

**GROTON PLANNING BOARD
FEBRUARY 16, 2006
MINUTES**

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

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

PUBLIC HEARING – REEDY MEADOW ESTATES

The Planning Board continued the public hearing on the Reedy Meadow Estates definitive plan and special permits. Design engineer Gary Shepard of David Ross Associates and Attorney Robert Collins were present.

Mr. Collins said this plan has been under review for a long time so issues could be resolved with the Natural Heritage and Endangered Species Program (NHESP). He said the plan shows five acres of land to be developed and 14 acres to be protected as open space. Houses will be located around a green area and surrounded by open space.

Mr. Shepard said there will be ten units with two bedrooms each. A common sewage disposal system will be used. The applicant is working with the Groton Water Department and the Pepperell Water Department to extend public water from the Town of Pepperell. The intermunicipal agreement must be approved by a vote of Town Meeting in both towns.

The proposed subdivision road, Red Pepper Lane, is 772 ft long. Stormwater generated in Groton will remain in Groton, and stormwater generated in Pepperell stays in Pepperell.

Member Degen asked if lots in Pepperell will have access on Red Pepper Lane. Mr. Collins said the proposed plan was worked out in detail with the NHESP and conservation restrictions will protect the undeveloped land. Member Degen asked if Red Pepper Lane would be constructed to “lane” standards. Mr. Shepard said, “yes,” the pavement width is 25 ft within a 50 ft wide right-of-way.

Member Degen said the Basic Number of Lots plan must show two access points in Groton to confirm that the lots can be created without waivers.

Member Perkins asked about frontage on the corner lot. Mr. Shepard said there is more than 550 feet of frontage so the lot meets the corner lot requirements.

Member Perkins asked if the open space would be owned by the homeowners association. Mr. Collins said he is not sure who will own the land yet, but the Town and the Commonwealth will hold the conservation restriction as required by NHESP.

Member Lewis asked if NHESP has authority over the land in Pepperell. Mr. Collins said, “yes.”

Member Lewis asked if the Basic Number of Lots plan was reviewed by Judith Nitsch Engineering, Inc. (JNEI) to confirm that there are ten lots. Mr. Shepard said, “yes,” the plan was reviewed by JNEI a few months ago. Planning Administrator Michelle Collette said the Board received a report dated November 3, 2005 from JNEI.

Member Perkins asked about sidewalks. Mr. Shepard said there are sidewalks shown on the plan. Member Degen suggested moving the sidewalk to the other side of the street.

Member Wilson asked about the common sewage disposal system. Mr. Shepard said it will be located in the common in the center of the development area.

Chairman Clements confirmed that the conservation restriction will be held on both open space parcels. Mr. Collins said, “yes,” and the restriction will be enforceable by the Town and the Commonwealth Department of Fisheries and Wildlife.

Member Degen asked about the amount of cut and fill at Station 2+75 ft. Mr. Shepard said it is 2.5 feet.

Member Degen asked if the project is for people 55 and older. Mr. Shepard said, "yes," and two affordable units will be included.

The Board voted unanimously to extend the deadline to April 30, 2006 as requested by the applicant.

The Board voted unanimously to continue the public hearing on April 6, 2006 at 7:30 PM.

MILL RUN PLAZA

(Member Wilson left the meeting and did not participate.)

The Board continued its annual review of the Mill Run Plaza site. Hydrogeologist William Beyer of Fay, Spofford & Thorndike presented his observations to the Board. Attorney Collins represented Ryan Development at the meeting.

Mr. Beyer said he did not review the drainage calculations for the site, but he did observe conditions in the field. He stated that more water has been introduced into the local groundwater system and the groundwater elevation may be higher than suspected. The tests logs provided by the applicant show groundwater 5-6 ft below the surface, but those tests were performed in September of 2001. He said it is very important to determine the high groundwater elevation. The direction of flow is toward 10 Anthony Drive, and detention basin #3 is upgradient from 10 Anthony Drive. Groundwater mounding may be raising groundwater elevations in this area.

Mr. Beyer summarized his observations that there is more groundwater, the groundwater flow is toward 10 Anthony Drive, the groundwater elevation is higher in this area, and a dam was constructed by the retaining wall on the Groton Residential Gardens site.

Chairman Clements asked if the water problems at 10 Anthony Drive are a result of this project. Mr. Beyer said, "yes," it looks like there is a cause and effect.

Member Degen said Basin #3 is supposed to drain within 48 hours of a storm event. He asked if there is a hydrologic connection between water in the basin and off-site impacts. Mr. Beyer said groundwater and surface water are linked and it is a good possibility. He said more information is needed on soil conditions and soil mottling to determine whether the soils can accept the stormwater. More detailed evaluation is needed in the field.

Member Lewis stated that the Board requested that the applicant do more testing, but he refused. He said the basin should drain within 48 hours and the Board must know what types of soils are in the basin.

Member Barringer asked if the soil mottling is used to determine high groundwater elevation. Mr. Beyer said, "yes," oxidation changes can be observed that will show the variation between high and low groundwater levels. Member Barringer asked if the water level in the basin is raising the groundwater elevations. Mr. Beyer said, "yes."

Member Eliot noted that the land has been disturbed. All the natural soil has been removed and replaced with fill.

Member Degen asked if the soil testing should be done on the 10 Anthony Drive lot. Mr. Beyer said, "yes."

Chairman Clements asked if the level of flooding off site is impacted by the water levels in the basin. Mr. Beyer drew a cross section to demonstrate the relationship between groundwater and surface water and the effects of groundwater mounding.

Member Barringer said the detention basin is located at the property line with 10 Anthony Drive. The basin is contained by a dyke built above the house on 10 Anthony Drive. Mr. Beyer said the pre-development plan shows the elevation of the bottom of the basin at 215 ft. The elevation in the back yard at 10 Anthony Drive is also 215 ft. Member Barringer said then the basin impacts groundwater elevations at 10 Anthony Drive. Mr. Beyer said, "yes."

Member Perkins said the causal relationship is clear. She asked what could be done to correct the flooding. She noted that the retaining wall constructed for Groton Residential Gardens has created a dam. Mr. Beyer said decreasing the amount of water in the basin and allowing surface water to drain from the yard would both help.

Member Lewis stated that the water flowed toward the wetlands in the past. The Groton Residential Gardens site is elevated by 3-4 feet and created a dam so the water has nowhere to go. The Fire Department recently pumped water a distance of 2000 ft from 10 Anthony Drive to the wetlands to help alleviate the flooding.

Member Degen said Mr. Beyer has confirmed what the Planning Board has been saying all along. The design engineer who stamped the plan must design the solution. Member Lewis agreed that the basin has failed because it does not drain. The applicant is responsible for finding a solution.

Chairman Clements asked Mr. Beyer if he had enough information to prepare his report. Mr. Beyer said more soil testing would be helpful.

Abutter Carrie Kneeland expressed concern about her neighbor with a flooded crawl space because the furnace is located in the crawl space. She said it is an urgent situation.

Member Degen asked if FST could perform soil testing at 10 Anthony Drive. Homeowner Ray Capes gave his permission for testing on his land. He said he is looking for a solution to prevent water from coming onto his lot and flooding his crawl space. He said he has pumped the crawl space but the water comes back within a day.

Chairman Clements asked if the soil testing is included in FST's scope of services. Mr. Beyer said, "yes."

Carrie Kneeland asked if tying the drainage system into MassHighway's storm drain would correct the problem as discussed with the Zoning Board of Appeals in November. Member Lewis noted that water may back flow from MassHighway's system during severe storms.

Member Degen noted that the Board received four letters from Bowditch & Dewey representing Ryan Development. Mr. Collins said he is representing Ryan Development for Mill Run Plaza, not for Groton Residential Gardens. He stated that it is in everyone's interest to resolve the matter.

Member Barringer asked if Mr. Collins could give the Board's engineer permission to enter the Groton Residential Gardens site. Mr. Collins said he did not have that authority.

Property manager Scott Viscariello, representing the Mill Run unit owners, said the Board's engineer may enter the Mill Run Plaza site.

The Board discussed the parking problems at Mill Run Plaza with property manager Scott Viscariello, who said he was representing the unit owners but not the applicant. Mr. Viscariello said the allocation of parking spaces is based upon the tracking of uses and waivers granted by the Planning Board. He said he counted parking spaces on the site and confirmed that there are 205 spaces. On average, 119 spaces are empty with the present uses.

Mr. Collins said the unit owners did a very thorough analysis based upon the uses that are on site today. The site is not fully occupied, but the Board can use the numbers as a rough correlation with the number of occupied units and number of parking spaces.

Member Barringer said many businesses are still new and building their client base. Parking needs may increase as the businesses are better established.

Member Perkins said she did not come up with the same number of parking spaces. There should be forty one additional spaces if all units are occupied. She asked if the buildings are larger than those shown on the plan. Mr. Collins said the Board should ask the Building Inspector to confirm the size of the buildings.

Mr. Viscariello said the unit owners are trying to work together to resolve the situation. They will take responsibility and work with the Planning Board.

Mr. Collins said the percentage of available parking spaces coincide with the percentage of vacant units. The requirements of §218-23 provide guidance for the most intense use.

Member Perkins said it would be helpful to know the number of employees per business as well as the number of anticipated customers.

Member Degen asked if the unit owners are requesting the Board to waive the parking requirements and let the unit owners work it out internally. Mr. Viscariello said, “no,” they are asking that the Board allow people to obtain occupancy permits and the group will develop an overall parking plan.

Member Lewis said any parking plan must be submitted to the Board for its review and approval. Mr. Viscariello reiterated that the unit owners are not requesting a blanket waiver. Solutions are needed for the future.

Member Barringer said the unit owners are making a good start in addressing the issue for the existing uses, but this does not address future uses and parking needs.

The motion was made by Degen to request that Town Counsel respond, on behalf of the Planning Board, to the letters from Bowditch and Dewey on this matter. ***The motion was seconded and passed unanimously.***

The motion was made by Degen to request that Robert Walker of Ryan Development attend the next Planning Board meeting. After some discussion, Member Degen withdrew his motion.

The motion was made by Degen to request that Robert Walker of Ryan Development authorize his legal counsel to speak on his behalf and respond to requests from the Planning Board. ***The motion was seconded and passed with Barringer, Clements, Degen, and Eliot in favor; Lewis opposed; Perkins abstaining.***

The Board will request that its engineer, William Maher of JNEI, clarify his measurements of the sizes of the buildings.

The Board will continue its discussion of Mill Run Plaza on February 23, 2006 at 7:30 PM.

ANR PLANS

Lacombe, Forge Village Road - The Board considered the Approval Not Required plan submitted by Dennis Lacombe to change lots lines between two existing lots on Forge Village Road. Attorney Robert Collins presented the plan.

Mr. Collins said Lot 1 has 80,000+ sq ft and the Lot 2 will have 60,000 sq ft as a result of a combination of an existing lot with Parcel A. The existing lot is grandfathered under Chapter 40A, §6, because it has more than 5000 sq ft area and 50 ft frontage.

Member Lewis said ANR endorsement does not determine compliance with zoning. Mr. Collins agreed.

The motion was made by Degen to endorse as Approval Not Required the plan entitled, “Plan of Land in Groton, Massachusetts, For: DML Custom Homes,” prepared by Stamski & McNary, dated January 18, 2006. ***The motion was seconded and passed unanimously.***

Mavilla-Hurd, Boathouse Road - The Board considered the Approval Not Required lot submitted by Frank Mavilla and to change lots lines between lots on Boathouse Road. Surveyor Stan Dillis presented the plan.

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

Massachusetts, Owner: Frank Mavilla,” prepared by Ducharme & Dillis, dated January 24, 2006. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 10:30 PM

Respectfully submitted,

Michelle Collette
Planning Administrator