

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

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

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

Member absent: Wilson

**PUBLIC HEARING – ORCHARD REALTY TRUST SHARED DRIVEWAY**

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Orchard Realty Trust for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to construct a shared driveway serving Lots 1 and 2 as shown on the plan entitled, "Common Driveway Plan, Reedy Meadow Road, Groton, Massachusetts," prepared by Ducharme and Dillis, Inc. dated June 6, 2006. The proposed shared driveway is on Assessors Lot 230, Parcels 9, 10 & 11, located on the southerly side of Reedy Meadow Road.

Vice Chairman Degen called the hearing to order. Clerk Capes read the notice published in the July 14 and 21, 2006 issues of *The Groton Herald*. Surveyor Stan Dillis represented the application at the hearing.

Mr. Dillis said he met with the Conservation Commission to review the wetlands delineation for the three ANR lots created in 1981. The applicant has done soil testing and designed the sewage disposal systems. Two access points can be created, but the lots could be served by one shared driveway located where sight distance is better. A swale will be constructed to direct runoff to a catch basin in Reedy Meadow Road. However, drainage calculations have not been submitted to date. A significant 36" oak tree will have to be removed unless the Board grants a waiver of cut and fill requirements. Mr. Dillis requested that the Board continue the public hearing to allow him more time to submit the drainage calculations.

Member Capes asked about sight distances. Mr. Dillis responded that the sight distance is 300 ft in both directions.

Vice Chairman Degen read comments from the Conservation Commission, the Water Department, the Board of Health and the Police Chief.

Mr. Dillis said he would work with the Highway Surveyor about the water problems on Reedy Meadow Road and try to come up with a solution.

Member Perkins asked about the location of the existing driveway. Mr. Dillis said it is at the other end of the property as shown on the plan.

Member Perkins expressed concern about the steepness of the driveway and the potential increase in runoff to Reedy Meadow Road. Mr. Dillis said the runoff will go from the swale into the catch basin in Reedy Meadow Road.

Member Clements said if the water issues can be resolved, he would like to save the oak tree.

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Vice Chairman Degen asked where the right-of-way of Reedy Meadow Road is located. Mr. Dillis said Reedy Meadow Road does not have a right-of-way – it is an old two-rod road. Vice Chairman Degen asked if there are any specimen trees in the area of the right-of-way. Member Eliot agreed that the Board must determine which trees should be saved.

Member Barringer asked if there would be two-foot shoulders along the driveway for support. Mr. Dillis said, “yes.”

Member Barringer asked about the proposed guardrail. Mr. Dillis said the guardrail looks like a fence and meets Massachusetts Highway Department standards.

Vice Chairman Degen expressed concerns about stabilization of the side slopes and potential erosion problems. Mr. Dillis said an under drain would be installed along the uphill side of the driveway to direct runoff into the swale.

Vice Chairman Degen asked if the new lot configuration complies with zoning including computation of lot area. Mr. Dillis said, “yes.”

Member Perkins asked if the retaining wall design had to be stamped by a structural engineer. Planning Administrator Michelle Collette said only if it has a height of more than four feet.

Abutter Joseph Kelly asked if there would be any restriction about building near the property line. He noted that the oak tree is beautiful, but it has caused many accidents. He said he would recommend placing the driveway in a different location. Mr. Dillis said all construction must meet the 15 ft setback requirements.

The Board said it would like to walk the site. Mr. Dillis suggested that the site walk be scheduled after the wetland issues have been resolved because the plan may change. The Board agreed.

The Board voted unanimously to continue the public hearing on August 24, 2006 at 9 PM.

#### **PUBLIC HEARING – MONARCH PATH SPECIAL PERMITS**

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Ebrahim Masalehdan for special permits to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development and Section 218-26.1 Major Residential Development to create thirteen (13) lots as shown on the plan entitled, “Subdivision Plan, Monarch Path, Gilson Road, Groton, Massachusetts,” prepared by TF Moran, Inc., dated June 21, 2006. The proposed subdivision is located on land owned by Ebrahim Masalehdan, shown as Assessors’ Map 253, Parcel 2, and Map 135, Parcel 38, on the westerly side of Gilson Road.

Vice Chairman Degen called the public hearing to order. Clerk Capes read the notice published in the July 14 and 21, 2006 issues of *The Groton Herald*. Applicant Ebrahim Masalehdan, design engineer David Buhlman of TF Moran Associates, Attorney Dan Hill and several abutters were present.

Mr. Buhlman presented two plans (conventional and flexible) for development of 13 lots on the 32 acre property located off Gilson Road.

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Mr. Buhlman described the conventional development plan. He said wetland issues, including an isolated land subject to flooding, resulted in a reduction of the number of lots from 14 to 13. The road profile is the same as shown on the preliminary plan. An area will be set aside for construction of a police precinct station with the conventional plan.

Member Clements asked if there would be disturbance in the 100 ft buffer zone for construction on Lot 4. Mr. Buhlman said he would look at this area again.

Member Perkins asked if the issues related to the presence of ledge had been resolved. Mr. Buhlman said, "yes."

Member Barringer asked about the maximum cut. Mr. Buhlman said seven feet in several spots, but the cut does not exceed seven feet in any location as confirmed in the review by Judith Nitsch Engineering, Inc. (JNEI).

Mr. Buhlman described the flexible development plan. He said the lots are smaller and one duplex will be constructed for moderate income people. There is no police precinct station with the flexible development plan.

Member Barringer asked if there would be two non-contiguous access points with the flexible plan. Mr. Buhlman said, "yes," unless the Planning Board grants a waiver of the Subdivision Regulations.

Member Barringer asked what the distance is from Gilson Road to the cul de sac. Mr. Buhlman said about 1100 ft.

Member Eliot asked how two access points would be configured with the flexible plan. Mr. Buhlman said it could be done.

Member Eliot requested that the driveways access onto the subdivision road and not onto Gilson Road.

Member Eliot asked if there would be any buffer zone around the lots. Mr. Buhlman said 35% of the land would be protected open space as required in the by-law. There would be a total of 14 lots including the lot with the two affordable units.

Member Perkins said the open space only benefits the development. She said she would prefer to see a concentrated area of open space located around the vernal pool. She asked about water problems in this area.

Member Capes asked about the traffic flow and projected 30 trips per day. Mr. Buhlman said the trips are based upon estimates in the ITE Trip Generation Manual.

Vice Chairman Degen asked if the reserve strip would prevent driveway access on Gilson Road. Mr. Buhlman said, "yes."

Vice Chairman Degen asked about the orientation of the houses. Mr. Buhlman said the rear of the houses would face Gilson Road.

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Member Barringer asked about the police precinct station. Mr. Buhlman said the existing house at 12 Gilson Road would be demolished. The police station is only shown on the conventional plan, not on the flexible plan.

Vice Chairman Degen asked about the road construction standards. Mr. Buhlman said the roads would meet minor street standards as defined in the subdivision regulations. Vice Chairman Degen suggested that the applicant may want to request a waiver to allow construction of the road to "lane" standards within a 50 ft wide right-of-way.

Vice Chairman Degen asked if sidewalks would be constructed. Mr. Buhlman said, "yes."

Member Eliot asked if the applicant would be requesting any waivers. Mr. Buhlman said it depends upon which plan is chosen.

The Board received a memorandum dated July 19, 2006 from the Board of Health, a memorandum dated July 20, 2006 from the Water Department, a memorandum dated July 27, 2006 from the Conservation Commission, and comments from the Police Chief.

Abutter Russell Broz, 27 Old Carriage Path, asked about the area to be disturbed around the isolated land subject to flooding. Mr. Buhlman showed the area to be altered for construction of the house and sewage disposal system.

Mr. Broz expressed concern about impact on his property from the proposed development in light of the previous drainage problems he experienced on his lot. Mr. Buhlman said detention basins will be constructed to address the drainage issues.

Vice Chairman Degen noted that the plan must comply with Massachusetts Stormwater Guidelines in addition to local regulations. Mr. Buhlman agreed.

Abutter John Robillard, 17 Old Carriage Path, said he has had serious water problems and had to pump 200-300 gallons per day from his basement. He said there is a 16 ft dug well on the Cunningham property that is still very wet. Mr. Buhlman said when the subdivision plan is designed and constructed, all water must be controlled and contained on site.

Member Barringer recommended that Mr. Robillard work with the Board of Health to fill and cap the existing well. Mr. Robillard said the well has been capped.

Abutter Michael Vaccaro, 15 Old Carriage Path, said the grades were changed in the 1950's and 1960's. The homes on Old Carriage Path were built six feet below grade so there is water in the basements. He said he supports construction of the conventional plan, not the flexible plan.

Member Eliot noted that duplexes can be constructed by-right on the conventional plan but the flexible plan is limited to single-family dwellings. Mr. Masalehdan said he intends to construct single-family luxury homes. There will be a restriction in the deeds limiting lots to single-family. Vice Chairman Degen asked if the applicant is offering to place such a restriction on the lots. Mr. Masalehdan said, "yes."

John Giger said he prefers the conventional plan rather than the special permit plan with the backyards facing Gilson Road.

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Member Barringer asked who would own the open space in the flexible plan. Mr. Hill said the Conservation Commission would either own the land or hold a conservation restriction on the open space.

Member Barringer asked about public access to the open space. Member Eliot said if the land is deeded to the town, there must be public access. Mr. Hill said this area is not ideal for public access.

Member Clements asked if the plan could be redesigned with the open space in one area. Mr. Buhlman said it would be very tight.

Mr. Vaccaro said it is very important to maintain open space around the vernal pool.

Member Barringer noted that there is no open space shown on the conventional plan. Mr. Buhlman said they could put a buffer around the perimeter of the site.

Mr. Hill said the vernal pool could be on a separate lot and conveyed to the Conservation Commission. Vice Chairman Degen asked about access to the vernal pool and other drainage structures. Mr. Vaccaro said access to the vernal pool could be over an easement.

Member Eliot asked if the applicant would construct affordable units with the conventional plan. Mr. Masalehdan said, "yes," but it might take away from the character of the development.

Vice Chairman Degen asked the applicant to respond to the JNEI report.

Member Barringer said the Board must decide which plan is better. He said the flexible plan is not adequate because it has only one access road. Mr. Hill said the conventional plan is a better design and works with the natural features. The two-acre lots have higher property values and will generate more tax revenue.

Vice Chairman Degen said the Board should have a letter from the Police Chief regarding the proposed police precinct station.

Member Capes said he would prefer a different flexible plan with a better open space configuration. Member Clements agreed.

Member Perkins said the problems with the Flexible Development plan are the presence of ledge and the vernal pool.

Member Barringer said the Board must address the viability of the flexible plan because it has only one access.

Member Eliot said she did not have a strong preference but agreed that the flexible plan should have two access roads.

Vice Chairman Degen agreed that a second access is needed for the flexible development plan. He said the open space on the flexible plan is not contiguous so he prefers the conventional plan with a restriction that the road will not become a through road in the future.

The Board voted unanimously to continue the public hearing on August 10, 2006 at 8:30 PM.

### **SHAW'S UPDATE**

The Board met with Greg Rollo of Shaw's Supermarkets to discuss use for Buildings "D" and "E" that have been constructed. Mr. Rollo said they have a tenant interested in leasing Building "D" for a children's gym without showers, a tenant for Building "E" for an adult gym without showers, and a hairdresser for Building "E". He said the parking lot has 432 spaces. Shaw's requires 272 spaces, Building D has 40 spaces, and Building E has 30 spaces. There are ninety parking spaces available for future uses. He said there is a retail appliance store interested in leasing space.

Member Perkins asked about the Water Resource Protection District. Mr. Rollo said all uses must comply with the Board of Health regulations for sewage disposal systems. All water from the hairdresser's shop will be discharged in a tight tank as required by the Board of Health.

Vice Chairman Degen mentioned that there are many dead or dying trees on the site that should be replaced this fall.

All members agreed that the uses proposed by Shaw's comply with the Boston Road Market Place site plan approval.

### **BLOOD/OMNIPOINT - SPECIAL PERMIT DECISION**

The motion was made by Barringer to grant a special permit to Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to co-locate antenna and required ground equipment on Sprint's approved 120-foot monopole style telecommunications tower on land owned by Elliot & Doris Blood, 94 West Main Street, Assessors Map 106, Parcel 15, on the southerly side of West Main Street, with the following findings and conditions:

#### **Findings:**

1. **Social, economic and community needs:** The proposed facility will serve an economic and social benefit to the Town of Groton, and in particular the area of the Town in which the property is located. The proposed facility will fill the applicant's coverage gap, therefore resulting in increased competition between carriers. The facility will expedite transmission of emergency calls to the Fire and Police Departments as part of the enhanced E 9-1-1 service facilitated by the proposed facility.
2. **Traffic flow and safety:** The proposed facility is unmanned and requires only one or two vehicular trips per month by a technician for routine equipment monitoring and maintenance. Adequate parking is available on site for a service vehicle and no additional parking spaces will be required.
3. **Adequacy of utilities:** The proposed use will have no impact on municipal services and the only utility requirements are for ordinary electric power and telephone service.
4. **Neighborhood character:** The additional antennae will be installed at 107 ft elevation on the existing tower sited on a 76-acre parcel of land.

5. **Impacts on the environment:** The additional antennae will have minimal impact on the natural environment and will have far less impact than construction of another tower.
6. **Fiscal impact on the Town:** The proposed tower will not have an adverse fiscal impact on the Town because it will not have a negative effect on the valuation of nearby properties and will not require any town services. The applicant will pay personal property taxes to the Town of Groton for the value of the associated facilities.

**Conditions:**

1. T-Mobile's equipment will be installed on Sprint's existing tower which is subject to conditions in Special Permit 2001-10 granted by the Planning Board on August 31, 2001.
2. As required in §218-25.1, silver paint or galvanized finish shall be used on the portion of the outside of a personal wireless services tower that rises above the tree line in order to blend into the landscape. The additional antennae installed by T-Mobile shall be the same color and finish as the existing tower and Sprint's antennae. The triangular orientation of T-Mobile's equipment shall be similar to Sprint's existing equipment to the extent technically feasible to achieve the applicant's coverage objectives.
3. The telecommunication facility shall comply fully with all applicable requirements of Groton Zoning By-law § 218-25.1.
4. On the annual anniversary date of the issuance of this special permit, the applicant shall submit to the Building Inspector evidence that the facility is in compliance with all state and federal requirements, including compliance with radio frequency emissions.
5. The placement, construction and modification of a personal wireless services tower and its accessory structures, buildings and equipment shall be performed in accordance with all applicable local, state and federal requirements for the operation of such a facility.
6. Night lighting of the personal wireless services tower (aside from security lighting at the base of a tower) shall be prohibited unless required by the Federal Aviation Administration. If the Federal Aviation Administration requires lighting, then the lighting used shall be the minimum lighting required.
7. There shall be a minimum of one parking space for each personal wireless services tower to be used in connection with the maintenance of a personal wireless services tower and the facility; however, the Planning Board may require additional parking spaces depending upon the number of providers and antennas and dishes that are to use the facility. The site shall not be used for overnight or permanent storage of vehicles.
8. The carrier shall provide a bond, in a form acceptable to the town, or shall place into escrow, the amount of \$15,000.00 to cover the costs of removing the facility from the subject property and, furthermore, said funds shall be held by an independent escrow agent to be appointed by the carrier and the Planning Board. The carrier shall authorize and, as necessary, shall provide the authorization of the owner of the property to allow the town or the escrow agent to enter upon the subject property to remove the facility when the facility has been abandoned or discontinued.

9. Annual certification shall be provided by the owner or operator of the personal wireless services facility to the Planning Board and the Building Commissioner demonstrating continuing compliance with the standards of the Federal Communications Commission, the Federal Aviation Administration and the American National Standards Institute.
10. This special permit shall not be in effect until a certified copy of the special permit decision is recorded at the Middlesex South Registry of Deeds as required in GL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording is submitted to the Planning Board by the applicant.
11. This special permit shall lapse in 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. The recording of the special permit shall constitute commencement of substantial use.
12. This special permit runs with the land and applies to any successor in interest or successor in control.

***The motion was seconded and passed unanimously.***

#### **BATTEN WOODS – 23 ORION WAY**

The motion was made by Barringer to send a letter to Verdant Arch, developer of the Batten Woods subdivision, with the report dated July 26, 2006 from Judith Nitsch Engineering, Inc. (JNEI) regarding drainage problems at 23 Orion Way. The Board will remind the developer that he missed the May 15, 2006 deadline to complete the work at 23 Orion Way. However, the Board agrees with the homeowner that the work should not be done until September when the weather is more conducive to planting a lawn. The Board will require that the work as modified by the enclosed JNEI report be completed no later than September 21, 2006. The Board will not consider any further reductions in the bond until the work is completed to the satisfaction of the Board and its engineer. ***The motion was seconded and passed unanimously.***

#### **ACADEMY HILL STORMCEPTOR**

The motion was made by Eliot to approve the field change for installation of the stormceptor at the Academy Hill subdivision as recommended by JNEI. ***The motion was seconded and passed unanimously.***

#### **STATION AVENUE REDEVELOPMENT**

The Board will schedule a meeting on September 14, 2006 with landowners and other parties to discuss the redevelopment of Station Avenue. The Board will ask Peter Flinker of Dodson Associates to facilitate.



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#### **ENDORSE OLIVER WRIGHT MEADOWS SITE PLAN**

The motion was made by Perkins to endorse the Oliver Wright Meadows site plan. *The motion was seconded and passed with Clements, Degen, Eliot, and Perkins in favor; Barringer and Capes abstaining.*

#### **EXECUTIVE SESSION**

*(Member Capes left the meeting.)*

The motion was made by Perkins to enter executive session to discuss the pending settlement agreement regarding Groton Residential Gardens and Mill Run Plaza and that the Board would not return to open session. *The motion was seconded and passed by roll call vote with Degen, Barringer, Clements, Eliot, and Perkins in favor.*

The motion was made by Barringer to end executive session and to adjourn the meeting. *The motion was seconded and passed by roll call vote with Degen, Barringer, Clements, Eliot, and Perkins in favor.*

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator