOS does not change with the increased traffic flow.

Member Clements said the original plan was marginal. He said the Board of Health's and Water Department's issues about the use in the Water Resource Protection District must be resolved.

Member Wilson said he, too, preferred the original plan and has concerns about the increased traffic resulting from the proposed change of use.

Steve Catalano said no one tried to deceive the Board with this application. They preserved the historic structure in the front portion of the site. Subway will be on a different time schedule than Dunkin Donuts. The day spa is a very low volume use. He reiterated that they did not deceive the Planning Board when they proposed office-retail use at this site.

Frank Hartnett said there is abundance of office space available in the real estate market. The applicant must spend \$50,000 for the tight tank required for the day spa. The applicant has successful businesses located in Harvard, Townsend and Pepperell.

Member Degen said the proposed change from Dunkin Donuts with retail and office space to a Dunkin Donuts, Subway, and day spa is a substantial change. He said he prefers the original uses in the approved plan.

Mr. Ringwall said the proposed uses are allowed in the B-1 District. If the Board does not want such uses, they should not be allowed in the B-1 zone.

Member Barringer said he shares the concerns of other Board members and asked about the size of the salon. Mr. Ringwall said it will be 3000 sq ft with seven hair cutting chairs, four pedicure stations, three manicure stations, and five message therapy stations.

Member Barringer said it is difficult to believe there will only be nine trips per hour on Saturday. Mr. Ringwall said Conley Associates provided the trip generation information.

Member Wilson asked the total trip generation. Mr. Ringwall said there will be 235 trips per hour on Saturday, and 317 trips in the weekday morning peak.

Member Barringer asked if there are enough parking spaces. Mr. Ringwall said, "yes," the parking meets the requirements of the by-law.

Member Barringer agreed that the applicant must address all the concerns of the Board of Health. Mr. Ringwall said the proposed use only increases flow by 1/3 because 700 gpd will be discharged to the tight tank.

Member Barringer asked if the tight tank would be vented and have an alarm. Mr. Ringwall said, "yes."

Chairman Eliot said the applicant must address the Board of Health's and Water Department's concerns. She asked if the applicant had seen a copy of the report from Dodson Associates. Mr. Ringwall said, "yes." He noted that the granite posts were maintained and the sidewalk will connect to the crosswalk on Route 119 as shown on the plan. The applicant is willing to add another crosswalk closer to Forge Village Road if the Planning Board wishes.

An abutter stated that the neighbor's should be considered. He noted that groundwater flow from the Four Corners area flows toward Forge Pond. If there is an underground tank for waste, human error could result in a problem similar to the spill on Gilson Road.

Abutter Leo Trainor asked about the disposal of hazardous materials, trash, litter and empty bottles. He asked if there would be any odors from the sewage disposal system vent. Mr. Ringwall said trash will be placed in the dumpster and

the vent has filters so there will be no odors.

Alice Smith expressed great concern for teenagers congregating at the Dunkin Donuts and Subway. She asked how the variety of chemicals used would affect the sewage disposal system and groundwater quality. Mr. Ringwall said the innovative system provides secondary treatment. The chemicals will be discharged to a double-walled tight tank to be monitored by the Board of Health and DEP.

Board of Health member Susan Horowitz asked about the anticipated time line if there is a hazardous waste spill on site. Mr. Ringwall said he did not know.

Patricia Castellucci said she shares the concerns expressed by others, especially traffic on Saturdays. She said water is a very important resource and the aquifers have been studied and protected.

Linda Hammond agreed with the concerns about potential groundwater pollution as well as water consumption. Mr. Ringwall said hair salons do not use an enormous amount of water based upon their research of other salons. The innovative sewage disposal system will provide secondary treatment and protect groundwater.

Mr. Fanning said the chemicals may kill bacteria in the sewage disposal system, depending upon concentration, and asked if the amounts had been quantified. Member Barringer said the MSDS sheets submitted with the application include hydrogen peroxide which will kill bacteria very quickly.

Linda DeCiccio asked if Fay, Spoffard and Thorndike reviewed the proposed change of use. The Board said it would review FST's previous reports on the original application.

Member Lewis noted that this land was zoned B-1 in 1963 along with other parcels in the Four Corners area. The Board must evaluate the application based upon the requirements of the Zoning By-law.

Mr. Trainor said this area is mostly residential. Many homes have private wells. Homeowners are looking to the Planning Board for guidance through the process.

The Board voted unanimously to continue the public hearing on June 30, 2005 at 9:00 PM.

PUBLIC HEARING (con't) – ACADEMY HILL

The Board held the continuation of the public hearing to consider the Academy Hill definitive plan modification. Applicant Bruce Wheeler, Attorney Louis Levine, Attorney Ray Lyons, and design engineer Larry Beals were present.

Mr. Levine said they prefer to present the proposed modification when all seven members are present. He asked if the Board could schedule a continuation of the public hearing on June 16 or June 30, 2005.

Mr. Beals said they would like to work out the engineering detail with Judith Nitsch Engineering, Inc. (JNEI). Mr. Beals said the Groton Conservation Commission and Natural Heritage and Endangered Species Program (NHESP) have reviewed the modified plan.

Member Clements said the plan is in compliance with the Wetlands Protection Act but not the Wetlands Protection By-law. The Commission will vote on the Order of Conditions at its next meeting.

Member Degen asked if a special permit is required because a portion of the site is in the Water Resource Protection District Zone II.

The Board voted unanimously to continue the public hearing on June 16, 2005 at 7:00 PM.

AMES MEADOW PERFORMANCE BOND

The Board received a report from Judith Nitsch Engineering, Inc. (JNEI) regarding the final release of the performance bond for the Ames Meadow subdivision. The Board will inform JNEI that two of the frontage lots were ANR lots and

not part of the subdivision. The Board will also confirm with the Highway Surveyor that he is satisfied that all outstanding issues have been resolved.

The motion was made by Degen to release the performance bond for the Ames Meadow subdivision held in the "Irrevocable Standby Letter of Credit," Number 83012293LC, dated October 17, 2004, issued to Ames Meadow Realty Trust, c/o Joseph Falzone, Trustee.

The motion was seconded and passed unanimously.

VERIZON LANDSCAPING PROPOSAL

Member Degen said the proposal submitted to the Willcox by Verizon is consistent with his understanding at the recent site walk. The motion was made to send a copy of the letter dated May 13, 2005 from Verizon to the Willcox.

The motion was seconded and passed unanimously.

Meeting adjourned at 11:15 pm

Respectfully submitted,

Michelle Collette
Planning Administrator