

GROTON PLANNING BOARD
APRIL 12, 2007
MINUTES

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

PUBLIC HEARING – HUGHES-ORTIZ SPECIAL PERMIT/SITE PLAN REVIEW

(Member Clements was not present and did not participate.)

The Planning Board held the continuation of the public hearing to consider the special permit application submitted by Hughes-Ortiz for their business site located at 60 Boston Road. Patricia Hughes-Ortiz and design engineer Kevin Hardiman of David E. Ross Associates were present.

Mr. Hardiman said the site plan was modified in response to the comments from Nitsch Engineering. Soil testing results were sent to UMass for evaluation. The applicant is requesting the following waivers:

- A reduction in the number of parking spaces from 14 to seven;
- Submission of a traffic assessment;
- Submission of a plan by a landscape architect;
- Submission of a scale model;
- Submission of existing and proposed topography within 200 ft of the site;
- Certification of the 3 ft high retaining wall by a structural engineer;
- Creation of the 4 ft wide landscaping strip around the structure;
- Installation of vertical granite curbing.

Chairman Wilson read the letter dated March 8, 2007 from abutter James Cullen who expressed opposition to the granting of the requested waivers.

Mr. Hardiman said proposed architectural elevations will be submitted to the Board. He said runoff from the roof will be infiltrated into the ground. The applicant is withdrawing the addition of the silk flower shop to alleviate concerns about parking.

Member Degen said the required number of parking spaces would be less without the retail component. Mr. Hardiman said the required number of spaces is now 11. The applicant is requesting a waiver for four spaces and will construct seven spaces as shown on the plan.

Member Degen said he supports small businesses in Town, but this use is too intense for this site. He said he has two concerns – the intensity of the use and parking on Boston Road.

Member Capes asked if Nitsch Engineering had reviewed the changes to the stormwater management system. Mr. Hardiman said, “not yet.” He explained the A, B, C & D soil types. The drainage system was designed for Type C soils. However, when the testing was done, they found Type A soils so the design is conservative. They also determined that the groundwater elevations are high on the site.

Member Capes asked if the garage is two stories. Mr. Hardiman said, “yes.” He said equipment will be stored in the garage in order to provide four additional parking spaces on site.

Member Perkins asked about the retaining wall. Mr. Hardiman said the 3 ft high wall will be constructed around the parking area. Member Perkins said she would like the plan to be stamped by a structural engineer to be sure the wall will hold the parking area. She agreed that this is a very intense use for this site.

Member Eliot suggested that the Board do a site walk. She said a landscaping plan should be submitted and she is not willing to waive that requirement. She thanked the applicant for removing the retail shop from the proposed plan. She said the site is very tight and the Board must be careful about impact of the drainage system on the nearby wetlands.

The Board scheduled the site walk for Saturday, April 28, 2007, at 9 AM.

Member Degen asked the applicant to provide calculations of the amount of fill to be brought into the site.

Member Barringer asked for clarification that 14 parking spaces were required, that the elimination of the retail shop reduces the number of required spaces to 11, and that seven spaces are shown on the plan. Mr. Hardiman said that is correct. Member Barringer asked if the roofing business would expand now that the craft shop has been eliminated. Mr. Hardiman said, "no," the area would be used for storage.

Chairman Wilson said the application is only for the roofing business. Mrs. Hughes-Ortiz said, "yes."

Member Barringer asked the applicant to submit detail on the type of lighting fixtures.

Chairman Wilson expressed his concerns about the visibility of the site from Boston Road. He suggested that the applicant take advantage of the fact that the site is lower than the road by landscaping along the road to provide screening. He said the Board wants to support local business, but this is a difficult site. He said the Board must protect abutters from adverse impact. The retaining wall must be designed by a structural engineer and drainage issues must be resolved. Chairman Wilson recommended that the applicant complete the review process with the Conservation Commission before coming back to the Planning Board.

Mr. Hardiman responded that screening for the abutters is shown on the plan, but the plan is not stamped by a Landscape Architect. The revised proposal does not include any change of use, but the revisions to the site will result in better parking, better traffic flow, and better stormwater management. The applicant is trying to improve existing conditions on the site.

Chairman Wilson said parking on Route 119 is a serious concern. He asked if the applicant could install a guardrail on Route 119 to prevent trucks from parking on the street.

Mr. Ortiz said this is his roofing business. At the present time, water flows from Route 119 onto his property. Mrs. Hughes-Ortiz said everything drains from the road into their yard. She said the Conservation Commission already discussed the type of soil on the site and whether it was fill or natural soil.

The Board voted unanimously to continue the public hearing on May 3, 2007 at 8:00 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. Lee Edmands, Attorney Ray Lyons, design engineer Kenneth Kalinowski of Marsden Engineering, Water Superintendent Gordon Newell of the West Groton Water Supply District (WGWS), Highway Surveyor Robert Delaney, and Fire Chief Joseph Bosselait were present.

Mr. Lyons said the applicant submitted a plan demonstrating how fire trucks could access the site in response to the concerns expressed by the Fire Chief in his memorandum dated September 20, 2006.

Mr. Kalinowski presented the plan showing the shared driveway with 9% grades and a 16% grade in the steepest area. He showed how the front and rear wheels of the largest fire truck would remain on the ground if the truck accesses the site from the westerly direction on Kemp Street. A guardrail will be constructed on the other side of McCann's Hill Road.

Mr. Lyons suggested that the Board include a condition in the special permit stating that the Fire Chief test the driveway after it is graded but before it is paved to be sure the driveway is accessible.

Fire Chief Bosselait asked about a maintenance agreement. Mr. Lyons said there is an agreement between Ms. Edmands and the WGWS. The WGWS will plow and maintain the shared driveway.

Chairman Wilson asked what recent revisions were made to the plans. Mr. Kalinowski said the driveway has been widened, the utilities will be overhead rather than underground, and the guardrail will be installed on the other side of McCann's Hill Road.

Member Barringer asked if the lateral and vertical curves are shown on the plan. Mr. Lyons said that information had been provided at a previous hearing. Mr. Kalinowski pointed out the profile shown on the revised plan.

Member Degen asked where the fire trucks will be able to turn around. Fire Chief Bosselait said there is a turn-around located at the top of the hill. He said the design engineer assured him that the truck will be able to stay on the pavement. Mr. Kalinowski said they would work with the WGWS to provide a flat area for trucks to turn around near the WGWS tank in the location shown on the plan.

WGWS Superintendent Newell said he is trying to help facilitate the plan to provide access to his water tower.

Fire Chief Bosselait said the plan looks reasonable, but the curve is still tight at McCann's Hill Road. He said he requested the installation of the guardrail because he is concerned about trucks sliding off the driveway.

Chairman Wilson asked if the plan should be sent to Nitsch Engineering for review. Highway Surveyor Tom Delaney said more details about the proposed guardrail should be shown on the plan. He said he would look into the specifications and crash ratings. Mr. Lyons agreed to

provide the information on the guardrail prior to issuance of a building permit. He said the WGWS D agreed to provide the guardrail.

WGWS D Superintendent Newell said he is under pressure from the Department of Environmental Protection (DEP) to provide access to the water tank or to take the access by eminent domain. He said he would use MassHighway Department (MHD) specifications for the guardrail rather than spend money on costly engineering. The Board agreed.

Fire Chief Bosselait said he is comfortable with WGWS D installing the guardrail provided that it meets MHD specifications.

Mr. Lyons said Ms. Edmands and the WGWS D have reached an agreement on the shared driveway. The WGWS D prefers above-ground utilities. The power lines will be relocated from the Dillon property to the shared driveway. The utility line serving Ms. Edmands' house will be installed underground. Mr. Newell added that a power outage is easier to repair if the lines are above ground. The Groton Electric Light Department has an easement on the Spiczka property and the Spiczkas will grant a similar easement to the WGWS D to provide above-ground utilities to the water tank.

Mr. Lyons said the WGWS D will maintain the road and driveway under all weather conditions.

Member Degen asked if the applicant would add a notation to the plan stating that the shared driveway will serve only one house and the WGWS D site. Mr. Lyons said any change to the plan would require a new special permit or subdivision application. Member Degen said the Board's waiver to allow a 16% grade should only be for one house and the WGWS D site.

Member Eliot said she disagreed with adding such a note or condition to the special permit.

Mr. Lyons said the applicant agrees that the proposed shared drive way is adequate for only one house and the WGWS D site. The Board requested that Mr. Lyons put his statement in writing.

Abutter George Dillon said he has concerns about drainage from the site. He said he asked the Highway Surveyor to look at the silt that runs down McCann's Hill road and blocks the catch basin at the end of his driveway on Kemp Street. Mr. Dillon said he has cleaned out the area around the catch basin over the years. He requested assurance that the proposed construction would not continue to add silt to his driveway and to the wetlands on the other side of Kemp Street. This is a serious drainage problem that causes flooding at the intersection of McCann's Hill Road and Kemp Street.

Highway Surveyor Delaney said the proposed plan will improve the existing situation by providing drainage swales along the side of the driveway.

Mr. Kalinowski said paving the driveway will eliminate some of the erosion. He said he would work with the Highway Surveyor to improve the drainage system and to replace the inadequate basin.

Mr. Lyons requested that the Board vote on the waivers and special permit.

Member Perkins asked why the applicant is requesting a waiver for the depth of pavement. Mr. Newell said he would like a total of 3" of pavement with more binder because it is sturdier.

Member Degen said the outstanding issues include:

- Plans and specifications for a MHD guardrail;
- The Fire Chief must test the turn around;
- The Fire Chief and Highway Surveyor must approve the installation of the guardrail;
- The shared driveway will only serve one house and the WGWSD tank site.

The Board voted unanimously to continue the public hearing on April 19, 2007 at 9:00 PM.

PUBLIC HEARING – CRYSTAL SPRINGS ESTATES SPECIAL PERMITS

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 Albert Patenaude for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create three (3) hammerhead lots as shown on the plan entitled, "Plan of Land in Groton, Massachusetts; Prepared for Robert Gamlin," prepared by Ducharme & Dillis, dated March 19, 2007. The proposed lots are located on land owned by Robert Gamlin, Assessors Lot 248-4.0, on the easterly side of Old Dunstable Road and northerly side of Bridge Street.

Chairman Wilson called the public hearing to order. Clerk Capes read the notice published in the March 30 and April 5, 2007 issues of *The Groton Herald*. The Planning Board also continued the two public hearing on the applications submitted by Albert Patenaude for Major Residential Development and Flexible Development on land owned by Robert Gamlin, located on Old Dunstable Road and Bridge Street. Mr. and Mrs. Gamlin, Albert Patenaude, Attorney Robert Orsi, Surveyor Stan Dillis and several abutters were present.

Mr. Orsi said there have been questions about the legal status of Bridge Street during the subdivision and special permit review process. The applicant has agreed to submit a new alternative plan showing fewer lots. The new plan will show three lots on Bridge Street and three lots on Old Dunstable Road. An ANR plan was submitted to create these lots along with the application for a special permit to create the hammerhead lots. He requested that the Board make a finding that Bridge Street is an "e" road under the provisions of Chapter 218-22A Frontage which states:

"(e) Any other way or portion of a way in existence when the Subdivision Control Law became effective in Groton which, because of unusual conditions such as limitations upon the extent or type of land use to be served, the Planning Board, following consultation with the Highway Surveyor, Police Chief, Fire Chief and Board of Selectmen, has been determined to be sufficient for the needs of access and utilities to serve potential needs of land abutting on or served thereby. The Planning Board may specify that its determination of adequacy applies only to given premises and not generally to all properties served by that way in cases where the limitations or other conditions justifying access adequacy for those premises are not generally true for other properties served by that way."

Mr. Orsi said the Board must act on the application for a special permit for Major Residential Development. The applicant is requesting that the Board consider with the six-lot hammerhead lot/ANR plan as the alternative to the 11-lot conventional subdivision plan. The hammerhead lot plan results in less clearing and less disturbance to the land. A conservation restriction will be placed on Parcel A and on the land in the rear portion of the lots in accordance with the agreement with the abutters. There will be a 75 ft buffer shown on the plan, if everyone agrees, after the site with the neighbors. The Groton Conservation Trust may purchase Lot 1 to protect a sensitive environmental area and wildlife corridor. There is a possibility that a duplex may be constructed on one of the other lots.

Member Eliot said she does not have a problem with the construction of a duplex on one of the lots.

Member Clements asked if there would be two driveways – one on Old Dunstable Road and one on Bridge Street. Mr. Patenaude said, “yes.”

Member Clements asked about the status of Bridge Street beyond the cul de sac. Mr. Orsi said the applicant is only requesting that the Board make a determination on the portion of Bridge Street from Old Dunstable Road to the cul de sac.

Member Perkins asked about the status of Bridge Street and the Town Meeting warrant article. Mr. Orsi said the article will be postponed indefinitely if everything goes well on the site walk with the neighbors.

Member Perkins asked about Parcel A. Mr. Orsi said they would like Parcel A to be protected as conservation land. Mr. Dillis added that Parcel A abuts land owned by the Groton Conservation Trust on the easterly side.

Member Capes asked if Bridge Street continues after the cul de sac. Mr. Dillis said, “yes,” the road is paved from Old Dunstable Road to the cul de sac then it is a gravel road to the Tyngsborough town line.

Highway Surveyor Tom Delaney said Bridge Street abuts land owned by the New England Forestry Foundation and the Town of Groton.

Member Barringer asked if three of the lots have frontage on the right-of-way of Old Dunstable Road. Mr. Dillis said, “yes.”

Attorney Ray Lyons, representing New England Forestry Foundation, stated that the proposed agreement between the neighbors and Mr. Gamlin will not change the legal status of Bridge Street. Mr. Orsi agreed.

Mr. Lyons said NEFF and Mr. Gamlin have had a good relationship over the years. The Gamlins have been very good stewards of the land. He said the Planning Board should understand that Mr. Gamlin needs to receive value for his land. He added that he has concern about the status of Bridge Street and the warrant article should be withdrawn.

Mr. Orsi reiterated that the article would be withdrawn. He said the neighbors have worked hard to reach agreement with the Gamlins.

Abutter Richard Lewis asked who would maintain Bridge Street. Mr. Delaney said the Town has been plowing and sanding the road. Selectman Fran Dillon said he does not see any reason to change how the road is maintained if an agreement is reached between the parties.

Mr. Lewis said the Town does not maintain the road. The abutters must maintain it as stated in the Planning Board's definitive plan conditions for Bridge Street. Mr. Orsi said the three new lots will join the homeowners' association and help maintain the road. Mr. Delaney expressed concern about setting a bad precedent if the Town plows and sands the road and the homeowners maintain it.

Member Eliot said Bridge Street is not a new road; it was an existing road when the Board approved the definitive plan so it is unique. Mr. Delaney said he is concerned that the Town is maintaining a private way. Member Perkins said the Board of Selectmen and Highway Surveyor must make a determination on this issue.

Mr. Orsi said thousands of roads in the Commonwealth have vague legal status. He said this decision is not setting a precedent because it is not an unusual situation.

Bridge Street resident Rod Hersh said the road is impassable from the cul de sac to Tyngsborough. The bridge collapsed and the access is blocked.

The Board voted unanimously to continue the public hearing on May 3, 2007 at 8:30 PM.

STATION AVENUE UPDATE

Chairman Wilson said the GELD Commissioners met with the Station Avenue Redevelopment Committee and the article for the Station Avenue Overlay District may have to be postponed indefinitely so matters can be resolved with GELD and Capstone.

Tim Hess of the Station Avenue Redevelopment Committee said it appears that GELD is willing to participate in the process of working out the details on the proposal.

Member Barringer said he attended the GELD Commissioners meeting on Saturday, April 7, 2007, and they are willing to work with the Board if the article is postponed indefinitely.

Member Eliot said the Board must focus on creating the overlay district and what is in the best interest of the Town.

Member Perkins said if GELD is willing to work with the Board on the outstanding issues, then the Board should engage them in the process. The Board agreed.

GROTON COLLISION

Attorney Ray Lyons met with the Board regarding two minor changes at the Groton Collision site. A scrivener's error said the fence is 10 ft high rather than 8 ft high. The applicant would like to install a chain link fence around a temporary impoundment area.

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The motion was made by Barringer to authorize the temporary relocation of the impoundment area at Groton Collision Repair as described in the e-mail message from Attorney Ray Lyons with the condition that the temporary impoundment, to be used during construction, shall not be in place for more than six months; and to accept of the correction of a scrivener's error on the plan. The plan states the fence will have a height of 10 ft - the fence will have a height of 8 ft. ***The motion was seconded and passed with Wilson, Barringer, Degen, Eliot, in favor; Capes and Perkins abstaining.***

Meeting adjourned at 10:30 PM.

Respectfully submitted,

Michelle Collette
Town Planner