

**GROTON PLANNING BOARD
DECEMBER 14, 2006
MINUTES**

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

PUBLIC HEARING – ORCHARD REALTY, SPECIAL PERMIT

The Board held the continuation of the public hearing to consider the application submitted by Orchard Realty Trust for a special permit to construct a shared driveway serving two lots on Reedy Meadow Road. The applicant's engineer, Stan Dillis, requested that the Board continue the public hearing and extend the deadline.

The Board voted unanimously to continue the public hearing on January 18, 2007 at 8:30 PM.

The Board voted unanimously to extend the deadline to March 31, 2007 as requested by the applicant.

STATION AVENUE UPDATE

The Board reviewed the scope of services submitted by Comprehensive Environmental, Inc. (CEI) to evaluate soils and hydrology in the Station Avenue redevelopment area. The motion was made by Perkins to authorize Chairman Scott Wilson to sign the agreement with CEI on behalf of the Planning Board. *The motion was seconded and passed unanimously.*

PUBLIC HEARING – 536 MAIN STREET, SPECIAL PERMIT & SITE PLAN REVIEW

The Planning Board continued the public hearing to consider the application submitted by Gillis Homes for a special permit and site plan approval to construct a 10,000 sq ft office building at 536 Main Street. Design engineer Jude Gauvin of GPR, Inc. and Fire Chief Joseph Bosselait were present.

Mr. Gauvin presented the latest revisions to the plan in response to the Nitsch Engineering report. Mr. Gauvin said they completed the recommended soil testing witnessed by William Maher of Nitsch Engineering. He said they submitted an application to MassHighway for a curb cut permit. He submitted a new traffic study as requested by the Board. The applicant requested a waiver to allow only one access on Route 119. The sewer service line will be installed in the water table below the drainage infiltration trenches. The line will be sleeved with an 8" pipe to protect it. The sewer is at elevation 211 ft, and groundwater is at elevation 213 ft. There is a two-foot separation between the bottom of the drainage system and high groundwater.

Member Perkins asked if there were any changes to the landscaping plan. Mr. Gauvin described the changes noted on the plan. Member Perkins asked about emergency vehicle access on the site. Mr. Gauvin submitted a plan demonstrating the turning radii for a 40-ft fire truck.

December 14, 2006

Page 2

Member Perkins asked about snow storage. Mr. Gauvin said snow will be stockpiled in the green area along the southerly property line. Member Perkins asked about the width of this area. Mr. Gauvin said it is 15 ft wide.

Member Capes asked if the trees in island will inhibit emergency vehicle access. He asked for more detail on the elevation of the sewer pipes. Mr. Gauvin said the sewer is at elevation 208 ft at the street and elevation 211 ft at the building. Groundwater is at elevation 213 ft, the infiltration basin is two feet about high groundwater.

Member Degen asked about the landscaping changes. Mr. Gauvin said the junipers were changed to yews. Member Degen said eight feet is a good height. The low branches on the trees may need pruning.

Fire Chief Joseph Bosselait said he would wait until the traffic engineers review the turning radius for fire trucks.

Member Degen said he is comfortable with the waivers requested by the applicant. He said he would like to ask Nitsch Engineering for an opinion on the sewer line in the groundwater.

Member Eliot said she would like more landscaping to screen the parking lot from Route 119. Mr. Gauvin said they are trying to save as many mature trees as possible. Member Eliot said she would like 3-4 ft high shrubs planted in this location. Mr. Gauvin said the plan shows rhododendrons and 10 ft high golden elders. Member Eliot said she prefers evergreens because they would provide better screening.

Chairman Wilson said he liked the landscaping plan as designed. He said the Board must send the traffic study to its traffic engineer for review.

Abutters James and Pamela Crowley expressed concern about traffic on Route 119, especially during the afternoon, and impact on their property values. Mrs. Crowley said this property is their retirement fund. Chairman Wilson said the Board's traffic engineer, FST, would make recommendations to the Board regarding traffic impact.

Member Degen said a 2/3 vote of Town Meeting approved the rezoning of this parcel to B-1. The Planning Board must ensure that the plan complies with the Zoning By-Law and the Site Plan Review regulations.

Mrs. Crowley asked about plantings along her property line to the north of the site. Mr. Gauvin said trees and shrubs will be planted in this area. The applicant wants to be sensitive to the needs of abutting residents.

Mr. Crowley said the trees should not be planted too close to the road because they would block his view of the road. Mr. Gauvin said that is why the vegetation close to the road was removed.

The Board voted unanimously to continue the public hearing on January 4, 2007 at 7:30 PM.

PUBLIC HEARING – LEE EDMANDS SPECIAL PERMIT

The Board held the continuation of the public hearing to consider the application submitted by Lee Edmands to construct a shared driveway serving two lots off McCanns Hill Road and Kemp Street. Applicant Lee Edmands, Attorney Ray Lyons, design engineer Steven Marsden, West Groton Water Supply District (WGWS) Superintendent Gordon Newell, and Fire Chief Joseph Bosselait were present.

Attorney Lyons presented the plan for the shared driveway serving Ms. Edmands' house lot and the lot with the existing WGWS storage tank. He said the WGWS has no legal access to its tower at the present time. The applicant and the WGWS have negotiated and agreed to share the costs of constructing the proposed driveway.

Fire Chief Bosselait summarized his concerns outlined in his memorandum dated September 20, 2006. He said the access driveway must be maintained year-round because it has a very steep slope.

Chairman Wilson asked about the grades of the proposed driveway. Mr. Marsden said the average grade is 12% but there is an area where the grade is 14%. Chairman Wilson asked the Fire Chief if he could negotiate these grades. Fire Chief Bosselait said it all depends on the approach and departure to the steep grade. Mr. Marsden said the steepest grade is located in the center of the driveway which is straight. The grade is around 8% where there are curves. Fire chief Bosselait said he was more concerned with the curves in the driveway. The steep section is alright as long as it is where the driveway is straight. He said he must have a "t" turn-around so he does not have to back down the driveway. Mr. Marsden said there are two turn-arounds shown on the plan.

Member Perkins asked about the width of the driveway. Mr. Lyons said it is 12 ft wide.

Chairman Wilson asked how the grades compare with the driveways on Lovers Lane. Mr. Marsden said the driveways on Lovers Lane are close to 20%.

Mr. Lyons said they will be sure to save the maple trees along Mr. Dillon's frontage. He said the WGWS will pay for driveway construction in exchange for a legal easement to the water tower. Member Degen asked where the frontage is for the WGWS lot. Mr. Lyons said the lot has no frontage.

Mr. Lyons requested that the Board permit him to amend the application to have the shared driveway serve three lots rather than two lots. Town Planner Michelle Collette said the application was for two lots. A new application should be submitted for a driveway serving three lots. A new public hearing, notice to abutters, and comments from Town Departments would be required.

Member Degen said the driveway design should be reviewed by the Board's engineer. Mr. Marsden said he met with the Highway Surveyor to go over the proposed work including the infiltration system. The existing asphalt swale along McCanns Hill Road will be changed to a rip-rap swale. All the construction details were acceptable to the Highway Surveyor.

Member Perkins asked why the driveway is not going to be 16 ft wide as required in the regulations. Mr. Marsden said the existing road has too many mature trees growing at the edge of the road. It would cause too much aesthetic damage to cut down all the existing trees. The regulations for individual driveways require a width of 12 ft. The proposed shared driveway will serve one residence and the WGWSO storage tank. Mr. Newell said the storage tank is checked once a month and cleaned every seven years.

Chairman Wilson asked if the shared driveway could begin at 16 feet wide and narrow down to 12 feet to save the trees. Mr. Marsden said the driveway is 12 ft wide with a 2-ft shoulder on each side. The shoulders will be compacted to support vehicles. Robert Collins (who was present but not representing any of the parties) reminded the Board that this is a driveway, not a subdivision road.

Mr. Lyons said they will meet with the Fire Chief to be sure the width is adequate prior to paving. Fire Chief Joseph Bosselait said the toughest curve is in the lower section of the driveway. Maintenance is a critical factor. Mr. Newell said the WGWSO agreed to plow to the tank in exchange for the access easement.

Member Perkins said the Board should send the plans to Nitsch Engineering for review.

Member Clements asked about the grades at the beginning of the driveway. Mr. Marsden said the grade is about 5-6% in this location. The steepest grade is located in the middle of the driveway for a distance of 100 ft.

Member Degen said it appears that the applicant may want to add another house lot in the future. He suggested that the Board's waiver include a condition that the driveway only serves one house lot. Mr. Lyons agreed with such a condition. He added that the creation of another lot in the future would require a special permit for a hammerhead lot and shared driveway. He requested that the Board close the public hearing.

Member Capes asked if the applicant could demonstrate that trucks will not have difficulty accessing the site with the curve at the lower portion of the driveway. Mr. Marsden said the grades are not steep in this location. The grade increases slowly to 8%.

Member Degen reminded the applicant that the Board of Selectmen and Highway Surveyor must approve any changes to the public way. Ms. Edmands said approval of changes to McCanns Hill Road is a new issue. Mr. Marsden said the proposed work is only in the right-of-way. There will be no changes to the pavement. He said he would submit a copy of the plans to the Selectmen and Highway Surveyor.

The Board voted unanimously to continue the public hearing on January 4, 2007 at 8:00 PM.

PRE-SUBMISSION REVIEW – CROTEAU PROPERTY, NORTH STREET

The Board met with Attorney Robert Collins to discuss the Croteau property on North Street. Mr. Collins said the 15-20 acre lot contains a home and an existing small business. The business use would be staying on the property. The basic number of lots is 7 with the business located on

the 8th lot. He asked if Site Plan Review would be required for the business when the property is developed. Planner Michelle Collette suggested that any change to the business or lot would require a special permit under §218-6E, which states:

“E. Alteration or extension.

“(1) A nonconforming structure or use may be altered or extended, provided that such alteration or extension is in accordance with the applicable intensity regulations or other dimensional requirements of this chapter and does not increase the extent of the nonconformity, and provided further that the Board of Appeals determines by the grant of a special permit that such alteration or extension is not substantially more detrimental to the neighborhood than the existing nonconforming structure or use, except that no special permit is needed if the alteration is to a nonconforming single- or two-family dwelling and said alteration does not increase the nonconforming nature of the dwelling.”

PUBLIC HEARING – BROOKS ORCHARD SPECIAL PERMIT

At the request of the applicant, the Planning Board voted unanimously to continue the public hearing on January 4, 2007 at 8:30 PM.

SITE PLAN MODIFICATION – MILL RUN PLAZA

(Members Wilson and Capes stepped down and did not participate.)

The Board continued its review of the proposed modifications to the Mill Run Plaza site plan. Attorney Robert Collins represented Ryan Development at the meeting. Several unit owners were also in attendance.

Mr. Collins said there are three remaining issues to be addressed:

1. Parking
2. Various improvements not consistent with the approved site plan;
3. As-built plans and invoices.

Mr. Collins said Nitsch Engineering reviewed the as-built plans and submitted reports dated November 27, 2006 and December 14, 2006 to the Planning Board. The developer agrees to make all necessary repairs in the spring.

Planner Michelle Collette said Ryan Development submitted a check for \$6600 to cover all outstanding engineering invoices.

Mr. Collins said the existing parking on the site is sufficient for the development. He asked the Board if it was comfortable with the improvements as installed the site. He said he sent a letter to all the unit owners and received only one response. He said the type of curbing, sidewalks and other site improvements are not a municipal issue. They are buyer-seller issues. The improvements as installed provide the functional equivalent to what was shown on the plan. He advised the Planning Board not to get in the middle of this matter since the Planning Board's engineer had no problem with these improvements.

Member Degen said the Board received a letter from some of the unit owners expressing their dissatisfaction with the conditions at the site. He said the site is not consistent with the details shown on the approved site plan. Mr. Collins said there is a combination of curbing types.

Member Degen said additional parking spaces are required and the drainage system is still under the Planning Board's jurisdiction.

Member Eliot said she agreed with Member Degen. The site is not in compliance with the approved plan. She said she would like to hear from the unit owners.

Member Perkins said there are issues in the letter from the unit owners that were not included in the Nitsch Engineering reports. She said she is not willing to approve the revised parking plan as requested by the applicant.

Attorney George Basbanes said he has a purchase and sales agreement for one of the units. He does not care about the type of sidewalk. The asphalt sidewalks are perfectly adequate. He said he never noticed a shortage of parking spaces. His unit would only require five spaces. He would like to move his offices from Lowell to Groton and urged the Board to consider the applicant's request for modification.

Unit owner Sandy Locapo said she does care about the type of sidewalks. She wants to receive what she paid for when she bought her unit.

Unit owner Richard Colangelo said they all paid top dollar for their units. They expected the site to comply with the site plan approved by the Planning Board. The town uses concrete sidewalk, not asphalt, for aesthetic reasons.

Unit owner Ralph Hulslander asked what would happen to the parking situation when snow is stockpiled behind the buildings. He said this is the time to correct the problems. He said the pavement is not the required thickness and a top coat was never installed. The sidewalks are heaved and cracking. The sidewalks are sinking in some areas. It will be expensive to repair and repave the parking lot.

Member Perkins asked why the condition of the pavement was not included in the Nitsch Engineering reports.

Member Degen said he would like to hear from the Fire Chief on the additional parking spaces or wavier request. Fire Chief Bosselait said he is concerned about access around the buildings. Any proposed change to the parking lay out must meet the same standards as other developments. He said he is concerned about blocking access between buildings. The emergency vehicle access to Mill Street must be maintained and snow should not be stockpiled in this area.

December 14, 2006

Page 7

Mr. Collins said the proposed parking plan is only to demonstrate that more parking could be provided. They do not plan to add these parking spaces. He agreed with the Fire Chief that blocking access to the buildings is not acceptable.

Member Degen said he may consider granting the waiver of the parking requirements if the sidewalks and curbs are replaced and installed as shown on the approved site plan. Mr. Collins said the unit owners would be billed for any of this work and the maintenance costs would go up as a result.

Sandy Locapo said they should not have to pay increased condominium fees to have what they bought in the first place.

Mr. Collins said there are five vacant units for sale. He suggested that the Board hold one of the units until the sidewalk and curbs are improved.

Member Perkins asked if 15 parking spaces could be added for the new units as long as the spaces are not in between the buildings. The Fire Chief said the area in the middle of the complex is very tight and should not be blocked.

Member Degen said in order to bring the matter to resolution, he would be willing to waive parking for three units and hold two units until the sidewalks are fixed. Additionally, the Board's engineer should check the grades, subbase, and depth of pavement for compliance with the specifications.

Member Perkins said she does not have a problem with asphalt sidewalks because they are easier to maintain and repair.

Mr. Collins said he would request that the developer do the following:

1. Add 15 additional parking spaces;
2. Replace the sidewalks subbase and pave with bituminous asphalt (to be witnessed by the Board's engineer);
3. Request a waiver on the curbing;
4. Repair the curbs and pavement cracks;
5. Snow stockpiles shall not be above three feet;
6. Be sure that parking spaces do not block emergency vehicle access;
7. Grant an easement to the unit owners for maintenance of Basin #3;
8. Clean out the MassHighway storm drain system as required in the MassHighway permit.

The Fire Chief said he did not have a problem with the proposed changes.

Mr. Collins said he would check with the developer and get back to the Board.

The motion was made by Perkins to extend the deadline to January 5, 2007 as requested by the applicant. ***The motion was seconded and passed with Clements, Degen, and Perkins in favor; Eliot abstaining.***

December 14, 2006

Page 8

The motion was made by Perkins to continue the Site Plan Modification on January 4, 2007 at 9:00 PM.

Meeting adjourned at 11:00 PM.

Respectfully submitted,

Michelle Collette
Town Planner