

**GROTON PLANNING BOARD  
FEBRUARY 15, 2007  
MINUTES**

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

Members present: Wilson, Barringer, Capes, Degen, and Perkins

Members absent: Clements and Eliot

**PUBLIC HEARING – HUGHES ORTIZ SPECIAL PERMIT SITE PLAN REVIEW**

The Planning Board held the continuation of the public hearing to consider the application submitted by Hughes Ortiz for a special permit-site plan review of property located at 60 Boston Road. Kevin Hardiman of David E. Ross Associates was present.

Mr. Hardiman said the one-half acre site has a wetland area in the rear of the property. The applicant would like to relocate the existing garage and modify the parking lot. A silk flower shop will be added to the building for use on Saturdays only. The drainage system was designed to handle the 100-year storm with a water quality inlet and outlet draining to the wetlands. The applicant submitted a Notice of Intent to the Conservation Commission.

The Hughes-Ortiz own and operate a roofing business. The by-law requires 14 spaces, and the applicant is requesting a waiver to have only seven spaces. The two-story garage will be used for storage. The existing sewage disposal system will be abandoned when the property is connected to the municipal sewer system. Mr. Hardiman said he filed a Notice of Intent with the Groton Conservation Commission.

Mr. Hardiman summarized the requested waivers:

- Reduction in the number of parking spaces from 14 to seven (7);
- Submission of an environmental impact statement;
- Submission of a scale model;
- Submission of a USGS locus map at a scale of 1:00 ft rather than 1:200 ft;
- Cut and fill analysis because only 75 cu yds will be brought onto the site;
- Traffic assessment because the use will not generate very much traffic;
- A landscaping plan;
- Building elevations and façade;

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

Member Barringer asked about the soil logs requested by Nitsch Engineering in the report dated February 14, 2007. He said the stormwater management system must comply with all the rules and regulations including a two-foot separation from high groundwater elevations.

Chairman Wilson asked if the applicant submitted revised drainage calculations. Mr. Hardiman said, “yes.”

Member Degen said he is in favor of local business utilizing land zoned B-1. However, this use is too intent for this 0.56 acre site. He noted that the applicant is proposing to install impervious surface up to the edge of the wetlands. He stated that he is not in favor of the proposed plan.

Chairman Wilson said it is important for the Board to support local business. This is a very sensitive site and the serious impact must be justified by the applicant. The amount of paving in close proximity to the wetlands and possible leaching of materials into the wetlands must be reviewed carefully.

Member Perkins said at least one-half of the lot is not developable because there are wetlands. The driveway cut on Boston Road is very difficult. She said she did not understand how the plan would be able to comply with the regulations. She asked how many trucks will be parking on the site. Mrs. Ortiz said there are two company vehicles and three other trucks.

Member Perkins asked where the flower shop customers would park. Mrs. Ortiz said the shop would only be open a few hours on the weekend.

Mr. Hardiman noted that the site has no stormwater control for the existing business today. He said the driveway cut will be improved as shown on the site plan.

Member Perkins asked if any dumpsters would be installed. Mrs. Ortiz said they have a roll-off dumpster they take to the job site.

Member Perkins asked if there is a residential unit in the building. Mrs. Ortiz said, "no."

Member Capes asked about the maximum number of cars at the site during the AM and PM peak. Mrs. Ortiz said, "three or four."

Member Capes asked where the trucks park today. Mr. Hardiman pointed out the existing parking area on the plan. Member Capes asked about the soil types in the area of the stormwater management system as requested in the Nitsch Engineering report.

Member Degen asked about the size of the existing and proposed garage. Mr. Hardiman said it is 24' x 18' now and the new garage will be 24' x 24'. Member Degen noted that the addition to the garage would be closer to the wetlands. He said he wanted to continue the hearing until after the Conservation Commission issued an Order of Conditions for the project.

Member Barringer noted that there are many concerns to be addressed by the applicant. The request for the waiver of the number of parking spaces must be justified by the applicant. He said Boston Road is heavily traveled so the 1:200 ft locus would to show other driveway cuts on Route 119. He said he would like to see the building elevations since the garage is a new structure.

Member Degen said the applicant must also submit information on the proposed retaining walls including elevations and construction details. The Site Plan Review Regulations require that a Registered Professional Engineer (Structural) stamp plans for retaining walls.

The Board voted unanimously to continue the public hearing on March 8, 2007 at 7:30 PM

**PUBLIC HEARING – SPECIAL PERMIT FOR SHARED DRIVEWAY/DAVID COGEN**

Chairman Wilson called the public hearing to order. Clerk Capes read the legal notice published in the February 2 and 9, 2007 issues of the *Groton Herald*. Surveyor Stanley Dillis represented the applicant at the public hearing. Highway Surveyor Tom Delaney was present.

Mr. Dillis described the existing house and driveway off Martins Pond Road. He said Mr. Cogen would like to create a second building lot with access off the existing driveway. The driveway would be widened and regraded to meet the 8% maximum slope requirements. A recharge swale will be constructed along the driveway to handle stormwater. Several trees and a portion of a stone wall must be removed for the proposed improvements to the driveway. Mr. Dillis said he would meet with the Fire Chief and address his concerns about a turn-around area.

Chairman Wilson read the comments from the Fire Chief.

Member Clements asked about the trees to be removed. Mr. Dillis said a 24" pine tree and two smaller trees must be removed.

Member Clements asked about the length of the driveway. Mr. Dillis said the shared driveway is 500 ft long and the total length of the driveway to the new house is 700 ft.

Member Perkins asked about the Approval Not Required (ANR) plan. Mr. Dillis said it has not been submitted yet.

Member Perkins asked about the slope along the edge of the driveway. Mr. Dillis said there is a 1:1 slope with riprap for stabilization.

Member Perkins asked what the grade of the driveway is now. Mr. Dillis said the existing driveway is 12%, but the shared driveway will be regraded to meet the 8% requirement.

Chairman Wilson asked if the driveway would be paved. Mr. Dillis said, "yes."

Member Degen said he prefers the shared driveway instead of a new driveway cut. He asked whether the new lot would be a hammerhead lot. Mr. Dillis said, "no," it will be a conventional ANR lot with 225 ft of frontage. Member Degen asked if the new lot could be accessed without reliance on a shared driveway. Mr. Dillis said, "yes" as shown on the "Demonstration Access Plan."

Member Degen noted that there is around one quarter acre of riprap shown on the plan. He asked that a detail be added to the plan showing how the rip-rap would be stabilized at a 1:1 slope with the existing soil conditions. He also requested specifications of the two-foot retaining wall. Mr. Dillis agreed.

Highway Surveyor Tom Delaney said removal of the tree will help visibility along this section of Martins Pond Road. Improvements to the driveway will correct the existing erosion and stormwater runoff problems. He recommended that the stones removed from the stone wall be used on the site. The Board agreed and approved the removal of the trees and stonewall.

The Board determined that engineering review of the plan is not necessary because it is a change to an existing driveway.

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

### **PUBLIC HEARING – SPECIAL PERMITS/ELLIOT BLOOD, PEPPERELL ROAD**

The Board continued the public hearing to consider the application submitted by Elliot Blood to create a hammerhead lot and construct a shared driveway serving three lots. Applicants Elliot and Doris Blood, design engineer Kevin Hardiman of David E. Ross Associates, and Tree Warden Tom Delaney were present.

The Board received a report dated February 14, 2007 from Nitsch Engineering, comments dated February 15, 2007 from the Fire Chief, and an Approval Not Required plan submitted by the applicant.

Member Perkins noted that the Fire Chief's recommendations must be addressed. Mr. Hardiman said he would provide the Fire Chief with all the information he requested. The approach to the driveway is a 3% grade for 40 ft.

Member Barringer asked if there is an easement for driveway on the lot to the south of Lot 1 because part of the driveway is located on Lot 1. Mr. Hardiman said this is an existing encroachment with an unwritten agreement between property owners. Member Barringer asked if the applicant would be willing to grant an easement for the driveway. Mr. Blood said he would consider it.

Abutter Patty Davis read her list of her concerns and worries. She submitted the list to the Board for the record. Mr. Hardiman stated that none of the stone wall would be removed for the construction of the proposed driveway.

Member Degen stated that one driveway cut serving three lots is preferable to three individual driveways.

Member Capes asked about work in the buffer zone of the wetlands. Mr. Hardiman said there would be no work within the 100 ft buffer zone.

The Board voted unanimously to close the public hearings.

### **SPECIAL PERMIT DECISION**

The motion was made by Perkins to permit the removal of five trees in the right-of-way of Pepperell Road as requested by the applicant. ***The motion was seconded and passed unanimously.*** Tree Warden Robert T. Delaney also voted to approve the tree removal.

The motion was made by Degen to GRANT a special permit to Elliot Blood to create a hammerhead lot as shown on the plan entitled, "Plan of Land in Groton, Mass.; Prepared for Elliot L. Blood, Jr. and Doris Blood" prepared by David E. Ross Associates, dated September , 2006, with revisions through February 14, 2007, based upon the following findings and conditions:

1. **Social, economic and community needs:** The creation of the proposed hammerhead lot results in less increase in density.

2. **Traffic flow and safety:** The applicant has demonstrated to the Planning Board's and Highway Surveyor's satisfaction that the proposed driveway meets American Association of State Highway Transportation Officials (AASHTO) standards.
3. **Adequacy of Utilities:** The proposed hammerhead lot will be served by public water from the West Groton Water Supply District (WGWSD) and on-site sewage disposal system. The proposed hammerhead lot will not have a negative impact on utilities.
4. **Neighborhood character:** There will be less impact on neighborhood character with creation of the 5.22 acre hammerhead lot. The proposed "No-Disturbance Restriction Line" shown on the plan will provide screening for abutting properties.
5. **Impacts on the environment:** There is less environmental impact on the land from the creation of the hammerhead lots than from construction of a subdivision road. The proposed stormwater system will help alleviate existing drainage problems on Pepperell Road.
6. **Fiscal impact on the Town:** There will be no additional fiscal impact on the Town.

**Conditions:**

1. The proposed shared driveway shall meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996.
2. The terms on the restriction pertaining to the "No-Disturbance Restriction Line" shown on the ANR plan shall be recorded with the deed. Evidence of recording the restriction and plan shall be submitted to the Planning Board and Building Inspector prior to the issuance of any building permits.
3. A percolation test shall be conducted within the basin to confirm the exfiltration rate prior to the commencement of construction as recommended in the Nitsch Engineering report dated February 14, 2007.
4. The applicant shall comply with the recommendations in the Fire chief's memorandum dated February 15, 2007:
  - a. Provide adequate access at the entrance for fire apparatus.
  - b. Ensure adequate turning radius for fire apparatus to exit the building lots, a template should be submitted to show turn around area's for fire apparatus.
  - c. The shared driveway must be maintained year round.
  - d. Proper signage must be located at the bottom of the access driveway and at junction points to identify the address of the homes per the town By-law.

- e. An engineered drawing should be submitted with the approach & departure angles if over 10 degrees.
5. The Planning Board encourages the applicant to work with the abutting landowner on an easement for the existing gravel driveway located on the southerly portion of Lot 1.
6. A homeowners association shall be established and a maintenance agreement shall be recorded at the Registry of Deeds or Land Court. Evidence of such recording shall be submitted to the Planning Board and Building Inspector prior to the issuance of a building permit.
7. The Board recommends that the applicant work with the Highway Surveyor to remediate existing drainage problems on Pepperell Road.
8. 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 Degen to GRANT a special permit to Elliot Blood to construct a shared driveway serving three lots as shown on the plan entitled, "Driveway Site Plan, Lots 1, 2 & 3, Pepperell Road, Designed for Elliot Blood," prepared by David E. Ross Associates, dated October, 2006, with revisions through February 7, 2007, based upon the following findings and conditions:

1. **Social, economic and community needs:** The community will be better served by having fewer driveway cuts on Pepperell Road.
2. **Traffic flow and safety:** Traffic flow and safety will be improved by having one driveway cut in a safer location instead of three driveway cuts. The applicant has demonstrated to the Planning Board's and Highway Surveyor's satisfaction that the proposed driveway meets American Association of State Highway Transportation Officials (AASHTO) standards.
3. **Adequacy of Utilities:** The proposed lots will be served by public water from the West Groton Water Supply District (WGWSO) and on-site sewage disposal systems. The proposed development will not have a negative impact on utilities.
4. **Neighborhood character:** There will be less impact on neighborhood character with fewer driveway cuts rather than individual driveways serving each lot. The proposed "No-Disturbance Restriction Line" shown on the plan will provide screening for abutting properties.

5. **Impacts on the environment:** Fewer driveway cuts means less environmental impact on the land. The proposed stormwater system will help alleviate existing drainage problems on Pepperell Road.
6. **Fiscal impact on the Town:** There will be no additional fiscal impact on the Town.

**Conditions:**

1. The proposed shared driveway shall meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996.
2. The terms on the restriction pertaining to the “No-Disturbance Restriction Line” shown on the ANR plan shall be recorded with the deed. Evidence of recording the restriction and plan shall be submitted to the Planning Board and Building Inspector prior to the issuance of any building permits.
3. A percolation test shall be conducted within the basin to confirm the exfiltration rate prior to the commencement of construction as recommended in the Nitsch Engineering report dated February 14, 2007.
4. The applicant shall comply with the recommendations in the Fire chief’s memorandum dated February 15, 2007:
  - a. Provide adequate access at the entrance for fire apparatus.
  - b. Ensure adequate turning radius for fire apparatus to exit the building lots, a template should be submitted to show turn around area’s for fire apparatus.
  - c. The shared driveway must be maintained year round.
  - d. Proper signage must be located at the bottom of the access driveway and at junction points to identify the address of the homes per the town By-law.
  - e. An engineered drawing should be submitted with the approach & departure angles if over 10 degrees.
5. The Planning Board encourages the applicant to work with the abutting landowner on an easement for the existing gravel driveway located on the southerly portion of Lot 1.
6. A homeowners association shall be established and a maintenance agreement shall be recorded at the Registry of Deeds or Land Court. Evidence of such recording shall be submitted to the Planning Board and Building Inspector prior to the issuance of a building permit.
7. The Board recommends that the applicant work with the Highway Surveyor to remediate existing drainage problems on Pepperell Road.

8. 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.***