

**GROTON PLANNING BOARD
JANUARY 4, 2007
MINUTES**

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

LAWRENCE ACADEMY FIELD CHANGE

The Planning Board received a request dated December 20, 2006 from design engineer Ducharme and Dillis which, "The proposed change involves the addition of a subdrain (interceptor drain) along the west side of the new parking lot. The drain is proposed to control groundwater seepage from the upgradient slope on that side of the parking lot in order to avoid problems with icing and deterioration of the pavement. We note that, in addition to groundwater, the drain would also pick up a small amount of surface runoff from the slope."

The motion was made by Clements to approve the change requested by Ducharme and Dillis with the condition that the change is shown on the as-built plan. *The motion was seconded and passed unanimously.*

STATION AVENUE UPDATE

Chairman Wilson reported that the Station Avenue Redevelopment Committee has been making progress on a number of issues. The wetlands delineation is completed and the GIS map is underway. FST is in the process of taking traffic counts. Planning Consultants John Mullen and Zenia Kotval will meet with representatives of Capstone Properties and Beaudane Properties on January 10, 2007. The Committee will sponsor a day-long charrette with Town Departments and an evening charrette with townspeople to discuss design issues on January 24, 2007. The Committee will hold a neighborhood meeting on February 7, 2007 and a Saturday morning charrette on February 10, 2007.

PUBLIC HEARING – 536 MAIN STREET SPECIAL PERMIT

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. Applicant Steve Gillis, design engineer Jude Gauvin of GPR, Inc., and the Board's traffic engineer, Gary Hebert of Fay, Spofford and Thorndike (FST) were present.

Mr. Hebert presented his report dated January 4, 2007. He said the applicant indicated that the building would contain 5000 SF of retail use and 5000 SF of office use. However, Mr. Hebert said he was uncertain of the specific types of uses. He recommended that the Board include a condition in the special permit stating that a site could not contain a restaurant or convenience store because these uses need more parking and generate more traffic. Mr. Hebert described the peak traffic patterns which occur on weekday mornings and evenings and mid-day on Saturday. He said the proposed parking is adequate and meets the requirements of the by-law as long as there is no restaurant. He pointed out four parking spaces that do not have enough room for backing out. He said the line of sight is fine if the vegetation is cleared. He noted that the turn from Route 119 onto the site may be difficult for larger trucks including fire trucks. He recommended that a sidewalk be constructed to connect with other sidewalks on Route 119 in the future.

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Chairman Wilson read the Fire Chief's memorandum dated January 4, 2007.

Design engineer Jude Gauvin said he would work with Mr. Hebert and the Fire Chief to address their concerns. All the problem areas will be changed on the plan.

Chairman Wilson said the Fire Chief's concerns about access to the site would be addressed with the elimination of the island. He asked what type of curbing would be used. Mr. Gauvin said the curbing would be granite as required in the regulations.

Member Clements asked about delivery trucks. Mr. Gauvin said most deliveries are by UPS or FedEx truck that park at the door and leave quickly.

Member Perkins asked if the applicant could arrange the time of deliveries. Mr. Gillis said this is difficult to control.

Member Barringer asked about snow storage and whether there is enough room on site. Mr. Gauvin said there is adequate space in the landscaped areas.

Member Eliot asked if the plan complies with aisle width and open space requirements. Mr. Gauvin said, "yes." Approximately 40% of the site is open space.

Chairman Wilson asked the applicant if he would agree to a condition on the type of use in the building. Mr. Gillis said, "yes."

Member Eliot asked how the site would accommodate pedestrian traffic from Groton Residential Gardens located on the other side of Route 119.

Mr. Hebert said this is a difficult situation because traffic travels at a speed of 45-50 mph in this location. Federal Highway Administration Guidelines do not recommend adding a crosswalk in such location. If a traffic light is installed in the future, a crosswalk could be added at that time.

Member Eliot asked if the Board should request an easement for a sidewalk now. She asked if the plan should accommodate widening Route 119 in the future.

Member Degen reiterated that the Board would include a condition that there shall be no restaurants and no take-out restaurants. Mr. Gillis agreed.

Chairman Wilson also noted that medical office uses would not be allowed because there are not enough parking spaces. Mr. Gillis agreed that they do not have enough parking for medical office use.

Member Degen asked about the offset with the access to Groton Residential Gardens. Mr. Gauvin said it is offset 15 ft. Mr. Hebert suggested that the applicant look at the location of the access that will be serving the fitness center at Groton Residential Gardens. Member Degen said installation of a traffic light in the future would help. Mr. Hebert agreed that a traffic light would provide gaps in traffic. He said the traffic counts did not analyze traffic from the fitness center which will add trips during peak hours.

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Member Perkins asked about the Level of Service for left-hand turns. Mr. Hebert said traffic counts must be taken to make that determination. The projections show 1100 trips in one direction and 400 trips in the other direction for a total of approximately 1400-1700 trips in one hour.

Member Degen asked if the proposed plan works with the traffic counts. Mr. Hebert said, "yes," with some minor changes.

Member Barringer stated that snow storage in the front of the site still troubles him because it is only ten feet away from the lot line. He said the applicant cannot push snow onto the abutting property. He asked if the applicant would truck snow away from the site.

Member Degen said the Board can include a condition on the maximum height of the snow bank and require that snow be removed within a certain time period.

Member Eliot asked if the driveway could be moved closer to the property line. Mr. Hebert said the ideal location for the driveway is toward the east of the site, but the owner would have to negotiate with NEBS/Deluxe, owner of the abutting property. Mr. Gillis said he tried to work with NEBS on the driveway location, but without any luck. The driveway cannot be located at the property line unless NEBS agrees to grant a slope easement.

Ed McNierney spoke in favor of the application because businesses like his need a place to locate in Groton. His business has a small number of employees and produces a low volume of traffic. He said the proposed business building is very attractive to his type of business.

Member Degen asked if the applicant would post a sign at the entrance excluding semi-tractor trailer trucks. Mr. Gillis said, "no," because it would not be financially viable to put such a requirement in a lease.

The Board voted unanimously to continue the public hearing on January 25, 2007 at 7:30 PM

PUBLIC HEARING – LEE EDMANDS SPECIAL PERMIT

The Board continued the public hearing to consider the application submitted by Lee Edmands for a special permit to construct a shared driveway off Kemp Street. At the request of the applicant, the Board voted unanimously to continue the public hearing on January 18, 2007 at 8:45 PM.

PUBLIC HEARING- BROOKS ORCHARD SPECIAL PERMIT

(Member Degen stepped down and did not participate.)

At the request of the applicant, the Board voted unanimously to continue the public hearing for the special permit for the Brooks Orchard shared driveway to January 11, 2007 at 7:30 PM.

ACADEMY HILL CONSERVATION RESTRICTION & LOT RELEASES

The Board met with developer Bruce Wheeler and Attorney Louis Levine to discuss the conservation restriction and lot releases in the Academy Hill subdivision.

Attorney Levine said the approval process with the Natural Heritage and Endangered Species Program (NHESP) took many years to complete. NHESP issued a permit with a condition that the open land must be permanently protected with a conservation restriction. Developer Bruce

Wheeler plans to deed the fee in the land to the Groton Conservation Commission as stated in the conditions of the special permit and definitive plan approval. Town Counsel has reviewed and approved the deed for the land and the conservation restriction. If the Conservation Commission holds title to the land, another conservation entity must hold the restriction. He said he was asking the Conservation Commission do both, but NHESP would not allow it since this land is extremely sensitive habitat. Mr. Levine said they hope Massachusetts Division of Fisheries and Wildlife will agree to hold the restriction.

Mr. Levine said the applicant posted a tripartite agreement with the Town to ensure construction of the road and drainage system. He requested that the Board consider allowing the developer to construct model homes that would not be conveyed and no occupancy permits would be issued until the conservation restriction is recorded at the Registry of Deeds. He said the developer would like to construct two single-family units, two condominium units and one duplex including an affordable unit.

Member Degen asked what will happen if these issues are not resolved by spring. Mr. Levine said the NHESP permit requires that the developer donate funds for the oversight of this property. The developer conveyed the land to the Town to be managed by the Conservation Commission as required in the special permit and definitive plan.

Ed McNierney of the Groton Conservation Trust (GCT) said the GCT would prefer to hold the fee in the land and have the Conservation Commission hold the restriction. He noted that the GCT owns other land in this area. However, the applicant decided to convey the fee in the land to the Conservation Commission rather than to the GCT. Mr. McNierney said the GCT is willing to hold the restriction. Mr. Levine said he discussed this matter with June Johnson of the GCT. He understood that the GCT wanted to hold the fee, not the restriction.

Member Degen asked why the developer could not move forward and convey the land to the Conservation Commission. Mr. Levine said they would not be in compliance with the NHESP permit unless there is a restriction on the land. The restriction must be recorded before the land is conveyed to the Conservation Commission. Member Clements asked why the Commission cannot hold the fee and the restriction like it did with the Rocky Hill conservation land. Mr. Levine said the NHESP wants two different entities because the Academy Hill land has very important habitat and requires a higher level of protection. Mr. Levine said he submitted a deed for the land to the Selectmen as required in the special permit and definitive plan.

Member Eliot said modifications of the definitive plan and special permit are not required because the applicant has followed all the steps in the process.

Mr. Wheeler reiterated that he would like permits for two single-family houses, two detached condominiums and one duplex with an affordable unit.

Member Degen suggested that the Selectmen could hold the deed for the conservation land in escrow until the details with the conservation restriction have been worked out.

Town Planner Michelle Collette said the Board had a similar agreement with the Partridgeberry Woods developer in 1994. The Board signed a partial lot release agreement allowing the developer to construct model homes that could not receive occupancy permits. She said she would send a copy of this agreement to Attorney Levine.

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FY 2008 BUDGET

The Board reviewed the draft budget request for fiscal year 2008 including an additional seven hours for the Land Use Assistant. The Board reduced its request in the legal and expense line items in order to submit a level-funded budget.

The motion was made by Barringer to submit the budget request as drafted. ***The motion was seconded and passed with Wilson, Barringer, Clements, Eliot, and Perkins in favor; Degen abstaining because he is a Selectman.***

MILL RUN PLAZA MODIFICATON

(Member Wilson stepped down and did not participate.)

The Board voted unanimously to extend the deadline to act on the Mill Plaza modification as requested by the applicant.

The Board voted unanimously to continue its review of Mill Run Plaza on January 11, 2007 at 9:00 PM.

Meeting adjourned at 11:00 PM.

Respectfully submitted,

Michelle Collette
Town Planner