

**GROTON PLANNING BOARD  
MARCH 23, 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 – ZONING AMENDMENTS**

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the following proposed zoning amendments:

**ARTICLE .** To see if the town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton by deleting existing section 218-30 Water Resource Protection Districts in its entirety, and by substituting therefor a new section 218-30 Water Resource Protection Districts, the text of which is on file in the Office of the Town Clerk.

**ARTICLE .** To see if the town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton by deleting existing section 218-23 Off-Street Parking and Loading, subsections A, B, and C, and by substituting therefor a new section 218-23 Off-Street Parking and Loading, subsections A, B, and C, the text of which is on file in the Office of the Town Clerk.

**ARTICLE .** To see if the town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton by deleting existing section 218-25 Site Plan Review in its entirety, and by substituting therefor a new section 218-25 Site Plan Review, the text of which is on file in the Office of the Town Clerk.

**ARTICLE .** To see if the town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, Section 218-26 Flexible Development, subsection I Affordable Component, by deleting the following provision:

“(1) As a condition of the grant of any special permit for a flexible development for any development creating more than 10 dwelling units, affordable units shall be required as follows:

“(a) Ten percent of the units shall be affordable to persons or families qualifying as low income; or

“(b) Fifteen percent of the units shall be affordable to persons or families qualifying as moderate income.”

And by replacing it with the following:

“(1) As a condition of the grant of any special permit for a flexible development for any development creating more than 10 dwelling units, affordable units shall be required as follows:

“(a) Fifteen percent of the units shall be affordable to persons or families qualifying as low or moderate income.”

Chairman Clements called the public hearing to order at 7:30 PM. Clerk Barringer read the notice published in the March 10 and 17, 2006 issues of *The Groton Herald*.

Selectman Winn Nordblom expressed concern about the proposed reduction in the number of on-street parking spaces from ten to five allowed for businesses in the Town Center. Member Lewis explained how the credit was established in 1990 to accommodate businesses in the Town Center. At the time, the Board anticipated that a public parking area would be constructed in the near future. However, no municipal parking lot has been constructed to date.

The Board discussed how to handle parking spaces for take out restaurants that do not have seating for customers. The Board will research how many parking spaces are required for take out restaurants in other communities.

Selectman Peter Cunningham said he, too, is concerned about the impact of the changes in the parking requirements on businesses in the Town Center that have no room for off-street parking.

Member Degen said the Board must adjust the credit for off-street parking by limiting the geographical area in the Town Center that would receive credit for on-street parking to avoid encouraging people to park on Route 119 in inappropriate locations.

Robert Collins suggested that the Board delete, “not less than five per enterprise” in the entry on banks because it does not make sense. The Board will do more research on parking requirements for banks in other communities.

Selectmen Nordblom questioned whether the proposed changes to the Site Plan Review provisions would make the process more difficult and costly for the applicants.

Member Degen explained that the existing by-right, administrative provisions for Site Plan Review worked well until quite recently. If the proposed amendment is adopted, Level I will still be by-right, but Level II and Level III will require a special permit. This will enable the Board to collect funds to cover engineering costs when the application is submitted to the Board.

Mr. Collins asked why site plan review is not required for grading changes. The Board said the Stormwater Management Regulations will deal with sites with only grading issues.

The Board said it would clarify the requirements to be clear that site plan review is also required for renovations.

The Board will have to re-advertise the public hearing on the inclusionary zoning provisions because a section was omitted from the legal notice.

Mr. Cunningham asked if the inclusionary units would count toward the State’s subsidized housing inventory. The Board said, “yes.”

The Board voted unanimously to continue the public hearing on April 20, 2006 at 8:00 PM.

## **ANR PLANS**

**Sampas, Broadmeadow Road** – The Board considered the Approval Not Required plan submitted by Betty Sampas to create a non-buildable parcel to be conveyed to abutting landowner, Virginia Wood. Surveyor Stan Dills presented the plan. Mrs. Wood was present.

The motion was made by Degen to endorse the plan entitled, “Plan of Land in Groton, Massachusetts, Prepared for Betty Sampas,” surveyed by Ducharme and Dillis, dated March 14, 2006. ***The motion was seconded and passed unanimously.***

## **GAMLIN PRELIMINARY PLAN EXTENSION**

The Board received a letter dated March 17, 2006 from Ducharme & Dillis requesting an extension of the deadline for the Gamlin preliminary plan to July 30, 2006. The motion was made by Perkins to extend the deadline to July 30, 2006 as requested by the applicant. ***The motion was seconded and passed with Clements, Barringer, Eliot, Perkins, and Wilson in favor; Degen and Lewis abstaining.***

## **MILL RUN PLAZA – SITE PLAN MODIFICATION** (Member Wilson did not participate and left the meeting.)

The Board met with Attorney Robert Collins regarding the modification of the Mill Run Plaza site plan. Attorney

Collins submitted a letter dated March 23, 2006 with suggested conditions. He said the changes to the drainage system will be prepared by the design engineer in response to the FST & JNEI reports. The proposed changes will address stormwater guidelines and should rectify the problems at 10 Anthony Drive. Mr. Collins said new as-built plans were submitted to the Board. The plans have not been reviewed yet since the Board has no engineering funds left in its budget.

Mr. Collins said the parking lot needs to be re-striped, the plantings must be replaced, and erosion problems must be corrected. The sidewalks were shown on the plan as poured concrete but they were installed as bituminous pavement. However, there is no functional difference in the material. Mr. Collins said parking at the site is not a problem today. If it becomes a problem in the future, the parking lot could be reconfigured with diagonal spaces and one-way traffic. This would allow more spaces to be created.

Member Degen said diagonal spaces are larger than perpendicular spaces so he did not understand how more spaces could be created. Member Lewis added that fire trucks may not be able to negotiate around the buildings with diagonal spaces and one-way traffic.

Member Perkins said the applicant must submit a revised plan for the Board's review and approval in order to change the lay-out of the parking lot.

Mr. Collins said the parking requirements are a good guideline, but discretion is built into the by-law. He said the parking has not fit the requirements of the by-law, but it is working. Member Lewis responded that the applicant could have constructed smaller buildings.

Mr. Collins said his letter suggests that the Board act on the site plan modification with an April 30, 2006 deadline to correct the problems identified in the FST report.

Chairman Clements said the FST report shows serious deficiencies with the drainage system that must be addressed by the applicant's design engineer. Mr. Collins agreed that the drainage system must function so there is no impact on public ways and abutting properties. The other issues have varying degrees of consequence.

Member Barringer agreed that the two major issues are parking and drainage. Mr. Collins said Mr. Walker has agreed to address both these issues. The design engineer must propose a remedy that is satisfactory to the Board and its engineer.

Member Barringer asked what recourse the Board will have if the plan is not submitted by April 30, 2006. Mr. Collins said there are some fairly simple solutions available.

Member Eliot said the drainage problems are the most important and must be remedied. She asked about the problem with the dumpster. Mr. Collins said people were throwing trash in the enclosure without a dumpster. Ryan Development sent a letter to the unit owners telling them to stop throwing trash in this area. He said the Board could require that the fence be removed.

Member Lewis said more landscaping is needed in this area to prevent headlight glare. Member Eliot agreed that the landscaping is very sparse and headlight glare is an issue.

Member Perkins said she disagrees with some of Mr. Collins' statements. There is a connection between the drainage system and the flooding at 10 Anthony Drive. Mr. Collins said there were historical problems with water in this location. Member Perkins said the problem is much more severe now than it was before construction of Mill Run Plaza. She said the lack of parking spaces continues to be a concern as well. She said she would not vote for any more waivers until the parking issue has been resolved.

Mr. Collins said he would tell the design engineer that the issues in the JNEI and FST reports must be addressed and the problems must be corrected. He said the reports indicate that the offset from the bottom of Retention Basin 3 is too close to the water table.

Member Degen expressed concern that there is still no bond in place and said the Board should not discuss the matter any further until a legal bond is posted with the Board of Selectmen. He added that the applicant must reimburse the Town for engineering expense to date so JNEI can review the revised as-built plans. He stated that poured concrete sidewalks are much more expensive than asphalt. New engineering plans must be submitted to resolve these issues. The bond should be posted as required in the October 2004 modification.

Mr. Collins responded that the granite curbing on the site was installed where it belongs. He said the Board should vote on the conditions recommended in his letter dated March 23, 2006 to require corrections to the drainage system.

Member Degen said the Board questioned the square footage of the buildings and asked that the Building Inspector confirm the numbers.

Member Perkins suggested that the Board send a draft of conditions to Town Counsel for review and vote on the decision at the next meeting.

Chairman Clements suggested that the conditions include:

- Corrections to the as-built plan;
- The requirement for a bond;
- Corrections to the drainage system problems described in the FST report;
- Compliance with Massachusetts Stormwater Guidelines;
- Response to the items in the JNEI reports.

Abutter Ron Alcott said the trash was picked up this afternoon.

Unit owner Roger Goscombe said others have purchased units at Mill Run and would like to be able to rent their space at the present time.

Unit owner Patricia St. Hilaire said she has seen a reduction in the number of available parking spaces since the North Middlesex Savings Bank opened. Owner Gabe Nucci agreed and suggested that the bank ask its employees to park in the rear of the site. The owners said they did not receive a letter from Ryan Development regarding trash disposal at the site.

Chairman Clements read the letter dated March 23, 2006 from Judith Nitsch Engineering, Inc.

The Board will hold a special meeting on Monday, March 27, 2006 to vote on the Mill Run Plaza site plan modification.

The Board discussed whether or not to go forward with the appeal of the Building Inspector's decision on Mill Run Plaza. Town Counsel is recommending that the Board not pursue the matter at this time. The Board will ask the Building Inspector to clarify his letter and state that the drainage problem is a zoning violation under §218-25 Site Plan Review, subsection H(1)(e).

The motion was made by Lewis to request that the Building Inspector attend the Planning Board meeting on March 27, 2006 **OR** that he send a letter to Ryan Development clarifying that the drainage problem at Mill Run Plaza is a zoning violation. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 10:30 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

