

**GROTON PLANNING BOARD  
MAY 25, 2006  
MINUTES**

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

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

**PUBLIC HEARING – BERTOZZI FARMS SPECIAL PERMITS**

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing on May 25, 2006 to consider the applications submitted by Green Acres Realty Trust and Townsend Realty Trust a/k/a Townsend Road Realty Trust to renew special permits PB 2001-01 and PB 2001-02 to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development and § 218-26.1 Major Residential Development to create eight (8) lots as shown on the plan entitled, “Definitive Plan – Bertozzi Farm Estates in Groton, Massachusetts,” prepared by Hannigan Engineering, Inc.; dated June 25, 2001 with revisions through October 5, 2001. The subdivision is located on Assessors’ Map 205, Parcel 24, Lots 0-9 on the easterly side of Townsend Road.

Chairman Wilson called the public hearing to order. Clerk Capes read the notice published in the May 12 and 19, 2006 issues of *The Groton Herald*. Applicant John D’Agostino, Attorney Frank DiMaria represented the applicant, and the Board’s consulting engineer, William Maher of Judith Nitsch Engineering, Inc. (JNEI) were present.

Mr. DiMaria explained that the special permits granted in 2001 were never recorded at the Registry of Deeds. The Building Inspector would not issue any building permits unless the applicant provided evidence of recording the special permit. The applicant is requesting that the Board renew the special permits for this development. The road is constructed and the open space has been conveyed to the Groton Conservation Commission.

Member Degen noted that there were problems with construction of the drainage system in the past, but all the issues have been resolved. Planning Administrator Michelle Collette said the Board is holding a performance bond in the amount of \$109,527.79 for the subdivision.

Member Degen asked William Maher of JNEI if he knew of any current problems. Mr. Maher said he visited the site that day and the drainage system is functioning very well.

The Board voted unanimously to close the public hearing.

The motion was made by Degen to renew Special Permit 2001-01, to Green Acres Realty Trust, with the following conditions:

1. Any outstanding engineering or construction issues must be resolved to the Planning Board’s satisfaction.
2. All findings and conditions of Special Permit 2001-01 remain in full force and effect.

***The motion was seconded and passed with Wilson, Barringer, Clements, Degen, Eliot, Perkins in favor; Capes abstaining.***

The motion was made by Degen to renew Special Permit 2001-02, to Green Acres Realty Trust, with the following conditions:

1. Any outstanding engineering or construction issues must be resolved to the Planning Board’s satisfaction.
2. All findings and conditions of Special Permit 2001-02 remain in full force and effect.

***The motion was seconded and passed with Wilson, Barringer, Capes, Clements, Degen, Eliot, Perkins in favor; opposed; abstaining.***

## **PUBLIC HEARING – H & G REALTY, SPECIAL PERMIT**

*(Member Eliot stepped down and did not participate.)*

The Board held the continuation of the public hearing to consider the application submitted by H & G Realty Trust for a special permit to use the provisions of Flexible Development to create nine lots on Sand Hill Road.

At the request of the applicant's representative, the Board voted unanimously to continue the public hearing at 8:45 PM.

## **PLANNING BOARD LIASONS**

The Planning Board voted to appoint the following members to act as liaisons to other Town Departments and Committees:

ACEC Stewardship Committee	Bruce Clements
Board of Appeals	Anna Eliot
Board of Health	George Barringer
Board of Selectmen	Chairman Scott Wilson, ex officio
Conservation Commission	Bruce Clements
Fire Chief	Ray Capes
Groton Dunstable School District	Carolyn Perkins
Groton Electric Light Department	George Barringer
Highway Surveyor	Anna Eliot
Historic Districts Commission	Scott Wilson
Historical Commission	Scott Wilson
Housing Authority	Carolyn Perkins
Housing Partnership	Carolyn Perkins
Police Chief	Ray Capes
Sewer Department	Joshua Degen
Water Department	Joshua Degen
Weed Management Committee	George Barringer
West Groton Water Supply District	George Barringer

## **PLANNNG BOARD SUMMER SCHEUDLE**

The Board decided to meet on the following dates during the summer months:

June 1, 2006  
June 8, 2006  
June 15, 2006  
June 29, 2006  
July 13 , 2006  
July 27 , 2006  
August 10, 2006  
August 24, 2006

## **PAYROLL AUTHORIZATION**

The motion was made by Degen to authorize the Chairman, Vice Chairman, and Clerk to sign the payroll for the Planning Administrator and Land Use Assistant.

## **DESIGN GUIDELINES**

The Board discussed finalizing the Design Guidelines and the addition of photographs and other illustrations. Member Degen suggested that Planning Board members take photographs of examples of good design. Chairman Wilson said editing, annotating and other design work is needed before the photographs can be inserted into the document.

## **PUBLIC HEARING – CROSSROADS PLAZA**

Chairman Wilson called the continuation of the public hearing to order. Applicant Joe Wong, Attorney Brian Levey, design engineers Bruce Ringwall and Brian Thorne of GPR, and landscape architect Lorayne Black represented the applicant at the hearing. The Planning Board's consultant's civil engineer William Maher of Judith Nitsch Engineering, Inc. (JNEI) and landscape architect Peter Flinker of Dodson Associates were also present.

Bruce Ringwall responded to the comments from JNEI & FST. He said the existing wetlands will be relocated and enlarged. The swale will have the capacity to handle the 100-year storm event. Snow storage areas are designated on the revised plans as recommended by JNEI. The dumpster was relocated as requested by the Planning Board. The access onto Route 119 was changed to right-in, right-out only as recommended by FST.

Lorayne Black said 15 shade trees were added along the public way for a total of 44 trees with a 4" caliper.

Mr. Ringwall said new architectural plans were submitted to the Planning Board office that afternoon. The HVAC units on the two larger buildings (retail and restaurant) will be on the roof-top and will be screened. The HVAC units for the bank will be in the attic and the unit for Dunkin Donuts will be on a concrete pad screened with evergreens.

Member Perkins asked how salt will affect the rain gardens. Mr. Ringwall said since the site is within a Water Resource Protection District, a calcium de-icer will be used rather than salt.

Member Degen asked about the installation of the cellular containment system and noted that proper operating and maintenance of the drainage system will be necessary. Mr. Thorne said the manufacturer's representative will be on site to supervise the installation. Mr. Ringwall agreed that a licensed installer should be present.

Mr. Ringwall said the new architectural design for the Lowell Five Bank, prepared by Royal Design, is similar to the previous design prepared by Mangel Associates.

Mr. Ringwall said the new façade of the Dunkin Donuts building, prepared by J. Taylor Monihan, has changed slightly from the previous plans prepared by Mangel Associates. The HVAC unit will not be on the roof, but the rail along the edge of the roof will still be there.

Member Perkins stated that she preferred the previous architectural plans for Dunkin Donuts.

Member Degen agreed. He said he liked the new plans for the Lowell Five Bank, but did not like the new Dunkin Donuts design. He said that the Dunkin Donuts building should be more harmonious with the other buildings on the site.

Peter Flinker of Dodson Associates said the previous architectural plan was a better plan. The new plans for the bank are fine, but the Dunkin Donuts plan has a typical, average façade. Mr. Flinker submitted his report dated May 25, 2006.

Member Clements said he does not like false features like windows that are not really windows and balconies on top of buildings.

Member Eliot requested that the applicant consider changing the design of the Dunkin Donuts building to look more like a Cape-style structure.

Member Wilson asked the engineers to convey the Board's comments to the architect. Mr. Ringwall agreed.

Attorney Brian Levey said he reviewed the recent zoning amendments closely to see if the applicant could apply for a Site Plan Review special permit rather than designing a definitive plan to grandfather zoning. He submitted a memorandum dated May 23, 2006 to the Board requesting a continuation of the public hearing on all permits and addressing submission requirements for a Level II site plan under the Amended Section 218-25. He said if the Board agrees on all the points in his memo, the applicant would file for a special permit by May 30, 2006 for a public hearing on June 15, 2006. The Board reviewed the requests and thanked the applicant for agreeing to come in under the new

zoning provisions.

Member Barringer noted that some waivers of the new zoning requirements would be necessary. Mr. Levey said a waiver of a reduction in the number of parking spaces can be granted by the Planning Board.

The Board agreed that the new plan would be considered as a Level II special permit submission with the requested waivers.

Member Degen asked if the applicant agreed to plant 44 trees. Ms. Black said, "yes," 32 trees will have a caliper of 4" and the remaining trees are smaller species. Member Degen said this is an overall increase of six trees. Mr. Ringwall said, "yes."

Member Degen thanked the applicant for having poured concrete sidewalks instead of asphalt.

Mr. Ringwall noted that the Subdivision Regulations specify 2 - 2.5" caliper trees and the applicant has provided much larger trees. He said the plan exceeds the 15% planting requirements of the new parking by-law.

Chairman Wilson read the memorandum from the Conservation Commission.

Peter Flinker presented his report dated May 25, 2006. He noted that the street trees have changed from the previous plan. He noted that the Board voted to waive the requirement for a scale model in exchange for more street trees. Mr. Ringwall said the modified landscaping plan includes a variety of 4" caliper trees at a cost of \$5000 to \$6000.

Engineer William Maher presented his report dated May 24, 2006 and noted that all JNEI's previous comments have been addressed. He asked about the cut and fill calculations. Mr. Ringwall said there will be 29,900 cubic yards of fill brought onto the site and there will be no removal of earth material.

John Giger of Whiley Road said the new plan is a vast improvement over the previous plan. However, he said he is still concerned about the flat roof on the Dunkin Donuts building, that trash removal be done promptly; and that the signs comply with the sign by-law. He expressed concern about the use of plastic banners and temporary signs. He requested that the lights be turned down after the businesses close.

Mr. Giger invited the applicant to donate \$10,000 to the Town for the purchase of Opticom Scanners for emergency vehicles. He said Shaw's already made a contribution for the scanners.

The Board voted unanimously to continue the public hearing on June 15, 2006 at 8:30 PM.

## **PUBLIC HEARING – H & G REALTY, SPECIAL PERMIT**

*(Member Eliot stepped down and did not participate.)*

The Board held the continuation of the public hearing to consider the application submitted by H & G Realty Trust for a special permit to use the provisions of Flexible Development to create nine lots on Sand Hill Road. Design engineer Robert Pine and Attorney Robert Collins were present.

Mr. Pine described the proposed development of nine lots on 53 acres including 45 acres of upland and eight acres of wetlands. Mr. Pine said the applicant would like the Board to approve the yield plan now so he can construct a house on one of the lots.

Attorney Collins said an ANR plan would be submitted to create the one house lot now and the subdivision plan for the remaining lots would be submitted in the future.

Member Clements said the Board received comments dated May 25, 2006 from the Conservation Commission. The applicant should read the letter very carefully.

Member Barringer asked about grades and the sight distance at the curb cut for the proposed subdivision road. Mr.

Pine said the sight distances are fine.

Member Barringer asked which lot has already been cleared. Mr. Pine pointed out the area at the Lot 2-3 lot line that has already been cleared.

Chairman Wilson said he is perplexed by the application for approval of a yield plan without a proposed development plan. He said he was uncomfortable approving this special permit in phases.

Mr. Pine said it is not in anyone's interest to require submission of a full special permit plan at this time. The landowner only wants to establish the Basic Number of Lots for the property.

Chairman Wilson asked why the landowner wants to lock in a yield plan now. Mr. Pine said they will lose a potential of one or two lots if the ANR lot is created first. The McGoverns have been wonderful stewards of the land and they want to do the right thing. There is a beautiful hill at the rear of the property.

Member Degen asked what the distance is from the proposed subdivision road to the intersection of Sand Hill Road and Nashua Road. Mr. Pine said, "500 ft."

Member Clements said the application is too loose and he would like to see a more precise plan showing how the future lots would be created. He asked if the nine lots would be clustered in one area. Mr. Pine said, "yes."

Member Clements said there are considerable wetlands on this site.

The Board voted unanimously to continue the public hearing on June 8, 2006 at 8:30 PM.

## **MILL RUN PLAZA UPDATE**

*(Chairman Wilson left the meeting; Member Capes stepped down.)*

Vice Chairman Degen chaired the discussion of Mill Run Plaza with Robert Walker of Ryan Development and Attorney Robert Collins.

Mr. Collins submitted a red-line plan showing where 23 additional parking spaces could be located in the future. This would bring the total to 230 parking spaces on the site. Mr. Collins said other issues to be addressed include bushes will be replaced, the parking lot will be swept, and the dumpsters will be enclosed. The sidewalks and curbing are constructed of asphalt rather than poured concrete as shown on the plan. However, this is an aesthetic issue because there is no functional difference. The as-built plans have been submitted and should be reviewed by the Board's engineer.

Vice Chairman Degen said Mr. Collins submitted a letter dated March 23, 2006 to the Board stating that a number of items would be addressed before April 30, 2006. The Board included the April 30, 2006 deadline as a condition in the Site Plan Review Modification dated March 28, 2006. Chairman Degen asked why revised engineering plans to correct problems with the drainage system had not been submitted to date. Mr. Collins said the approved plan functions as designed and remediation is not warranted. If JNEI's review of the as-built plans shows a flaw in the installation of the drainage system, the applicant will propose remediation measures.

Vice Chairman Degen said the applicant must fund the review of the as-built plans by JNEI first.

Member Barringer said the new parking spaces may alleviate parking problems. Mr. Collins said there are five unoccupied units left.

Attorney George Basbanes said he and Attorney Kevin Chenelle have one of the units under Purchase and Sales Agreement. They applied for a building permit, but the Building Inspector indicated that he could not grant the permit unless the Planning Board waived the parking requirements. Vice Chairman Degen said Mr. Basbanes could submit a written request for a waiver to the Planning Board.

Member Eliot said the Board is still trying to address other issues with this site.

Member Perkins said there are no parking spaces left for the unoccupied units. The Planning Board must see an overall plan to address parking for the entire site.

Mr. Basbane said his office would use a maximum of eight parking spaces.

Member Barringer said in addition to an overall plan to provide parking, the applicant must address the issues with the drainage system because it is not working as it should be. Mr. Collins said the drainage matter is the subject of an appeal with the Zoning Board of Appeals

Member Eliot said the Board has not received any response from the applicant to the Site Plan Review Modification dated March 28, 2006. Mr. Collins said the outstanding issues include review of the as-built plans, the sidewalks and curbing construction and parking. Member Eliot said the applicant has not submitted a revised plan to correct the drainage issues. Mr. Collins said the as-built plan will demonstrate that the drainage system was installed as shown on the approved site plan.

Vice Chairman Degen said the applicant believes the drainage system is functioning, but the Board does not agree. The issues with the drainage system must be addressed first.

Member Perkins said the new parking plan is helpful, but the Board's engineer must review it.

Planning Administrator Michelle Collette noted that the design engineer had not stamped the revised plan.

The Board will continue its discussion on June 8, 2006 at 9:00 PM.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator