

**GROTON PLANNING BOARD
OCTOBER 26, 2006
MINUTES**

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

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

Members absent: Barringer and Capes

STATION AVENUE REDEVELOPMENT COMMITTEE

The Board discussed the Station Avenue Redevelopment Committee and appointed the following representatives and liaisons:

Planning Board	Scott Wilson
Groton Electric Light Department	Doris Chojnowski
Board of Selectmen	Fran Dillon
SADAC	Richard Curtis
Neighborhood representative	Greg Mischel, Court Street
Historic Districts Commission (liaison)	Dan Barton
Conservation Commission (liaison)	(to be determined)
DCR-Nashua River Rail Trail (liaison)	Dann Chamberlin
Business association (liaison)	(to be determined)

PUBLIC HEARING – ROCKY HILL SPECIAL PERMIT MODIFICATION

(Member Degen stepped down and did not participate.)

In accordance with the provisions of Chapter 41, Sections 81-U and 81-T, the Groton Planning Board held a public hearing to consider the application submitted by Fox Meadow Realty Corporation for modification of Special Permit 2005-04 for the plan entitled, “Definitive Subdivision for Whip-o-Will Lane Groton, Mass.” prepared by R. Wilson & Associates, Inc., dated June 13, 2002, with revisions through April 4, 2005, approved by the Planning Board on April 28, 2005. The subdivision is located on land owned by Fox Meadow Realty Corporation shown on Assessors Lots 120-2.1, 120-2.3 & 236-24, located on the northerly side of Sandy Pond Road.

Chairman Wilson called the public hearing to order. Member Perkins read the notice published in the October 13 and 20, 2006 issues of *The Groton Herald*. Attorney Robert Collins represented the applicant at the public hearing.

Mr. Collins requested that the Board continue the public hearing because there were only four members in attendance. The Board voted unanimously to continue the hearing on November 16, 2006 at 7:30 PM.

SITE PLAN REVIEW – ROCKY HILL AGE-RESTRICTED HOUSING

(Member Degen stepped down and did not participate.)

The Board reviewed the site plan submitted by Fox Meadow Realty Corporation for 24 units of age-restricted housing in the Rocky Hill subdivision. Attorney Robert Collins presented the site plan for the housing cluster to be surrounded by open space. The adjacent wetlands will remain undisturbed.

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Mr. Collins described the landscaping plan prepared by Landscape Architect Lorayne Black. Street trees will include crab apples, white pines, birch, red oak, red maple, Ginko, and American elm. In addition, there will be three variations of plantings around the units.

Member Perkins asked if any of the plantings are invasive species. Mr. Collins said, "none."

Member Perkins asked about the width of the access road. Mr. Collins said it is 18 ft wide with a sidewalk on one side.

Member Perkins asked why the driveways converge. Mr. Collins said the convergence of the driveways is meant to be a "T" turnaround for emergency vehicles.

Member Eliot stated that an engineered plan showing design of the access road is required. The Board agreed. She asked about lighting details.

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

Mr. Collins said all work is outside the wetlands 100 ft buffer zone.

The Board voted unanimously to continue the site plan review on November 16, 2006 at 7:30 PM.

PUBLIC HEARING – AMANDAS WAY MODIFICATIONS

In accordance with the provisions of Chapter 40A, §§ 9 and 11, M. G. L., the Groton Planning Board held a public hearing to consider the application submitted by Millstone Hill Realty Trust for modification of Special Permit 2005-07 for the plan entitled, "Definitive Subdivision – Amandas Way, Groton, Massachusetts," prepared by Land Engineering & Environmental Services, LLC, dated January 25, 2005, with revisions through August 7, 2006, approved by the Planning Board on September 8, 2005. The subdivision is located on land owned by Millstone Hill Nominee Realty Trust shown on Assessors Map 250, Parcel 90, located on the southerly side of Lowell Road.

Chairman Wilson called the public hearing to order. Member Perkins read the notice published in the October 13 and 20, 2006 issues of *The Groton Herald*. Applicant James Patierno, his attorney Robert Collins, and the Wallens were present at the hearing.

Chairman Wilson read the comments from the Board of Health, the Water Department and the Police Chief.

Mr. Collins said the applicant is requesting three changes to the special permit for Flexible Development granted by the Planning Board for the Amandas Way subdivision.

When Mr. Patierno started to renovate the existing house, he discovered that the foundation was buckled so it would be easier to tear the house down rather than remodel it. However, the special permit decision has several references to renovating the existing house as an affordable unit so a modification of the special permit is required.

Mr. Collins also requested that the Board amend the definitive plan condition requiring a bond in the amount of \$5000 for maintenance of the private subdivision road. Town Treasurer Christine Collins said she could not accept a bond for such a purpose without statutory authorization. Mr. Collins said the developer could donate \$5000 to the Highway Department. If the homeowners fail to maintain the road in the future, they would be responsible for reimbursing the Town for the costs.

The applicant deeded the open space to the Town of Groton Water Department. However, access to the trail network should be over the sidewalk and not via Amandas Way since it is a private road.

The Board received a letter dated September 28, 2006 from Attorney Collins outlining his suggested changes to the special permit and definitive plan decisions.

In addition, the applicant is requesting a waiver to allow a vegetated grass swale rather than a rip rap swale from Station 0+35 to 0+45 as described in the letter dated June 6, 2006 from Land Engineering and Environmental Services, LLC.

Chairman Wilson said the Board also received a letter from abutter Jeff Wallens expressing concern about the number of bedrooms and size of the structure. Mr. Patierno said the new house would be a single-story structure with two bedrooms.

Member Degen asked for documentation that the foundation is in poor condition. Mr. Patierno said it would cost \$70,000 to repair the foundation, but for \$80,000 he could build a new house and correct all the issues for the new owners.

Member Degen asked if the house would be in the same footprint with the same setbacks and ridge line. Mr. Patierno said, "yes."

Member Degen said he did not have a problem with the grass swale if the percolation rates are good. Mr. Patierno said the soil drains very well and the grass swale provides better filtration than rip rap.

Member Degen said former Planning Board member Bob Lewis called him about ponding problems at the intersection with Route 40. Mr. Patierno said the drainage problems would be corrected when they installed the final pavement. However, the regulations do not allow placing the top course during the same year as the binder course. Mr. Collins requested that the Board grant a waiver to allow the top course to be installed this year in order to correct the drainage issues at the intersection.

Member Perkins asked about the design of the new house. Mr. Patierno agreed to submit design plans as a condition of the special permit.

Member Perkins asked about the total bedroom count for the houses in the subdivision. Mr. Collins said there would be a total of 14 bedrooms, not 15, as stated in his letter dated September 28, 2006.

Member Clements stated that he did not have any concerns with the proposed changes.

Member Eliot asked if the driveway could access off the subdivision road instead of Lowell Road. Mr. Patierno said it could be constructed with a garage underneath and access on the subdivision road.

Member Perkins asked if access on the subdivision road would require that the owner of the affordable unit be responsible for a portion of the road maintenance and plowing. Mr. Collins said, "no," because it is clearly stated in the agreement that the owner of the affordable lot does not share that responsibility.

The motion was made by Degen to waive §346-31I(6) Pavement to pave the top course during the same year as the binder course because the road is a private way and installation of the top course of pavement will correct the drainage problem at the intersection of the subdivision road and Lowell Road. *The motion was seconded and passed unanimously.*

The motion was made by Degen to waive **§346-11E Swales** to allow a vegetated grass swale, rather than riprap, on the easterly side of Amandas Way from Station 0+35 to 0+45. The Board granted the waiver with the condition that the applicant conduct four percolation tests within five feet of the berm and that the percolation rate must be less than two minutes per inch. *The motion was seconded and passed unanimously.*

The Board voted unanimously to close the public hearing.

The motion was made by Perkins to **MODIFY** Special Permit 2005-07 as shown on the plan entitled, "Definitive Subdivision – Amanda's Way, Groton, Massachusetts," prepared by Land Engineering & Environmental Services, LLC, dated January 25, 2005, with the following conditions:

Conditions:

1. As offered by the applicant, the existing house on Parcel A shall be replaced with a new two-bedroom house in the same footprint as the existing house. The setbacks for the new dwelling shall be as exists now, and these are approved in accordance with Section 218-26F. The exterior dimensions and height (from sill to ridge) of the new dwelling shall be the same or smaller that the existing dwelling, which shall be confirmed by the Zoning Enforcement Officer prior to building permit issuance. The garage of the existing Lowell Road façade and driveway accessing on Lowell Road shall be eliminated and replaced with a garage under the new dwelling facing Amandas Way with a driveway accessing on Amandas Way.
2. Condition #4 of Special Permit 2005-07 shall be amended to read:

"Public access to the trail network on Parcel B shall be through the pedestrian pathway installed by the applicant which leads to Lowell Road."

3. Condition #6 of Special Permit 2005-07 shall be amended to read:

The subdivision way will be a private way to be maintained by the owners of Lots 1, 2, and 3; the owner/occupant of the home on Parcel A shall not be responsible for any maintenance costs. The road will not be eligible for acceptance by the Town as a public way.

4. Sheet #3 or 6 of the definitive plan shall be modified to remove the easement for the "Prop. Gravel Parking Space."
5. All other findings and conditions remain in full force and effect.
6. 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.

The motion was seconded and passed unanimously.

The motion was made by Perkins to **MODIFY** the definitive plan entitled, "Definitive Subdivision – Amandas Way, Groton, Massachusetts," prepared by Land Engineering & Environmental Services, LLC, dated January 25, 2005, with revisions through June 6, 2005, with the following waivers and conditions:

Waivers:

The Board voted to grant waivers of the following sections of the Code of the Town of Groton, Subdivision of Land, Chapter 346 after determining that said waivers would be in the public interest and would not be inconsistent with the intent and purpose of the Subdivision Control Law.

1. **§346-8B(23) & 346-12B Street Lights.** The applicant requested a waiver of the requirement to install street lights.
2. **§346-10B(5) & 346-13D Granite Curbing.** The applicant requested a waiver of the installation of granite curbing at the roundings, street intersections and both sides of the roadway.
3. **§346-10C(2) Pavement Width.** The applicant requested a waiver to provide a 16-ft pavement width.
4. **§346-13A(1)(a)[3] Sidewalks.** The applicant requested a waiver from constructing a sidewalk because an unpaved pedestrian pathway will be constructed from Route 40 to the trail network on Parcel B.

5. **§346-11E Swales.** *The applicant requested a waiver to allow a vegetated grass swale, rather than riprap, on the easterly side of Amandas Way from Station 0+35 to 0+45. The Board granted the waiver with the condition that the applicant conduct four percolation tests within five feet of the berm and that the percolation rate must be less than two minutes per inch.*
6. **§346-31I(6) Pavement.** *The applicant requested a waiver to pave the top course during the same year as the binder course. The Board granted the waiver because the road is a private way and installation of the top course of pavement will correct the drainage problem at the intersection of the subdivision road and Lowell Road.*

Conditions:

1. **Compliance with Zoning and Subdivision Regulations.** The definitive plan and development of lots shown on said plan shall comply with Chapter 218 Zoning and Chapter 346 Subdivision of Land of the Code of the Town of Groton.

A registered land surveyor or registered professional engineer shall certify that each lot complies with Chapter 218, Zoning, on each Lotting Sheet prior to endorsement of the definitive plan.

2. **Street Names.** The name of this subdivision is “Amandas Way” and the name of the subdivision road is “Amandas Way.” The street name cannot be changed unless the Planning Board holds a public hearing and votes to modify the Definitive Plan because changing the street name may result in confusion for dispatching emergency vehicles to the site.
3. **Area Included in Subdivision and Limit on Number of Lots.** The Amandas Way subdivision includes approximately 7.5 acres depicted and described on the Definitive Plans within the ownership of the applicant and identified on Assessor's Map 250, Parcel 90. The Definitive Plan is approved for no more than four (4) building lots, including the lot with the existing house, as shown on the definitive plan which has been incorporated into and made a part of this Decision. No lot may be divided with the effect of creating a new building lot. No further subdivision of the parcels is to be permitted except for minor lot line modifications without a prior amendment approved by the Planning Board pursuant to Chapter 41, Section 81-W, MGL.
4. **Reduced Road Width – Reinforced Shoulders.** All roadways constructed at reduced width as permitted by waiver described above shall be constructed with reinforced shoulders not less than two (2) feet wide on each side of the roadway pavement. Said shoulders must be capable of supporting fully laden emergency vehicles in all weather operation. The shoulders shall be constructed in accordance with §346-10G Shoulders and § 346-22G Gravel Base. The Planning Board’s consulting engineer, in consultation with the Fire Chief, shall certify construction of said shoulders.
5. **Private Road and Stormwater Drainage Utility** – *The homeowners of Lots 1, 2, and 3 shall be solely responsible for maintenance of the road and drainage system in accordance with the document entitled, “Millstone Hill Nominee Realty Trust, Amandas Way, Declaration of Easements” recorded in Book 48163 at Page 60, as it may be amended. Should the owners of Lots 1, 2, and 3 neglect to maintain the road and*

drainage system to the extent that public safety is compromised and the Town finds it necessary to undertake maintenance, the owners of Lots 1, 2, and 3 shall reimburse the Town.

6. **Amandas Way Trust & Public Access.** *The maintenance of Amandas Way shall be in accordance with the document in Book 48163 at Page 60, as it may be amended. The owner/occupant of Parcel A shall not be responsible for any maintenance costs. Public access to the open space and trail network shall be through the pedestrian pathway on Parcel B and not through Amandas Way.*
7. **Landscaping.** – As offered by the applicant, evergreen trees and a 6 ft high stockade fence shall be installed as shown on the “Grading/Landscape Plan” (sheet 3 of 6) to provide screening for the abutters to the east and on the northerly side of Lowell Road. The applicant shall work with the Wallens, who own the abutting property, to provide suitable screening on the Wallens property, as offered by the applicant at the public hearing.
8. **Fire Protection.** As required in §346-12C Fire Protection and §346-13G Street Signs, the appropriate fire hydrants shall be inspected and approved by the Fire Chief. The street sign shall be installed prior to the issuance of building permits.
9. **Dry Well.** A detail showing dry well construction specifications shall be added to the definitive plan prior to endorsement.
10. **Erosion Control Permit.** An erosion and sedimentation control plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Soil Erosion and Sedimentation Control. The erosion and sedimentation control plan shall be appended to the definitive plan as required in §346 8C (1) (c) [1] [c].
11. **Earth Removal.** The removal of any excess earth materials from the site requires a Certificate of Exemption from the Earth Removal By-law. Chapter 134 of the Code of the Town of Groton Chapter 134, § 10 Exemptions, states:

“The above exemptions do not cover the removal of earth materials from the premises involving topographical changes or soil-stripping or loam-stripping activities, nor shall the tentative or final approval of a subdivision plan be construed as authorizing the removal of earth materials from the premises, even though in connection with the construction of streets as shown on the plan.”
12. **Water Supply.** Public water shall be supplied to each lot in the subdivision as required in §346-12A of the subdivision regulations. The installation of the public water supply system shall conform to §346-12C Fire Protection, the specifications of the Groton Water Supply Department.
13. **Stumps & Brush.** No stumps, brush, wood waste, or construction debris shall be buried on site.

14. **ADA Requirements.** As required in §346-13A (2) of Subdivision Regulations, access ramps for the disabled shall be provided at all intersections and driveways. The ramps shall conform to the Architectural Access Board current regulations (521 CMR) and the Americans with Disabilities Act (ANSI A117.1) current regulations.
15. **Finished Grade Certification.** As required in § 346-8G(1) of the Subdivision Regulations, the as-built plan shall be certified by a Registered Professional Engineer that the grades on all lots have been established in compliance with the drainage and topographical plans and that said grades have been established so as not to create adverse drainage patterns onto adjoining lots or streets.
16. **Open Space.** The 130,881 square feet of open space shown as Parcel B shall be deeded to the Town to be managed by the Groton Water Department or made subject to a permanent conservation restriction held by the town pursuant to MGL chapter 184, §§ 31 to 33. The conservation restriction must be recorded at the Registry of Deeds. Satisfactory evidence of recording must be received by the Board and the Building Inspector prior to the issuance of any building permits.
17. **Recording.** This decision, Special Permit 2005-07, covenants, and restrictions shall be recorded at the Registry of Deeds at the same time as the definitive plan. No construction or site alteration shall commence until the applicant submits satisfactory evidence of such recording to the Planning Board.
18. **Covenant or Bond.** Prior to endorsement of the definitive plan, the subdivider shall comply with § 346-8E(1) "Final Approval With Bonds" or Surety or § 346-8E(2) "Final Approval With Covenant." Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
19. **Special Permits.** This subdivision is subject to Special Permit PB #2005-07, granted by the Planning Board and filed with the Town Clerk on September 16, 2005 and Special Permit Modification 2006-12 filed with the Town Clerk on November 17, 2006 . All conditions of such special permit are applicable to the development of this subdivision.
20. **Successors.** The conditions of the definitive plan approval apply to any successor in interest or successor in control.

The motion was seconded and passed unanimously.

SITE PLAN REVIEW MODIFICATION – MILL RUN PLAZA

(Chairman Wilson stepped down and left the meeting.)

The Board reviewed the application submitted by Ryan Development to modify the Mill Run Plaza site plan. Attorney Robert Collins represented the applicant at the meeting. The Board received letters dated September 28, 2006 and October 25, 2006 from Attorney Collins describing the requested changes to the plan.

Mr. Collins said the parking issues have been addressed in his letter and by Scott Viscarello, consultant to the North Middlesex Savings Bank. The modified plan shows how 24 additional parking spaces could be created in the future if they are needed. The facility is occupied and running smoothly without any parking problems.

Mr. Collins said the installation of some of the site improvements, such as sidewalks and curbing, were not done in compliance with the approved plans. However, they are functionally equivalent. The as-built plans were submitted some time ago, but the Board has not reviewed them yet because it did not have the funds for engineering review and there is an outstanding balance of \$5589.37 for past engineering expenses. Presently, there are five empty units that cannot receive occupancy permits. The Town is losing tax revenue. Mr. Collins said by approving the site plan modification, the Board would end the impasse with this site.

Vice Chairman Degen said the Board did not review the as-built plans because it had no engineering funds available to do so. He noted that the existing aisle widths many not comply with the regulations.

Member Perkins said the site does not comply with the parking requirements now. She asked what will happen in the future if the new spaces have to be added. She said snow storage issues must also be addressed. Mr. Collins responded that it is unlikely that the new parking spaces would need to be built.

Member Perkins noted that the proposed parking space will block walkways. Mr. Collins said the plan can be changed.

Member Clements said he is content that the existing parking spaces will be adequate when all the units are occupied. He said he would like to hear from the unit owners.

Member Eliot stated her concerns about the parking spaces located near the exit of the bank. She said the Board must have its engineer review the proposed modification and confirm that the required percentage of open space has been provided.

Vice Chairman Degen said accessing the site in a truck is a problem today because the width of the aisles is too narrow. He said the proposed new spaces do not meet the parking regulations. He said poured concrete sidewalks were shown on the plan so he expects to have poured concrete sidewalks on the site.

Vice Chairman Degen said the applicant must pay the outstanding engineering invoices and pay for the engineering review of the as-built plans. Mr. Collins said he would convey this message to the applicant.

Vice Chairman Degen said the unit owners must consent to any changes in the plan.

Unit owner Sandy Locapo of Kitchen Art said she expected granite curbs and concrete sidewalks based upon the details shown on the approved plan. She said the asphalt sidewalks are falling apart. She expressed concerns about access for fire trucks.

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Vice Chairman Degen said the Board received a letter dated October 26, 2006 from Ralph Hulslander of Stafford Engineering. Mr. Hulslander read his letter and described the existing problems at the site. He said the asphalt was not installed correctly. There is only a base coat of pavement and seal coat rather than the required finish coat. There have been many close calls and potential head-on collisions due to the lack of proper sight distance in the parking lot. There are problems with snow banks and snow storage which makes the parking situation more difficult.

Member Perkins asked if the existing parking spaces are all being used. Mr. Hulslander said, "yes," the bank personnel take up a number of parking spaces.

Member Clements asked if there would be enough spaces when the other units are occupied. Mr. Hulslander said it all depends upon what type of business goes in.

Vice Chairman Degen said the Board must have the past engineering bills paid and as-built plans reviewed by its engineer before going forward with the proposed modification.

Patricia St. Hillaire asked how Mr. Collins could know what the existing businesses need when he has never asked them. She said Scott Viscarello's parking plan was intended to get the occupancy permit for the bank and there is no weight to his research. She said the parking is marginal now.

Vice Chairman Degen said the Board should ask the Fire Chief about access for his fire trucks under the existing conditions as well as the proposed modification.

Member Clements stated that the sidewalks must be properly installed in accordance with the approved plan.

Mr. Hulslander said there are ice and drainage issues in the area between buildings #2 and #4.

The Board voted to continue the site plan review on November 2, 2006 at 9:00 PM.

BATTEN WOODS BOND REDUCTION

The motion was made by Perkins to reduce the amount held in the performance bond for the Batten Woods subdivision and to retain a balance \$5,000.00. *The motion was seconded and passed unanimously.*

Meeting adjourned at 10:30 PM.

Respectfully submitted,

Michelle Collette
Town Planner

