

**GROTON PLANNING BOARD
DECEMBER 7, 2006
MINUTES**

Chairman Wilson called the meeting to order at 7:30 PM in the Town Hall
Members present: Wilson, Barringer, Capes, Clements, Degen, and Perkins
Member absent: Eliot

SITE PLAN REVIEW – ROCKY HILL AGE-RESTRICTED UNITS

The Board voted unanimously to extend the deadline for the Rocky Hill site plan to January 30, 2007 as requested by the applicant.

The Board voted unanimously to continue the site plan review for the Rocky Hill age-restricted units to January 11, 2007 at 7:30 PM.

SPECIAL PERMIT MODIFICATION – ROCKY HILL

The motion was made by Degen to **MODIFY** Special Permit 2005-04 as requested in the letter dated October 4, 2006 from Attorney Robert Collins and as shown on the plans entitled, “Plan of Land for the Rocky Hill Subdivision in Groton, Mass., Applicant: Fox Meadow Realty Corp.,” prepared by R. Wilson and Associates, dated December 1, 2006, with the following findings and conditions:

Findings:

The Planning Board made the following findings based upon the criterion set forth in Zoning By-Law §§ 218-26, 218-27C and 218-32.1:

1. **Social, economic and community needs:** The proposed modification to the special permit serves social and community needs by providing a diversity of housing types which is not currently available in Groton. Social needs are addressed by helping to maintain a demographic mix in the Town.
2. **Traffic flow and safety:** The modification to the special permit will not adversely impact traffic flow in the surrounding area because traffic from the proposed development was taken into consideration when the Board granted the original special permit and approved the Rocky Hill definitive plan.
3. **Adequacy of utilities:** There are adequate public utilities at this location to serve the proposed development.
4. **Neighborhood character:** Neighborhood character will be enhanced by the proposed modification because the relocation of Lot 3 will enhance the visual buffer from Boston Road.
5. **Impacts on the environment:** There is no additional environmental impact from the special permit modification. The Board determined that a reduction in the front yard setback for the house on Lot 2 will accommodate the location of the sewage disposal system and will minimize intrusion into the wetlands buffer zone.

6. **Fiscal impact on the Town:** There will be no additional fiscal impact on the Town as a result of the proposed special permit modification because no additional dwelling units will be created.
7. **Consistency with Concept Plan:** The proposed modification is consistent with the Rocky Hill Concept Plan approved by the Special Town Meeting (Article 8) on September 24, 2001. The modification is minor in scope and does not result in the construction of any additional dwelling units.

Conditions:

1. The front yard setback for the house on Lot 2 may be reduced to 35 ft as requested by the applicant in the letter dated October 4, 2006 from Attorney Robert Collins.
2. The elimination of Lot 3, associated change in lot lines for Lots 4A and 5A, and creation of Lot 36A to replace Lot 3 shall be shown on an Approval Not Required plan. A clearing limitation and “no cut easement” shall be created on Lot 4A to provide a vegetated, visual buffer from Route 119. The easement shall be shown on the Approval Not Required plan and the purpose of the easement shall be specified in the deed prior to conveyance of Lot 4A to the homeowner. The “no cut easement” does not apply to the construction of the road, drainage system or associated grading.
3. Prior to clearing any trees in the no cut easement area, the developer shall consult with the Tree Warden to determine which trees will be saved by installing tree wells and which trees will be removed.
4. All other findings and conditions of Special 2005-04 and the definitive plan approval remain in full force and effect.
5. This special permit shall not be in effect until certified copies of the special permit decision, “no cut easement” on Lot 4A, and ANR plan are 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 permits shall be issued by any Board or official until evidence of such recording is submitted to the Planning Board by the applicant.
6. This special permit runs with the land and applies to any successor in interest or successor in control.

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

ANR PLAN – ROCKY HILL

The Board considered the Approval Not Required (ANR) plan submitted by Fox Meadow Realty Corporation to reconfigure lot lines in the Rocky Hill subdivision. The motion was made by Capes to endorse as Approval Not Required the plan entitled, “Plan of Land for the Rocky Hill Subdivision in Groton, Mass.,” prepared by R. Wilson and Associates, dated December 1, 2006.

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

ROCKY HILL CONSERVATION LAND

The Board asked Attorney Collins for an update on the Rocky Hill conservation land. Mr. Collins said he recorded a deed for one parcel when the affordable housing was conveyed to the Groton Housing Authority. The Deed in Trust contained the restrictions required by the Natural Heritage and Endangered Species Program (NHESP) conservation permit. Mr. Collins said, if properly worded, a Deed in Trust is the highest level of protection. Joel Lerner of the Division of Conservation Services and the NHESP both approved the deed with the restriction. Mr. Lerner said case law supports the inclusion of the restriction in the deed.

PUBLIC HEARING – SPECIAL PERMIT/RACICOT/HOHMANN

The Board received an opinion from Town Counsel Judith Cutler that a special permit is not required for the shared driveway serving two residence areas in the Shepley Hill development because it is a single-family condominium subject to a special permit granted in 1987.

The motion was made by Degen to accept the withdrawal of the application for a special permit submitted by Racicot and Hohmann. *The motion was seconded and passed unanimously.*

SITE PLAN MODIFICATION – WEST GROTON WATER SUPPLY DISTRICT

The Board received a request from the West Groton Water Supply District (WGWS) to modify the site plan for the new well and pumping station in the Town Forest. Water Superintendent Gordon Newell presented the plan to install a 100-watt light on a utility pole located 25 ft from the pumping station. The Groton Electric Light Department recommended installing the light on the pole for security reasons. Mr. Newell said the Water Commissioner would like the light to stay on all night since the station is located more than 2400 ft from the public way.

The motion was made by Barringer to approve the modification to the site plan for the West Groton Water Supply district with a condition that the lamp be shielded to prevent horizontal glare. *The motion was seconded and passed with Wilson, Barringer, Capes, Clements, and Perkins in favor; Degen abstaining.*

ACADEMY HILL CONSERVATION LAND

The Board discussed the conservation land in the Academy Hill subdivision.

Academy Hill Definitive Plan Approval Condition #22 states:

“Open Space. As offered by the Applicant, Parcels A, B, C, D, E, and F totaling (218.40) acres shall be deeded to the Town of Groton to be managed by the Conservation Commission. The Planning Board will not release any lots from covenant until the deed conveying the open space parcel to the Town has been recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board.”

Academy Hill Special Permit 2004-10 Condition #3 states:

“As offered by the applicant, all open space parcels shall be deeded to the Town to be managed by the Conservation Commission and made subject to a permanent conservation restriction pursuant to MGL Chapter 184, §§ 31 to 33. The conservation restriction and deed must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Inspector prior to the release of any lots from the covenant.”

§ 218-26 Open Space Residential Development (in effect when the special permit was granted) states:

“The proposed open land, unless conveyed to the Conservation Commission in the name of the Town of Groton, shall be made subject to a permanent conservation restriction held by the town pursuant to MGL C 184, §§ 31 to 33, provided that such land shall be retained in its natural, scenic and open condition.”

The Board said the developer has three choices: 1) to convey the land to the Conservation Commission with a restriction held by the Groton Conservation Trust; 2) to convey the land to the Conservation Commission with a restriction held by the Department of Fish and Game; or 3) to convey the land to the Conservation Commission with a restriction contained in a Deed in Trust (similar to Rocky Hill).

The motion was made by Clements to send a memorandum to the Board of Selectmen regarding the conditions of the definitive plan and special permit that apply to the protection of open space in the Academy Hill subdivision. ***The motion was seconded and passed with Wilson, Barringer, Capes, Clements, and Perkins in favor; Degen abstaining.***

PUBLIC HEARING – SPECIAL PERMIT/BLOOD 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 applications submitted by Elliot Blood for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create one hammerhead lot and a special permit to utilize the provisions of Section 218-23D Shared Driveways to construct a shared driveway serving Lots 1, 2 and 3 as shown on the plans entitled, “Sewage Disposal System, Lot 2, Pepperell Road, Designed for Elliot Blood,” and “Driveway Site Plan, Lots 1, 2 & 3, Pepperell Road, Designed for Elliot Blood,” prepared by David E. Ross Associates, dated October, 2006. The proposed lots and driveway are located on Assessors Lot 103-74, located on the westerly side of Pepperell Road.

In accordance with the provisions of § 184-3 of the Code of the Town of Groton, the Planning Board and Tree Warden will hold a public hearing to consider the application submitted by Elliot Blood to remove trees within the right-of-way of Pepperell Road along the frontage of Assessors Map 103, parcel 74.

Chairman Wilson called the public hearing to order. Clerk Capes read the notices published in the November 24 and December 1, 2006 issues of *The Groton Herald*. Applicants Elliot and Doris Blood and design engineer Kevin Hardiman of David E. Ross Associates were present.

Mr. Hardiman presented the plan to create a hammerhead lot to be served by a shared driveway serving three lots on a nine-acre parcel located on Pepperell Road. The shared driveway requires only one curb cut and minimizes environmental disturbance. The drainage system will accommodate the 100-year storm. Recharge trenches will be installed along the side of the driveway and a retention basin will be constructed near Pepperell Road. Mr. Hardiman said they considered using Low Impact Development (LID) techniques, but LID is not feasible for this site. Mr. Hardiman said the driveway is located in the best location for sight distance on Pepperell Road. Five large trees must be removed to construct the driveway. There will be no damage to the stone wall.

December 7, 2006

Page 5

Member Barringer asked if Lots 1 and 3 could be accessed through their frontage. Mr. Hardiman said, "yes."

Member Clements asked if the sight distance to the south meets the requirements. Mr. Hardiman said, "yes," it is greater than 200 ft.

Member Perkins asked about cut and fill and slope. Mr. Hardiman said there is a 3% slope for the first 30 ft, the slope increases to 8% and then to 10% for the individual driveways.

Member Perkins asked about cut and fill. Mr. Hardiman said the cut and fill does not exceed seven feet.

Member Perkins asked if vegetation would be cleared to improve sight distances. Mr. Hardiman said it would not be necessary because sight distances are measured ten feet from the road. Member Perkins asked if the sight distance would be better in another location. Mr. Hardiman said moving the driveway would require more than seven feet of cut.

Member Perkins asked about runoff onto Pepperell Road. Mr. Hardiman described how the recharge trenches would be used to infiltrate runoff.

Member Capes said he was also concerned about sight distances. Mr. Hardiman said he would provide the measurements to the Board.

Member Degen said he prefers only one curb cut. He asked if the Fire Chief had reviewed the plan. Mr. Hardiman said, "not yet."

Member Degen requested that a clearing limitation be added to the plan to protect the abutters. Mr. Hardiman agreed.

Chairman Wilson suggested that the Board ask Nitsch Engineering to review the stormwater system and calculations. The Board agreed.

Member Barringer asked about the depth to groundwater in the area of the basin. Mr. Hardiman said the basin had not been tested yet, but the bottom of the basin must be at least two feet above groundwater to meet DEP regulations. He said a wick would be installed in the bottom of the basin.

Member Capes asked if the basin would have an overflow. Mr. Hardiman said the overflow is at the low point near Pepperell Road to the north of the swale.

Member Barringer asked about the depth of the basin. Mr. Hardiman said it is 4.5 ft deep with a 2:1 side slope. There is good sand and gravel in this area so the basin should drain within 24 hours. Member Barringer expressed concern that the proposed basin located close to the road could become an attractive nuisance.

Abutter Patty Davis said she is worried about the basin because it is very close to her property line.

December 7, 2006

Page 6

Abutter Jane Chalmers asked about percolation rates because the land did not pass soil testing years ago for proposed housing for the elderly.

Abutter Richard Lodge asked about the sight distances line on Pepperell Road. The Board said the sight distances would be added to the plan.

Mr. Lodge asked about the capacity of the retention basin for the 100-year storm. Mr. Hardiman said the 100-year storm is based upon 7 inches of rainfall in 24 hours. The basin is designed to accommodate the 100-year storm.

Member Perkins requested that the engineer consider adding attractive plantings around the basin. Mr. Hardiman said he told the Earth Removal Advisory Committee (ERAC) that they would look into creating a rain garden, if feasible.

Mr. Hardiman said the applicant plans to construct three houses on nine acres and save as many trees as possible.

Member Degen said the Board of Health must approve the sewage disposal systems. He asked if the pond could be planted with native plant materials.

Member Barringer asked who will be responsible for maintaining the basin. Mr. Hardiman said the homeowners association.

Tree Warden Tom Delaney said the removal of the five trees is part of this public hearing under the Scenic Roads by-law. He said he did not receive any written objections to the removal of the trees from the abutters. Abutter Linda Bowie said she did not know they would have to submit a written objection.

Abutter Steve Bowie expressed concerns about existing drainage problems on Pepperell Road. He said the road washes out and drains onto his property about 8-10 times per year. He asked for assurance that the drainage system would function and not make matters worse. Mr. Delaney said he would look into the existing problems with Pepperell Road.

Member Clements asked why the nice oak tree had to be removed. Mr. Hardiman said because this is the best and safest location for the drive way cut.

Abutter Nancy Connolly requested that a vegetated buffer be preserved.

Abutter Effie Stewart asked who did the percolation tests. Mr. Blood said the Nashoba Associated Boards of Health witnesses the testing.

The Board voted unanimously to continue the public hearing on January 18, 2007 at 7:30 PM.

SITE PLAN REVIEW – ENVIRON, HOLLIS STREET

The Board reviewed the Level I site plan submitted by 2-8 Hollis Street, LLC, for the Environ offices. Joyce Morrow of Environ and design engineer Kevin Hardiman of David E. Ross Associates were present.

Mr. Hardiman said the Board approved a site plan in 2002, but the approval has lapsed. The Site Plan Review and Off-Street Parking by-laws were amended in 2006 so the new requirements apply. The new exit onto Hollis Street was already constructed. The only change to the exterior of the building is the addition of two new stair cases. The by-law requires 47 parking spaces, but only 30 are shown on the plan. Five on-street spaces are allowed in the by-law. The applicant requested a waiver of 12 parking spaces.

Member Degen said the new driveway cut works well. He asked if a new sidewalk would be constructed. Mr. Hardiman said, "yes, as shown on the plan."

Member Degen asked about drainage. Mr. Hardiman said there are no changes to the drainage system as approved in 2002. However, the applicant must submit a new Notice of Intent with the Conservation Commission because the Order of Conditions lapsed.

Member Degen asked if only one business will occupy the site. Ms. Morrow said, "yes."

Member Degen asked about lighting. Mr. Hardiman said the lights shown on the plan were approved by the Historic Districts Commission. Member Degen noted that the HDC approved the design of the lighting but does not have jurisdiction over glare. He asked if the applicant submitted specifications on light levels. Mr. Hardiman said the lights will have cut-off fixtures. Ms. Morrow said the lights would be shut off at 10 or 11 PM. Member Degen said the Board needs more information on lighting including a photometric diagram.

Ms. Morrow said they are planning to renovate the existing buildings. They are not changing anything else on the site. The proposed use is only offices for Environ's staff. There will not be any retail space or other type of use.

Member Degen said, if no new lights are installed, he has no problem with the plan. Member Capes said he thinks the request to waive parking spaces is justified for the proposed use.

Mr. Hardiman said Environ will be the only business. There are 25 employees and no visitors. Ms. Morrow added that many of their employees work at job sites and are not in the office. Member Capes asked what the maximum staff level is at this location. Ms. Morrow said 30.

Member Barringer noted that this a mixed-use space and the offices could revert to other uses. Mr. Hardiman suggested that the Board include a condition in the approval limiting proposed use.

Member Perkins asked if the parking lot would be paved. Mr. Hardiman said, "yes," as shown on the plan. She asked about parking for disabled people. Mr. Hardiman said the accessible spaces are located near the walkway.

Member Barringer said the applicant may want to consider adding lights, but not the type shown on the plan.

Member Barringer asked about snow storage. Mr. Hardiman said the snow would be stockpiled near Mayfield Drive and snow melt will flow into James Brook.

The motion was made by Degen to grant a waiver to allow thirty (30) on-site parking spaces for the proposed use by Environ, an environmental consulting firm. If the current tenant vacates the premises, a site plan modification must be submitted to the Planning Board for its review and approval. ***The motion was seconded and passed unanimously.***

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

The motion was made by Perkins to approve the Level I site plan entitled, "Site Plan of Land, Groton, Massachusetts, Prepared for 2-8 Hollis Street, LLC" (Sheets 1 – 4), prepared by David E. Ross Associates, dated November 2006. The Board approved the site plan with the following waiver and conditions:

1. All underground utilities including water, sewer and electrical shall be shown on the plan.
2. There shall be no change in the existing lighting unless a site plan modification is submitted to the Planning Board for its review and approval.
3. Snow storage areas shall be shown on the site plan. Snow banks shall be removed from the site if they exceed three (3) feet in height. Snow stockpiles shall not obstruct any parking spaces.
4. If the current tenant vacates the premises, a site plan modification must be submitted to the Planning Board for its review and approval.
5. Parking for the disabled and access to the building shall comply with the requirements of the Architectural Access Board Regulations, 521 CMR, and the Americans with Disabilities Act.
6. The project is subject to an Order of Conditions issued by the Conservation Commission and Certificate of Appropriateness issued by the Historic Districts Commission.
7. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.

The motion was seconded and passed unanimously.

MRPC REPRESENTATIVE

Member Degen explained that he would not be the Planning Board's representative to the MRPC now that he has been elected Selectman.

The motion was made by Degen to appoint Member Barringer as the Board's representative to the MRPC and MJTC. ***The motion was seconded and passed with Wilson, Capes, Clements, Degen, and Perkins in favor; Barringer opposed.***

Meeting adjourned at 10:15 PM.

Respectfully submitted,

Michelle Collette, Town Planner

December 7, 2006

Page 9