

**GROTON PLANNING BOARD  
MARCH 27, 2006  
MINUTES**

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

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

Member absent: Wilson

**MILL RUN PLAZA MODIFICATION**

The Board reviewed and edited the draft Mill Run Plaza decision prepared by Planning Administrator Michelle Collette. Town Counsel Judith Cutler and Ryan Development's Attorney Robert Collins both reviewed the draft.

**The motion was made by Barringer to make the following findings:**

1. The drainage system is not functioning properly as documented in the above referenced reports from Judith Nitsch Engineering, Inc. (JNEI) and Fay, Spofford & Thorndike (FST). As a result of the drainage system failure, there is a significant increase in flooding on abutting properties located on Anthony Drive, above and beyond any historical precedent. Please see attached photographs submitted by Monica Hinojos and Ray Capes showing their property at 10 Anthony Drive.
2. The above-referenced reports from JNEI and FST indicate that Basin #3 does not have the minimum two feet between its bottom and the estimated high ground water elevation required in the Massachusetts Department of Environmental Protection Stormwater Management Handbook entitled, "Stormwater Management, Volume Two: Stormwater Technical Handbook," prepared by the MA Department of Environmental Protection and MA Office of Coastal Zone Management," dated March 1997. Therefore, the drainage system does not comply with §218-25H(1)(e) which states:
 

“(e) Allow no net increase in the rate or volume of stormwater runoff from the one-hundred-year storm event across the boundaries of the site unless provisions have been made to tie into public storm drains with the approval of the appropriate authority and the Planning Board has determined that all reasonable provisions have been made to minimize any changes to runoff from the site. Compliance with all applicable federal, state and local regulations and guidelines, including, but not limited to, the Department of Environmental Protection Stormwater Management Policy, as it may be amended, shall be demonstrated.” *(emphasis added)*
3. The applicant's as-built plans, revised January 16, 2006, are incomplete because they do not show the footprint of each building and other items specified in the JNEI report dated January 26, 2006.
4. There is no performance bond in place as required in Condition #9 of the Site Plan Review Modification dated October 18, 2004.
5. According to the JNEI January 26, 2006 report, the As-Built Plan indicates 203 parking spaces of which 10 spaces are designated for handicap parking. The endorsed Site Plan indicates that 205 parking spaces were proposed of which 9 spaces were designated for handicap parking. This represents a reduction of two (2) parking spaces. There are no additional parking spaces left on the site to meet the parking requirements of §218-23B for any additional uses at the site other than those permitted or waived as of February 23, 2006.

**And, based upon the findings cited above, to require that the applicant comply with the following conditions:**

**Conditions:**

1. The applicant shall have its engineer submit revised plans which show corrective measures to be employed to

bring the drainage system into compliance with its intended design and function in accordance with the Site Plan Review requirements of §218-25H(1)(e) and DEP Stormwater Management requirements. The applicant shall submit the plans to the Planning Board for its review and approval no later than April 30, 2006, as proposed in the letter dated March 23, 2006 from the applicant's attorney, Robert Collins. The Board will review the revised site plans at its meeting on May 11, 2006.

2. The applicant shall submit revised as-built plans showing the footprint of each building and addressing other items specified by JNEI including:
  - a. *The As-Built Plan shall be revised to indicate all utility services, site grading, and the outstanding site improvements as noted below and resubmitted with the professional engineer's certification of substantial compliance. Until all the site work is complete, a final As Built Plan cannot be submitted.*
  - b. *The location of the gas main is not indicated on the Plan. The Plan shall be revised to indicate the gas main as well as any gas services.*
  - c. *The Plan does not indicate the location of all of the electric, telephone, and cable boxes. The Plan shall be revised to indicate the locations of all of the electric, telephone, and cable boxes.*
  - d. *The Plan does not indicate tie locations for the water main and services. The Plan shall be revised to indicate tie locations for the water main and services.*
  - e. *The endorsed Site Plan indicates a mixed use of vertical concrete curbing and Cape Cod berm in front of the buildings. Vertical granite curbing was observed in front of the buildings where parking spaces abut the buildings only. All other locations around the buildings indicate a mixed use of Cape Cod berm and vertical bituminous concrete curb where it abuts the sidewalk. It should be noted that vertical bituminous concrete curb was not identified to be used on the endorsed Site Plan. The Applicant shall construct the appropriate curbing at the locations identified on the endorsed site plan or request a Site Plan modification from the Planning Board.*
  - f. *In addition, the As-Built Plan indicates granite curbing along the edge of the parking area near Detention Basin #2 in front of Building #4. Cape Cod berms were installed at this location. The Applicant shall review and revise accordingly.*
  - g. *The endorsed Site Plan indicates a 6-inch soil cement liner at the bottom of the sediment forebay for Detention Basin #1. The 6-inch soil cement liner at the bottom of the sediment forebay for Detention Basin #1 has not been installed. The Applicant shall construct the 6-inch soil cement liner at the bottom of the sediment forebay for Detention Basin #1 as identified on the endorsed site plan or request a Site Plan modification from the Planning Board.*
  - h. *The As-Built Plan does not indicate the location(s) of drywells installed on the site to handle stormwater runoff from roofs. The Plan shall be revised to indicate the location(s) of drywells.*
  - i. *The As-Built Plan does not indicate the existing landscaping around Building #5. The Plan shall be revised to indicate the landscaping around Building #5.*
  - j. *The As-Built Plan indicates 203 parking spaces of which 10 spaces are designated for handicap parking. The endorsed Site Plan indicates that 205 parking spaces were proposed of which 9 spaces were designated for handicap parking. This represents a reduction of two (2) parking spaces.*
3. The applicant shall address all outstanding issues contained in the JNEI report dated January 26, 2006, including:
  - a. *The Applicant has placed a bituminous concrete sidewalk along Main Street. The endorsed site plan indicates a concrete sidewalk. The Applicant shall construct concrete sidewalks or request a Site Plan modification from the Planning Board.*

- b. *The traffic directional arrows, crosswalks, and pavement striping have faded. The Applicant shall repaint the traffic directional pavement markings.*
  - c. *The directional pavement marking for Building #5 is not complete. The Applicant shall complete the directional pavement markings.*
  - d. *The endorsed Site Plan indicates concrete sidewalks to be placed throughout the site. The Applicant shall construct concrete sidewalks or request a Site Plan modification from the Planning Board.*
  - e. *The bituminous concrete sidewalk that abuts Detention Basin #1 is separating from the vertical granite curb and bituminous concrete curb. JNEI anticipates corrective measures will be warranted.*
  - f. *The Stormwater Pollution Prevention Plan (SWPPP) indicates that the catch basins are to be cleaned each Spring and Fall. The Applicant shall provide documentation such as a copy of receipt, for any cleaning of the catch basins previously done. The Applicant shall clean the catch basins and remove the accumulated sand in the parking lots.*
  - g. *There is soil erosion around two (2) wooden guardrail posts installed on the southerly side of Mill Street. JNEI recommends that the sideslope in the vicinity of the wood posts be stabilized to prevent further erosion.*
  - h. *There is erosion on the sideslopes of Retention Basin #3. The sideslopes shall be repaired by Spring 2006 or earlier, weather permitting. During previous site visits, JNEI observed accumulated fines at the bottom of the Retention Basin that are clogging the basin and appear to be preventing exfiltration of the stormwater through the basin. JNEI recommends that the Applicant dredge the bottom of the basin to ensure that the sediment is removed to enable the basin to function as designed.*
  - i. *JNEI understands that the detention/retention basin drainage system was to store stormwater runoff for a 48-72 hour period while it infiltrates into the ground. During the numerous site visits conducted by JNEI during the construction of the Mill Run Plaza and Groton Residential Gardens sites, we observed that the basins were only dry during a portion of the summer season, when the estimated seasonal groundwater is not at its highest elevation. It appears that one (1) boring test identified as MW-102 on the Plan, was performed in Retention Basin #3 and indicates wet material at elevation 212.6'. Because of the method used to conduct the boring test, soil mottling was not observed to confirm the estimated seasonal high groundwater. According to the inconclusive soil tests submission, the current design of the retention basin does not confirm that there is a minimum 2-foot separation between the retention basin bottom (bottom elevation 215) and the groundwater level. JNEI recommends that the Applicant conduct soil testing in or next to the retention basin and witnessed by JNEI to confirm the estimated seasonal high groundwater. This will also confirm that there is a 2-foot separation between the bottom of the basin and the estimated seasonal high groundwater.*
  - j. *JNEI previously requested that the Applicant install a drywell within Retention Basin #3 to allow recharge in frost conditions. JNEI still suggests that a drywell be constructed within Retention Basin #3 to allow recharge in frost conditions.*
4. All roof drains shall discharge directly into the drainage system. Roof runoff shall not be allowed to flow over land or onto the parking lot.
  5. All shrubs needing replacement shall be replaced and disturbed grassed areas shall be re-loamed and seeded prior to April 30, 2006, as stated in the letter dated March 23, 2006 from Attorney Collins.
  6. All sidewalks, pavement and curbing shall be constructed in accordance with the Mill Run Plaza site plan approved on February 20, 2003 and subsequently modified on October 18, 2004.
  7. The Planning Board's consulting engineer must be present to inspect all site alterations required by this Site Plan Modification to ensure compliance with these conditions. The applicant shall reimburse the Town for the cost of

such engineering inspections.

8. The applicant shall reimburse the Board for all outstanding engineering invoices including the cost to review the corrective measures required in Condition #1.
9. A plan which demonstrates how additional parking could be achieved shall be submitted to the Board for its review and approval prior to the issuance of any additional building permits for tenant fit-up.
10. The applicant shall provide to the Town of Groton an easement, suitable in form and content to the Planning Board, for maintenance of the drainage system. The easement shall be recorded at the Registry of Deeds prior to Ryan Development turning over the Mill Run Common facilities to the condominium unit owners.
11. No further building permits or occupancy permits may be issued for Mill Run Plaza until the Planning Board notifies the Building Inspector in writing that all Site Plan Review conditions have been met to the satisfaction of the Planning Board.
12. The Planning Board shall review the project for compliance on August 1, 2006. All corrective measures shall be completed to the satisfaction of the Planning Board by that date.
13. The Planning Board shall review the project on March 31, 2007 to determine if any additional modifications are warranted.
14. The Mill Run Plaza site plan approval dated February 20, 2003, as modified on October 18, 2004 and March 28, 2006, runs with the land and applies to any successor in interest or successor in control.

*The motion was seconded and passed unanimously.*

#### **LETTER FROM BUILDING INSPECTOR**

The Board received a copy of the letter dated March 27, 2006 from the Building Inspector to Ryan Development regarding the zoning violation at Mill Run Plaza. The motion was made by Barringer to withdraw the appeal filed with the Zoning Board of Appeals regarding the Building Inspector's previous letter dated February 1, 2006. *The motion was seconded and passed unanimously.*

The Board discussed the need to meet with the ZBA and Selectmen to explore long term solutions to flooding problems in this area. Member Degen stressed the need for the Selectmen to have a bond in place for the Mill Street relocation and Mill Run Plaza drainage system.

The motion was made by Eliot to send a letter requesting a meeting with the other departments to discuss various jurisdictions and how to correct flooding problems in this area. *The motion was seconded and passed unanimously.*

#### **MRPC CDBG**

The Board voted unanimously to send a letter of support to the MRPC for the Town of Groton's application, along with the Towns of Shirley, Lunenburg, Sterling, and Harvard, for funding under the Regional Housing Rehabilitation Program. *The motion was seconded and passed unanimously.*

Meeting adjourned at 9:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator