

**GROTON PLANNING BOARD
AUGUST 18, 2005
MINUTES**

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

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

Member absent: Lewis and Wilson

DEER HAVEN PERFORMANCE BOND

The motion was made by Perkins to release the amount held in the agreement entitled, "Agreement and Contract - Town of Groton Planning Board; Middlesex Savings Bank" for the Deer Haven subdivision. The Town Treasurer is holding the amount of \$51,547.62 in a passbook savings account to cover the remaining work in the subdivision. *The motion was seconded and passed unanimously.*

FOUR CORNERS LANDSCAPING PLAN

Chairman Clements reported on the meeting with Peter Flinker of Dodson Associates and representatives of Boston Road Marketplace (Shaw's), Samantha Realty Trust, and Crossroads Plaza. At the recent work session, the three applicants agreed to plant street trees within the right-of-way of Boston Road and Sandy Pond Road provided that MassHighway grants permission for the trees to be planted. The Planning Board will send a memorandum requesting that the Selectmen work with MassHighway to obtain such permission with the understanding that the trees would be planted during the spring of 2006.

The Board will continue its review of Boston Road Marketplace phasing plan on September 8, 2005 and its review of the Crossroads Plaza site plan on September 15, 2005.

SITE PLAN REVIEW – PETERBOROUGH OIL, BOSTON ROAD

The Board reviewed the site plan submitted by Peterborough Oil to renovate the existing service station to include a convenience store. Joseph Hart of Peterborough Oil, Attorney Robert Collins, design engineer Frank Montouro, and many abutters were present.

Member Degen asked if the proposal constitutes a change of use. Mr. Collins said the Building Inspector determined that this is not a change of use. There is a mini-mart at the gas station today and the footprint of the building will not be expanded.

Member Degen asked what recourse an abutter would have. Planning Administrator Michelle Collette said an aggrieved party could appeal the Building Inspector's decision or issuance of a building permit to the Zoning Board of Appeals under Chapter 40A, Section 8.

Mr. Collins described the plan to renovate the existing building and to improve the exterior to the extent permissible. Nine parking spaces will be provided as required in the Zoning By-law. The spaces will be painted in the locations shown on the plan. There will be no change in lighting and the dumpster will be screened. Additional landscaping will be provided, and there is a "no cut" zone shown on the plan.

Chairman Clements read the comments from the Building Inspector, the Conservation Commission, and the Board of Health.

Member Eliot asked if the applicant would re-roof the canopy. Mr. Hart said, "yes."

Member Barringer expressed concern about the broad area for access and egress. This is an important safety issue and a good opportunity to define the curb cuts. Mr. Collins said that issue would be addressed in a subsequent Level II site plan submission.

Member Barringer expressed concern about cars backing out onto the highway from parking spaces #1 and #9. Mr.

Collins said these two spaces exist today.

Member Barringer asked about the proposed improvements on the abutting land. Abutter John Haynes said he agreed to allow the work on his property.

Member Barringer asked about traffic flow for delivery trucks. Mr. Collins said deliveries are done now without a problem.

Member Barringer said the wall-pack lights do not have adequate cut-offs. He said better lighting is needed.

Member Perkins expressed concern about the parking spaces located in front of the dumpster. Mr. Collins said these spaces are rarely used and can be reserved for employees only.

Member Perkins agreed with the concerns about the parking spaces near Boston Road. She said the regulations state that parking spaces cannot be configured so cars have to back out onto the street.

Member Perkins asked if a sidewalk would be added across the front of the store to the accessible parking space. Mr. Collins said, "yes," and there will be a curb along the edge of the sidewalk.

Member Degen said the memo from the Building Inspector did not address the question about change of use. The motion was made by Degen to request an opinion from the Building Inspector on whether the proposed use constitutes a change in use or requires a special permit under Groton Zoning By-law Section 218-6E, Alteration or Extension, since the property is zoned R-A. ***The motion was seconded and passed unanimously.***

Member Eliot asked what will be behind the cashier's area. Mr. Collins said coffee and donuts.

Member Perkins asked if the store would also sell sandwiches. Mr. Hart said, "yes" a deli will be included in the store.

Member Degen said the site does not have enough parking spaces to meet the requirements of 218-23 for multiple uses. Mr. Collins said the issue was discussed with the Building Inspector who agreed that the Level I site plan does not show a change of use. The applicant only wants to reconfigure the existing building.

The motion was made by Degen to send Town Counsel a copy of the Board's request for an opinion on the proposed change/expansion of use to the Building Inspector. ***The motion was seconded and passed with Barringer, Clements, Degen, and Perkins in favor; Eliot opposed.***

Abutter Marcus Palmer expressed concern that the expanding use would cause an increase in traffic.

Abutter Ed Strachan said the entrance and curb cut problem could be solved by installing granite curbing. He said he would like the property to look better, but he is concerned about incremental change in the level of activity turning this into a major convenience store.

Abutter Michael Weinberg expressed concern about expanding the non-conforming use. The proposal change will increase traffic and deliveries. Paula Weinberg said she likes the change in the canopy as long as it is not higher or larger. Mr. Collins said they would work with the existing canopy.

The Board voted (with Barringer, Clements, Eliot and Perkins in favor; Degen opposed) to extend the deadline to September 30, 2005 as requested by the applicant.

The Board voted (with Barringer, Clements, Eliot and Perkins in favor; Degen opposed) to continue the site plan review on September 22, 2005 at 8:00 PM.

PRE-SUBMISSION REVIEW – McGOVERN PROPERTY

(Note: Member Eliot stepped down because she is an abutter.)

Attorney Robert Collins and design engineer Robert Pine met with the Board to inquire about the future development of the McGovern property on Longley Road and Sand Hill Road.

Mr. Collins asked if the applicant could submit a Basic Number of Lots plan and create one ANR lot now to build one house for a family member. The applicant will apply for a special permit to develop the remainder of the site at a later date. The Board agreed.

BROOKS ORCHARD PRELIMINARY PLAN

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

The Board continued its review of the Brooks Orchard preliminary plan. June Johnson, Robert Pine, and Marion Stoddart of the Groton Land Foundation, Water Department Superintendent Tom Orcutt, and abutters Joshua and Amy Degen were present.

Mr. Pine presented a color-coded map showing the proposed lots and open space that will be subject to either an Agricultural Preservation Restriction (APR) or Conservation Restriction. One of the lots contains the Groton Water Department's new storage tank at the top of Chestnut Hill. This lot with frontage on the cul de sac will be conveyed to the Water Department. Public access will be permitted on the land owned by the Groton Conservation Trust. Some areas subject to the APR may be leased to adjacent homeowners.

Mr. Pine said the easement for McLatchy's water line will be shown on the plan even though the water line is not in use today. Road construction standards will be shown on the definitive plan.

Member Eliot asked about access to the open space. Mr. Pine said it would be from the cul de sac over a reconstructed farm road.

Chairman Clements asked if Orchard Lane would be a one-way street as discussed at the last meeting. Mr. Pine said the matter is still not resolved, but it is up to the Board of Selectmen because Orchard Lane is a public way.

Water Superintendent Tom Orcutt confirmed that the existing water main would not be relocated. Mr. Pine agreed.

Mr. Orcutt asked about the trail on Parcel D to the Water Department's lot. Mr. Pine said this existing trail will connect the open space with the abutting Sorhaug Woods (Williams Barn) conservation area. Mr. Orcutt said the Water Department is not opposed to the public using this trail on its land.

Mr. Orcutt asked if there would be any accessory apartments. Mr. Pine said two-family dwellings are allowed by-right, but restrictions will be placed on the lots limiting use to single-family with accessory apartments up to 800 sq ft.

Reporter Connie Sartini asked who would own the APR area and how many acres are included. Mr. Pine said the Groton Conservation Trust owns the 113 acre parcel with the APR. The site contains a total of 190 acres. Additional open space will be provided as shown on the plan.

Abutter Josh Degen said safety and access is his major concern. He requested that the Board submit comments to the Selectmen supporting the request to make Orchard Lane a one-way street.

Mr. Pine said the Trust agrees with the Degen's concern about safety. Making Orchard Lane a one-way street is the best solution. If the street is not one-way, the intersection must be reconfigured.

Chairman Clements read the comments from the Conservation Commission.

The motion was made by Eliot to approve the preliminary plan entitled, "Brooks Orchard Preliminary Subdivision in Groton, Mass.", prepared by Ducharme & Dillis, Inc., dated July 11, 2005, with the following conditions:

1. The definitive plan submission shall address the items contained in the Judith Nitsch Engineering, Inc. (JNEI) report dated August 18, 2005 (attached herewith).

2. The applicant shall respond to the comments received from other Town Departments when the definitive plan is submitted.

The motion was seconded and passed unanimously.

BATTEN WOODS DETENTION BASIN

The Board received a request from homeowner Jerry Neely of the Batten Woods subdivision to eliminate the requirements to install a fence around the detention basin on his lot. Mr. Neely said the area has never had any ponding and the fence is not necessary. The chain link fence shown on the definitive plan would be very unattractive.

Member Barringer noted that the depth of the pond could be up to eight feet as shown on the plan. The Board required the fence for safety reasons.

The Board said it would ask its engineer to monitor water levels over the fall and winter, particularly after major storm events, to determine if the fence is needed. The Board will request that the developer not install the fence until the Board has had the opportunity to monitor the situation over the winter.

MILL RUN PLAZA

Member Degen noted that there are 207 parking spaces at the Mill Run Plaza site. According to the spreadsheet, 184 spaces have been allocated to date and there are only 23 spaces left. He said the Board and Building Inspector should watch this carefully to be sure the uses on the site do not exceed the number of parking spaces available.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator