

**GROTON PLANNING BOARD
OCTOBER 20, 2005
MINUTES**

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

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

Members absent: Barringer and Wilson

SITE PLAN REIVEW - OLIVER WRIGHT MEADOWS

At the request of the applicant, the Board voted unanimously to continue its review of the Oliver Wright site plan to October 20, 2005 at 8:15 PM.

MONARCH PATH PRELIMINARY PLAN

The Planning Board continued its review of the Monarch Path preliminary plan submitted by Ebrahim Masalehdan to create 14 lots on land located on Gilson Road. Applicant Ebrahim Masalehdan, Attorney Donald Hill, design engineers David Buhlman and Daniel Sweeney of TF Moran Engineering and several abutters were present.

Mr. Buhlman submitted a revised profile of the roadway that avoids the bedrock outcropping. The new plan addresses all violations of the seven-foot cut and fills limits. The applicant is seeking approval of this preliminary, conceptual plan for 14 building lots. All additional comments will be addressed at the special permit and definitive plan stages.

Chairman Clements asked if the applicant submitted an Abbreviated Notice of Resource Area Delineation (ANRAD) with the Conservation Commission yet. Mr. Buhlman said not yet, but the wetlands were flagged in 2004.

Chairman Clements noted that the Board received a letter dated October 12, 2005 from the Division of Fisheries and Wildlife indicating that review by the Natural Heritage and Endangered Species Program (NHESP) is required.

Member Eliot asked if the Board had a report from Judith Nitsch Engineering, Inc. (JNEI) yet. Planning Administrator Michelle Collette said, "no" because JNEI just received the plans two days ago.

Member Perkins said the Board cannot be sure that all the cut and fill issues have been resolved until it receives JNEI's report.

Member Degen said the applicant must demonstrate that he can create 14 lots by right to determine the Basic Number of Lots. He asked if any bonus lots or TDR's will be requested. Mr. Buhlman said, "yes," to meet the affordable housing requirements.

Member Degen said the Board cannot approve the Basic Number of Lots plan until the Conservation Commission confirms the wetlands delineation and it receives the report from JNEI.

Member Lewis said this is only a preliminary plan for discussion purposes. There is no guarantee that the lots will be buildable at this stage and the preliminary plan does not determine the Basic Number of Lots. He asked about the length of the proposed cul de sac. Mr. Buhlman said it is 1000 ft long.

Member Degen asked if the applicant understood that the preliminary plan is not a yield plan and that a yield plan is required with the application for a special permit for Flexible Development. Mr. Masalehdan, said, "yes." Mr. Buhlman said they will submit the yield plan, at 1" = 40' scale, with the application for a special permit.

The motion was made by Lewis to grant a waiver and allow submission of the preliminary plan at 1"=100' scale. *The motion was seconded and passed unanimously.*

The Board voted unanimously to extend the deadline to November 15, 2005 as requested by the applicant.

The Board voted unanimously to continue its review of the preliminary plan on November 3, 2005 at 8:00 PM.

SITE PLAN REVIEW - OLIVER WRIGHT MEADOWS

Attorney Collins requested that the Board extend the deadline and continue its review of the site plan to a later date.

The motion was made by Perkins to extend the deadline to December 31, 2005 as requested by the applicant. The motion was seconded.

The motion was made by Degen to amend the main motion and extend the deadline to November 30, 2005. *The motion to amend was seconded and passed unanimously.*

The main motion was seconded and passed unanimously.

The Board voted unanimously to continue review of the plan on November 17, 2005 at 7:30 PM.

ANR PLAN – JUANITA ROLLINS, SAND HILL ROAD

The Board considered the Approval Not Required (ANR) plan submitted by Juanita Rollins to create one new lot on Sand Hill Road.

Attorney Ray Lyons presented the plan to the Board. He said there will be a 50 ft wide buffer along the rear of the property to provide screening along the Nashua River Rail Trail. There are no wetlands on the property.

The motion was made by Perkins to endorse as Approval Not Required the plan entitled, “Plan of Land, Sand Hill Road, Groton, MA; Owner: Juanita Rollins,” prepared by Ducharme & Dillis, dated September 14, 2005. *The motion was seconded and passed unanimously.*

SITE PLAN REVIEW - HOLLINGSWORTH & VOSE

The Board reviewed the site plan submitted by Hollingsworth & Vose (H&V) to construct a covered walkway to the Research and Development building. Design engineer Robert Pine presented the plan.

Mr. Pine said the building is located on a knoll so the walkway slopes down toward the parking lot. H & V would like to construct a stepped walkway to provide easier access for employees. Existing parking for disabled people is located close to the building. H & V would like to finish the project prior to winter. Drainage flows to an existing catch basin on the site so there is no net increase in runoff.

Member Lewis asked where parking for the disabled is located. Mr. Pine said, “near the door.”

Member Degen asked if there would be glass panels on the sides of the covered walkway. Mr. Pine said they would be tempered glass with recessed lighting. Member Degen said there should not be any glare from the light. Mr. Pine agreed.

The motion was made by Eliot to approve the Level I site plan entitled, “Hollingsworth & Vose Company, West Groton Mill, Covered Walkway from R & D to Parking Lot,” dated October 14, 2005 with the following conditions:

1. Lighting shall be recessed in the structure as stated by the applicant. Lighting shall be shielded so there is no glare. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h).
2. Parking for the disabled and access to the building shall comply with the requirements of the Architectural Access Board Regulations, 521 CMR, and the Americans with Disabilities Act, if applicable.
3. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.

The motion was seconded and passed unanimously.

AMANDA'S WAY DEFINITIVE PLAN ENDORSEMENT

The motion was made by Degen to endorse the Amanda's Way definitive plan. *The motion was seconded and passed with Clements, Degen, Eliot, and Perkins in favor; Lewis abstaining.*

SITE PLAN REVIEW – PETERBOROUGH OIL

The Board continued its review of the site plan submitted by Peterborough Oil to renovate the existing gasoline station located at the intersection of Boston Road and Old Ayer Road. Attorney Collins represented the applicant at the meeting.

Mr. Collins submitted new exterior drawings, but no traffic analysis was done for this site. However, he submitted a letter dated October 18, 2005 citing projected trip generations for the AM and PM peaks based upon the trip generation manual. According to the studies, this site would generate 55 AM trips and 27 PM trips.

Mr. Collins continued that lighting will be shielded so it will not create glare. The canopy will be clad but the roof cannot be changed, according to the Building Inspector, because it is a non-conforming structure.

Chairman Clements read the letter dated October 14, 2005 from Edward and Elizabeth Strachan regarding the alteration of a non-conforming use.

Mr. Collins replied that the Building Inspector determined that the proposed alterations are permissible without a special permit from the Zoning Board of Appeals. He said he appreciates the abutters' concerns, but the applicant is only trying to make the site more attractive. He said the number of pumps will not change, the building is the same, and the canopy will remain the same.

Member Perkins said there seems to be unresolved questions regarding the non-conforming issues.

Member Degen said he still has questions about parking especially in front of the dumpster and near the pumps. He said the retail uses at this gas station have expanded since 1963. This proposal far exceeds what zoning allows.

The motion was made by Degen to request a legal opinion from Town Counsel on the matter. After some discussion, Member Degen withdrew his motion.

Mr. Collins said the Building Inspector is the Zoning Enforcement Office under Chapter 40A, section 7. Member Lewis agreed and stated that an abutter can appeal the Building Inspector's decision to the Zoning Board of Appeals. Chairman Clements agreed.

Abutter Michael Weinberg said the proposed plan is the least intrusive of all the plans. However, he is still worried about traffic congestion and noise. He is in favor of appealing the matter to the ZBA.

Camilla Blackman said this was a gas station in 1963 when zoning districts were adopted. It is a grandfathered use and cannot be shut down, but the Town should not allow the applicant to add to the non-conformity in this residential district.

Arthur Blackman expressed concern for the abutters to this non-conforming use. The law determines how non-conforming uses should be treated. The Building Inspector made the wrong determination. The Planning Board owes it to the Town to follow up with Town Counsel in this case. He said the Board must take this matter seriously and see if the Building Inspector made a mistake in his determination that a special permit is not required rather than relying on townspeople to incur legal expense.

Abutter Paula Weinberg said the abutters are looking to the Planning Board for assistance in this process.

Member Perkins expressed concern about the expanded use and additional retail sales. She said there are not enough parking spaces for the expanded use. Attorney Collins said the number of parking spaces complies with the

requirements in § 218-23 Off Street Parking based upon the square footage of the building for this type of use.

Member Perkins said expansion of the store will result in more parking on site during peak traffic hours. She said she does not believe there are enough valid parking spaces because some parking spaces are near the dumpster and some are too close to Route 119.

Attorney Collins requested that the Board continue its review on November 17, 2005.

Paul Palmer, owner of the Groton Exchange, said it took him 13 months to go through the approval process including environmental impact studies and traffic studies. He said there is no defined access and egress to the Peterborough Oil site.

Member Degen said he did not agree with the Building Inspector's opinion and recommended that the Board request an opinion from Town Counsel. He agreed with Member Perkins that there are not enough parking spaces on the site and that the dumpster is not accessible if cars are parked in front of it.

Member Lewis said there are serious parking problems with this site forcing cars to back out onto Route 119. He said this is the first time the Board has conducted Site Plan Review for a property in an R-A District since he has been on the Board.

The motion was made by Perkins to request that Town Counsel review the letter from Edward and Elizabeth Strachan on the questions of alteration or expansion of a non-conforming use. ***The motion was seconded and passed with Clements, Degen, Lewis, and Perkins in favor; Eliot opposed.***

The motion was made by Degen to deny approval of the site plan because there is not adequate parking.

Member Lewis said the Board must give the applicant an opportunity to respond.

The motion was seconded and defeated with Degen in favor; Clements, Eliot, Lewis, and Perkins opposed.

The motion was made by Perkins to extend the deadline to November 30, 2005 as requested by the applicant. ***The motion was seconded and passed with Clements, Eliot, Lewis, and Perkins in favor; Degen opposed.***

The motion was made by Perkins to continue the site plan review on November 17, 2005 at 8:00 PM. ***The motion was seconded and passed with Clements, Eliot, Lewis, and Perkins in favor; Degen opposed.***

SHAW'S LIGHTING

The Planning Board received complaints from the Four Corners Neighborhood Association regarding the lights at Shaw's staying on all night. The Board will call Shaw's and remind them about the condition of the site plan approval to shut down some of the lights after the store closes.

MILL RUN DRAINAGE ISSUES

The Board discussed drainage problems that occurred over the previous weekend (October 15 and 16, 2005). Detention basin #3 overflowed and flooded abutting properties at 10 and 26 Anthony Drive.

Member Degen said the drainage system handled the rainstorm that occurred on the October 7-9 weekend. He questioned whether the third basin intercepts the groundwater table since it does not drain within 48 hours.

Selectman Peter Cunningham said the Selectmen are very concerned about the situation and will not release the performance bond until the matter is resolved.

Member Lewis said flooding is a critical public health and safety issue that should come under the jurisdiction of the Board of Health.

Highway Surveyor Tom Delaney suggested that water be pumping into the Route 119 storm drain system in the event

of an emergency.

The motion was made by Perkins to require that Ryan Development submit a modification of the Mill Run Plaza site plan to redesign detention basin #3 and to recommend that the Building Inspector hold occupancy permits for Building #5. ***The motion was seconded and passed unanimously.***

The motion was made by Eliot to send a letter to the Board of Selectmen requesting that the Selectmen direct the Building Inspector to issue a stop work order on Groton Residential Gardens until there is satisfactory resolution of the drainage problems. ***The motion was seconded and passed unanimously.***

Ray Capes, owner of the 10 Anthony Drive property, said construction of Groton Residential Gardens resulted in significant grade increase at the development site. He said the engineering for this project was not well thought out. He expressed concern that there could be more flooding that may cause damage to his house in the spring. He said he has been pumping water all day and all night.

Member Eliot asked if the house is on an on-site septic system or town sewer. Mr. Capes said it is connected to the Town's sewer system.

The motion was made by Lewis to request that the Board of Health test the water in the detention basin where it is overflowing to 10 Anthony Drive. ***The motion was seconded and passed unanimously.***

The motion was made by Degen to recommend that the Building Inspector issue a Cease and Desist for construction at building #5 and that no additional occupancy permits be granted for units at Mill Run Plaza. ***The motion was seconded and passed unanimously.***

SPECIAL TOWN MEETING ARTICLES

The Board considered its report to Town Meeting on the Community Preservation Committees articles. David Manugian of the Fitch's Bridge Committee was present for the discussion.

The Board voted unanimously to support the article requesting \$60,000 for structural engineering to repair Fitch's Bridge.

The motion was made by Perkins to support the article requesting \$185,000 to be added to the Conservation Fund. ***The motion was seconded and passed with Clements, Degen, Eliot, and Perkins in favor; Lewis opposed.***

The Board voted unanimously to support the article requesting \$81,000 for the Groton Housing Authority to purchase nine affordable units on Sandy Pond Road. The project will be financed by Mass Housing Partnership.

The Board voted unanimously to support the article requesting \$23,900 to replace docks at Sargisson Beach.

The motion was made by Perkins to support the article requesting \$22,000 for the Historical Commission's inventory. ***The motion was seconded and passed with Clements, Degen, Eliot, and Perkins in favor; Lewis opposed.***

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

