

**GROTON PLANNING BOARD
SEPTEMBER 8, 2005
MINUTES**

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

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

Member absent: Lewis and Barringer

SITE PLAN REVIEW – OLIVER WRIGHT MEADOWS

The Board continued its review of the Oliver Wright Meadows site plan. Applicant James Patierno, Attorney Robert Collins, and design engineer Robert Pine were present.

Mr. Pine requested that the Board extend the deadline and continue its review of the site plan to a later date because more engineering is required to correct the grading plan.

The Board voted unanimously to extend the deadline to October 31, 2005.

The Board voted unanimously to continue the site plan review on October 20, 2005 at 7:30 PM.

PUBLIC HEARING (con't) – AMANDA'S WAY DEFINITIVE PLAN

The Board continued the public hearing to consider the Amanda's Way definitive plan submitted by James Patierno to create three new lots off Lowell Road. Applicant James Patierno, Attorney Robert Collins, and design engineer Robert Pine were present.

Mr. Collins submitted a homeowners association agreement and draft deed for the open space. Public access will be guaranteed in these documents. Parking for the public will be within the right-of-way of the subdivision road as shown on the plan.

Member Degen said there is no detail for the proposed dry well shown on the plan. Mr. Collins said it will be added to the plan prior to endorsement.

Member Degen requested that language be added to the homeowner's association agreement stating that the road would not become a public way. Mr. Collins agreed.

The Board voted unanimously to close the public hearing.

The motion was made by Degen to approve the definitive plan entitled, "Definitive Subdivision – Amanda's Way, Groton, Massachusetts," prepared by Land Engineering & Environmental Services, LLC, dated January 25, 2005, with revisions through June 6, 2005, with the following waivers and conditions

Waivers:

1. **§346-8B(23) & 346-12B Street Lights.** The applicant requested a waiver of the requirement to install street lights.
2. **§346-10B(5) & 346-13D Granite Curbing.** The applicant requested a waiver of the installation of granite curbing at the roundings, street intersections and both sides of the roadway.
3. **§346-10C(2) Pavement Width.** The applicant requested a waiver to provide a 16-ft pavement width.
4. **§346-13A(1)(a)[3] Sidewalks.** The applicant requested a waiver from constructing a sidewalk because an unpaved pedestrian pathway will be constructed from Route 40 to the trail network on Parcel B.

Conditions:

1. **Compliance with Zoning and Subdivision Regulations.** The definitive plan and development of lots shown on said plan shall comply with Chapter 218 Zoning and Chapter 346 Subdivision of Land of the Code of the Town of Groton.

A registered land surveyor or registered professional engineer shall certify that each lot complies with Chapter 218, Zoning, on each Lotting Sheet prior to endorsement of the definitive plan.
2. **Street Names.** The name of this subdivision is “Amanda’s Way” and the name of the subdivision road is “Amanda’s Way.” The street name cannot be changed unless the Planning Board holds a public hearing and votes to modify the definitive plan because changing the street name may result in confusion for dispatching emergency vehicles to the site.
3. **Area Included in Subdivision and Limit on Number of Lots.** The Amanda’s Way subdivision includes approximately 7.5 acres depicted and described on the definitive plan within the ownership of the applicant and identified on Assessor's Map 250, Parcel 90. The definitive plan is approved for no more than four (4) building lots, including the lot with the existing house, as shown on the definitive plan which has been incorporated into and made a part of this Decision. No lot may be divided with the effect of creating a new building lot. No further subdivision of the parcels is to be permitted except for minor lot line modifications without a prior amendment approved by the Planning Board pursuant to Chapter 41, Section 81-W, MGL.
4. **Reduced Road Width – Reinforced Shoulders.** All roadways constructed at reduced width as permitted by waiver described above shall be constructed with reinforced shoulders not less than two (2) feet wide on each side of the roadway pavement. Said shoulders must be capable of supporting fully laden emergency vehicles in all weather operation. The shoulders shall be constructed in accordance with §346-10G Shoulders and § 346-22G Gravel Base. The Planning Board’s consulting engineer, in consultation with the Fire Chief, shall certify construction of said shoulders.
5. **Private Road and Stormwater Drainage Utility** –A Homeowners Association shall be formed which shall be solely responsible for maintenance of the road and drainage system. A performance bond in the amount of \$5000.00 shall be secured by the Applicant for the benefit of the Town of Groton to provide for maintenance of said road and drainage utility by the Town or their nominees in the event that the Homeowners Association or the Applicant, in turn, defaults. The Homeowners Association shall be responsible for maintaining a minimum balance of \$5000.00 in the escrow account. The Applicant shall provide to the Town of Groton an agreement, suitable in form and content, setting forth this understanding including all easements required to permit said maintenance.
6. **Amanda’s Way Trust & Public Access.** The “Amanda’s Way Trust” shall be recorded at the Registry of Deeds along with the definitive plan and this decision. As stated in the Trust document, the public shall have the right to utilize Amanda’s Way to access the trail network shown on the definitive plan. The agreement will be amended to include the following statement that, as required in Special Permit 2005-07: “The subdivision road will be a private way to be maintained by the Homeowners Association. Public access will be permitted. The road will not be eligible for acceptance by the Town as a public way.” The amended agreement shall be submitted to the Planning Board for review prior to the endorsement of the definitive plan.
7. **Landscaping.** – As offered by the applicant, evergreen trees and a 6 ft high stockade fence shall be installed as shown on the “Grading/Landscape Plan” (sheet 3 of 6) to provide screening for the abutters to the east and on the northerly side of Lowell Road. The applicant shall work with the Wallens, who own the abutting property, to provide suitable screening on the Wallens property, as offered by the applicant at the public hearing.
8. **Fire Protection.** As required in §346-12C Fire Protection and §346-13G Street Signs, the appropriate fire hydrants shall be inspected and approved by the Fire Chief. The street sign shall be installed prior to the issuance of building permits.

9. **Dry Well.** A detail showing dry well construction specifications shall be added to the definitive plan prior to endorsement.
10. **Erosion Control Permit.** 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. The erosion and sedimentation control plan shall be appended to the definitive plan as required in §346 8C (1) (c) [1] [c].
11. **Earth Removal.** The removal of any excess earth materials 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, § 10 Exemptions, states:

“The above exemptions do not cover the removal of earth materials from the premises involving topographical changes or soil-stripping or loam-stripping activities, nor shall the tentative or final approval of a subdivision plan be construed as authorizing the removal of earth materials from the premises, even though in connection with the construction of streets as shown on the plan.”

12. **Water Supply.** Public water shall be supplied to each lot in the subdivision as required in §346-12A of the subdivision regulations. The installation of the public water supply system shall conform to §346-12C Fire Protection, the specifications of the Groton Water Supply Department.
13. **Stumps & Brush.** No stumps, brush, wood waste, or construction debris shall be buried on site.
14. **ADA Requirements.** As required in §346-13A (2) of Subdivision Regulations, access ramps for the disabled shall be provided at all intersections and driveways. The ramps shall conform to the Architectural Access Board current regulations (521 CMR) and the Americans with Disabilities Act (ANSI A117.1) current regulations.
15. **Finished Grade Certification.** As required in § 346-8G(1) of the Subdivision Regulations, the as-built plan shall be certified by a Registered Professional Engineer that the grades on all lots have been established in compliance with the drainage and topographical plans and that said grades have been established so as not to create adverse drainage patterns onto adjoining lots or streets.
16. **Open Space.** The 130,881 square feet of open space shown as Parcel B shall be deeded to the Town to be managed by the Groton Water Department or made subject to a permanent conservation restriction held by the town pursuant to MGL chapter 184, §§ 31 to 33. The conservation restriction must be recorded at the Registry of Deeds. Satisfactory evidence of recording must be received by the Board and the Building Inspector prior to the issuance of any building permits.
17. **Recording.** This decision, Special Permit 2005-07, covenants, and restrictions shall be recorded at the Registry of Deeds at the same time as the definitive plan. No construction or site alteration shall commence until the applicant submits satisfactory evidence of such recording to the Planning Board.
18. **Covenant or Bond.** Prior to endorsement of the definitive plan, the subdivider shall comply with § 346-8E(1) “Final Approval With Bonds” or Surety or § 346-8E(2) “Final Approval With Covenant.” Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
19. **Special Permits.** This subdivision is subject to Special Permit PB #2005-08, granted by the Planning Board and filed with the Town Clerk on August , 2005. All conditions of such special permit are applicable to the development of this subdivision.

20. **Successors.** The conditions of the definitive plan approval apply to any successor in interest or successor in control.

The motion was seconded and passed unanimously.

GROTON WOODS CONFIRMATORY LOT RELEASE

Attorney Robert Collins requested that the Board sign a confirmatory lot release for the Groton Woods subdivision. The original lot release, executed in 1996, contained a typographical error in the book and page number.

The motion was made by Perkins to sign the Groton Woods confirmatory lot release. *The motion was seconded and passed with Clements, Eliot, Perkins, and Wilson in favor; Degen abstaining.*

SITE PLAN MODIFICATION - BOSTON ROAD MARKETPLACE

The Board reviewed the proposed modification of the site plan for the Boston Road Marketplace. Gregory Rollo of Shaw's, and engineers Gregg Mikolaties and Michael Mates of Appledore Engineering were present.

The revised plans included a change to the color of the rear of the Shaw's building and additional plantings along Boston Road to screen the Verizon utility box. The areas where new buildings will be constructed at a later date will be loamed and seeded rather than paved. The plantings around the future buildings will not be installed now, but six additional trees will be planted along the entrance road from Sandy Pond Road.

Mr. Mikolaties said Shaw's would like to start training employees on October 1 and open its store October 21, but Verizon and MassHighway's work will not be done until November. He requested that the Board modify the condition of approval requiring that the traffic light be operational before the store can open. Mr. Mikolaties also requested that the sidewalk from the retention pond to the future Rocky Hill subdivision not be constructed until the subdivision road is constructed.

Mr. Mates said he met with Peter Flinker of Dodson Associates, the Board's landscape architect, and agreed to all the changes he suggested including planting street trees in MassHighway's right-of-way with the consent of MassHighway.

Member Wilson said he agreed with the proposed changes and stated that he likes the existing "Mayflower Red" color at the rear of the building. Member Eliot said she preferred the gray color better.

Member Perkins said she had no problem with Shaw's training its employees before the traffic light is working, but opening the store is a different matter with the amount of traffic that will be added to this very problematic intersection.

Mr. Rollo said Shaw's has encountered this situation with other stores. Shaw's is willing to pay for traffic officers. He said they would coordinate traffic supervision with the Police Department.

Member Perkins stated that she prefers the brown shade for the rear of the building. She asked when the trees would be planted. Mr. Mikolaties said the plantings would be started in the next week.

Member Degen said he prefers the gray color on the rear of the building because it would blend in better. He said he would like to see more trees planted along Boston Road and more screening along the side of the building. He said the snow storage areas have been eliminated by the phasing plan. Mr. Mates said the snow would be hauled off site. Member Degen said there must be a temporary snow storage area designated in a location that does not interfere with parking or public safety vehicle access. He suggested asking the public safety departments to comment on the proposed phasing plan to be sure emergency vehicles will be able to access the entire site. Mr. Mates said they would meet with the Police Chief and Fire Chief.

Member Degen noted that the site plan approval dated March 27, 2003 requires that the traffic light be operational

before occupancy. He suggested that Shaw's hire three officers, one at each entrance and one at the intersection during peak traffic hours, subject to the Police Chief's approval. Mr. Mates agreed.

Chairman Clements asked if Shaw's is willing to plant the trees along Route 119 as previously discussed. Mr. Mates said, "yes," when MassHighway grants permission.

Member Eliot asked about delivery truck access to the rear of the site. Mr. Mikolaties said a route will be available for deliveries. He noted that Shaw's controls the whole site including the contractors working on other buildings.

Chairman Clements said the condition that the light be operational before the store opens is reasonable. The Board must have clear direction from the Police Chief before it can consider amending that condition.

Member Perkins said it is also important to hear from MassHighway as well as from the Town's public safety officials.

Mr. Mikolaties said Shaw's must open before November 1 to be ready for the holiday season. Otherwise, the store will not open until next April.

Chairman Clements said he prefers the darker shade of color for the rear of the building.

The motion was made by Perkins to approve the change in the color of the rear elevation to "CMU – Option A, AC-36 Shenandoah Taupe," as shown on the "Proposed Elevations Plan," dated August 30, 2005. ***The motion was seconded and passed unanimously.***

The Board voted to continue the site plan review on September 15, 2005 at 7:00 PM.

AFFORDABLE HOUSING – 411 NASHUA ROAD

The Board met with Brett and Kristen Masotta and Daniel and Adrienne Martin, residents of the affordable duplex units at 411 Nashua Road. The two affordable units were created as required in the special permit granted for the Meadow Brook subdivision. The Masottas and Martins requested that the restrictions requiring that the units remain affordable be lifted from their deeds. They said they paid full value for the units and have paid taxes on the full value.

Chairman Clements noted that the deeds state that each unit was sold for \$105,000 which was the affordable rate when the units were purchased in 2000. The deeds and the condominium documents contain the affordable housing restrictions. Member Perkins added that this price was the affordable price under DHCD guidelines in 2000 and the units were not sold at full market value. Today's affordable housing units are selling for approximately \$170,000.

Member Degen said the two affordable units were required under the special permit for the Meadow Brook subdivision. The Board would have to modify the special permit in order to change any of the requirements.

The Masottas and Martins said they were never properly qualified and a lottery was not held since these units were the first created units under the local affordable housing provisions. Member Perkins said the buyers must have been qualified under DHCD guidelines at the time they purchased the units in order to comply with the inclusionary zoning provisions and special permit.

Mr. Masotta said they did not understand the restrictions when they purchased the units. Member Perkins noted that they were present at the Planning Board meetings when the matter was discussed in 2000. Mr. Masotta acknowledged that they were at the meetings.

Planning Administrator Michelle Collette said she spoke with the staff at the DHCD, and a letter from the DHCD is forthcoming.

Board members agreed that the restrictions in the deed should remain in place because the units were created under the Town's inclusionary zoning provisions.

SITE PLAN REVIEW QUESTION – RUTLEDGE, TOWNSEND ROAD

The Board met with James Rutledge to discuss the proposed change of use for his business zoned property on Townsend Road. Mr. Rutledge said he renovated the building into office space as shown on the approved site plan. However, he has not been able to sell the property so he is converting it to residential use. The Building Inspector advised him to inform the Planning Board about the proposed change of use.

Member Perkins asked where the residents would park. Mr. Rutledge said on the other side of Townsend Road on an easement granted by the MBTA. A copy of the easement was submitted to the Planning Board during the site plan review process.

The motion was made by Degen to waive the requirement for Site Plan Review for the use described in the letter dated March 28, 2005 from Rutledge to the Board of Health with the understanding that there is parking available on land leased from the MBTA, as offered by the applicant because Site Plan Review is not required for residential use. ***The motion was seconded and passed unanimously.***

The motion was made by Degen to approve the proposed change of use from business to residential use because the use is permitted in a B-1 District under 218-13 Schedule of Use Regulations, provided that the applicant complies with all Building Code and Board of Health requirements. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator