

GROTON PLANNING BOARD
APRIL 19, 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

PUBLIC HEARING – MONARCH PATH DEFINITIVE PLAN

In accordance with the provisions of Chapter 41, Sections 81-U and 81-T, the Groton Planning Board held a public hearing to consider the application submitted by Ebrahim Masalehdan for approval of the definitive plan entitled, "Monarch Path, Groton, Massachusetts," prepared by TFM, dated March 9, 2007. The proposed subdivision is located on Assessors' Map 253, Parcel 2, and Map 135, Parcel 38, on the northwesterly side of Gilson Road.

Chairman Wilson called the public hearing to order. Clerk Capes read the notice published in the April 6 and 13, 2007 issues of *The Groton Herald*. Design engineer David Buhlman of TF Moran Associates and Attorney Daniel Hill represented the applicant at the public hearing. The Planning Board's engineer, William Maher of Nitsch Engineering, was also present.

Mr. Buhlman said he received the Nitsch Engineering report dated April 19, 2007 and needs more time to respond. He requested permission for the applicant to clear and grub the right-of-way and construct the road to subgrade now.

Town Planner Michelle Collette noted that the Subdivision Regulations state:

"No construction shall commence prior to endorsement by the Planning Board and evidence of recording the definitive plan and covenant at the Registry of Deeds is submitted to the Planning Board."

Mr. Buhlman summarized the details of the 13-lot, conventional plan on 32 acres and the stormwater management system including detention basins. The Nashoba Associated Boards of Health observed the test holes in the detention basins. They have begun designing the on-site sewage disposal systems for each lot. He reiterated his request to construct the subdivision road to subgrade.

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

Mr. Maher presented his report dated April 19, 2007. He said more information is required on the plan. He said the applicant submitted drainage calculations for the two-year storm, but calculations must be submitted for the 10-, 25-, 50-, and 100-year storm events as required in the regulations. The rate of runoff to the Isolated Land Subject to Flooding (ILSF) must be determined. The applicant must also submit an Operating and Maintenance Plan for the stormwater management system. He noted that a NPDES permit is required for land disturbance greater than one acre. Mr. Maher said Gilson Road is not in good condition at this time and asked if the applicant is proposing any improvements to Gilson Road.

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Mr. Buhlman said he would respond to all the points in the Nitsch Engineering report. He said the ILSF is defined as elevation 250.89 ft. It has an irregular shape because it follows the contour. He said paving Gilson Road was never mentioned at previous meetings.

Member Clements asked about the Board of Health memorandum. He asked if a Chapter 21E Site Assessment had ever been done for this property. Mr. Buhlman said this issue was addressed months ago and he would follow up with the Board of Health.

Member Perkins asked if there is a limit of disturbance shown on the plan. Mr. Buhlman said, "yes." Member Perkins asked if the sewage disposal systems are located within the limit of disturbance. Mr. Buhlman said, "yes."

Member Perkins asked if a landscaping plan had been submitted. Mr. Buhlman said the plan is in process and depends upon the number of trees to be saved.

Abutter Russell Broz asked if town water would be connected to Route 119. Mr. Buhlman said, "no."

Mr. Broz asked if this is a 13-lot development including one duplex. Mr. Buhlman said, "yes," the duplex will have the two affordable units.

Abutter Ellen Webber asked if the applicant would submit a hydrogeological study since water is the primary concern with the proposed subdivision.

Abutter Valerie Spencer asked about the calculations for the 100-year storm when we have experienced 100-year storms in the three of the seven years.

Member Perkins said the applicant should address the Conservation Commission's concerns.

The Board voted to continue the public hearing on May 3, 2007 at 9:00 PM.

PUBLIC HEARING – PROPOSED STATION AVENUE OVERLAY DISTRICT

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the following proposed zoning amendment:

ARTICLE . To see if the town will vote to amend the Code of the Town of Groton, Chapter 218, Zoning, by establishing a new overlay district as described on a map with district boundary lines prepared by Applied Geographics, Inc. entitled "Station Avenue Overlay District, Town of Groton, Massachusetts" dated March 2007 and accompanying text. A copy of the map and text of the proposed "Station Avenue Overlay District" being on file in the office of the Town Clerk.

Chairman Wilson called the public hearing to order. Clerk Capes read the notice posted with the Town Clerk on March 27, 2007, published in the March 30, 2007 and April 6, 2007 issues of *The Groton Herald*. Planning consultants John Mullin of Mullin Associates and Peter Flinker of Dodson Associates were present at the public hearing.

Chairman Wilson explained the process that had taken place with the Station Avenue Redevelopment Committee, the consultants hired by the Planning Board, and the active public participation. Chairman Wilson said the Board received many written comments from townspeople. Copies of the comments were distributed at the hearing. :

- Letter dated April 16, 2007 from **Bob and Becky Pine** expressing concerns about the process in producing the language of the proposed amendment. The letter includes specific points on the concept plan and the zoning amendment. They question why there is a proposed 80,000 SF minimum lot size. The Pines request that the Board vote to withdraw the article at Town Meeting.
- Letter dated April 16, 2007 from **Stanley and Alison Jackson**, abutters to the proposed overlay district. The Jacksons express concern for impact on their property and adjacent wetlands. They express appreciation for having the opportunity to participate in the process. They stress the importance of protecting the integrity of Groton's downtown.
- Letter dated April 18, 2007 from **Dorothy Van Hoogen**, owner of property within the proposed overlay district. Mrs. Van Hoogen objects to the requirement for the 80,000 SF minimum lot size. She questions the use of Station Avenue as the only access and egress and emphasizes the importance of well-designed parking areas.
- E-mail dated April 17, 2007 from **Jim Hubert** supporting energy efficiency, a traffic-free walking area, parks and sitting areas. He states that the project should reflect the traditional look of historic Groton.
- E-mail dated April 17, 2007 from **Nancy Turkle** supporting the creation of a pedestrian friendly area with no cars. Ms. Turkle encourages locally-owned businesses and energy efficient "green" buildings.
- E-mail dated April 18, 2007 from **Edythe Salzman** expressing support for pedestrian uses and a tie-in with the rail trail. She, too, urges the Board to require energy efficient buildings.
- E-mail dated April 19, 2007 from **Ray Lyons** supporting the proposed zoning amendment. Mr. Lyons questions why the proposal is for an overlay district rather than a new zoning district. He offers specific suggestions on changes to the language of the proposed zoning amendment including the elimination of the 80,000 SF minimum lot size requirement.
- Letter dated April 2007 from **David Hamilton of Capstone Properties**, the successful bidder for the Groton Electric Light Department (GELD) property. The letter includes both general and specific comments on the concept plan and proposed zoning amendment. Mr. Hamilton questions why there is an 80,000 SF minimum lot size requirement. Capstone stresses the need for an economic analyses to evaluate the economic viability of the project as summarized in its previous memo dated August 11, 2006.

- Letter dated received April 19, 2007 from **Paul Malinaric** expressing his concern about the future need to reestablish the rail road to Boston and construction of a rail road station at the end of Station Avenue to address global warming issues.

Mr. Flinker described the proposed concept plan for the Station Avenue Overlay District including illustrative plans. He described the pedestrian nature of the area with street trees, sidewalks, and replica of a railroad depot with an archway to the Nashua River Rail Trail.

The Board requested that John Mullen facilitate the public hearing.

Arthur Blackman asked about the circular configuration of the road at the end of Station Avenue.

Bob Pine asked how the zoning amendment would translate to what the concept plan shows. He said the proposed depot cannot be constructed under the proposed zoning provisions.

Patrick Parker Roach said this should be a place to bring people together as a community. Economic viability and flexibility for the mixed uses are important considerations.

Stanley Jackson asked why GELD is not supporting the proposed zoning.

Ray Lyons expressed support for the proposal for the reasons stated in his e-mail.

Chris Christie expressed support for pedestrian activities and bicycles.

Josh Webber of Beaudane Properties, owner of four parcels, said he does not support the piecemeal approach to the redevelopment. It should be done as a comprehensive unit. Stormwater management and parking issues are not going to be resolved under zoning. He said there has been no thought given to economic viability issues. For example, the requirement for 25% affordable housing would prevent any plan from happening. In addition the limit of 75% impervious surface makes the project economically infeasible.

Paul Giesinger of Capstone properties, successful bidder for the GELD site, said the Board did a good job with the concept plan, but the project must be economically viable. Capstone's two main concerns are traffic flow and economics.

Peri Bearman expressed concern about the impact of traffic on Adams Avenue, a quiet residential area. She said she supports pedestrian activity but parking and traffic issues must be resolved.

Chairman Wilson said the Board hired Fay, Spofford and Thorndike (FST) to prepare a traffic study. FST concluded that the intersection of Station Avenue and Main Street could support the increase in traffic for the proposed development. The FST report also recommended that traffic not be directed to Adams Avenue or Court Street except for pedestrians, bicycles and emergency vehicles. Station Avenue will provide the primary access and egress.

George Marsh asked if there is a plan to move the fire station. Chairman Wilson said, "no."

Becky Pine said she was confused about including the concept plan as part of the Town Meeting vote. She asked how the concept plan was generated.

Tom Orcutt asked why waste water flows are not included in the proposed zoning amendment since there is a limit of 20,000 gallons per day. He asked how that issue would be addressed.

GELD Manager Doris Chojnowski described GELD's history in the process. She said GELD has no need to move its facilities but agreed to relocate for the benefit of the Town. GELD cannot support the proposed concept plan – it is a show stopper. She said GELD must do what is the best interest of its ratepayers.

Camilla Blackman said the proposed zoning amendment is far too complex and unclear for people to vote on at this time. She said people would like to see what will be built.

Chairman Wilson said he is concerned about a piecemeal approach to this development.

GELD Manager Doris Chojnowski said she is not sure there is a consensus on this issue. There was never agreement that there would be only one developer.

Mr. Mullin said the Committee came up with the 80,000 sq ft minimum lot area as a middle ground between one developer and a piece meal approach.

Becky Pine asked which parcels comply with the 80,000 sq ft minimum. Mr. Mullin said the plan would require reparcelization. Chairman Wilson said GELD's parcel has 2.1 acres.

Member Degen said the Planning Board made a commitment to create zoning that would work for GELD and Capstone's proposal. He said the comments from the public are very valuable.

Board of Health member Susan Horowitz said she did not understand the concerns about finances since the ratepayers are the same as the townspeople. GELD Manager Doris Chojnowski said the ratepayers and the taxpayers are separate parties. Approximately 40% of GELD's revenues come from ratepayers who are not taxpayers.

Station Avenue property owner Dorothy Van Hoogen said she is very excited about the proposed plan, but she also has concerns about traffic and parking.

Arthur Blackman said the colors on the concept plan should be explained. The plan looks like a cluster of buildings. He said he did not know what the white spaces represent.

Peter Flinker explained the concept plan including the Nashua River Rail Trail, building areas, parking areas, stormwater management areas, and green space.

ZBA member Chase Duffy said she was having difficulty connecting the concept plan with what may be built on the site.

Bob Pine praised the Station Avenue Redevelopment Committee for its good work. However, he recommended that the Planning Board withdraw the zoning amendment and continue working on the details. He suggested requiring that the developer submit the concept plan rather than having the concept plan adopted as part of the by-law.

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Josh Webber of Beaudane Properties said the Board's approach is backward. He said the developer must acquire a critical mass for the plan to work economically. The Board should draft the zoning to fit the plan submitted by the developer.

Selectman Peter Cunningham said the town has been working on this plan for many years. He recommended that the Board move the process along quickly.

Court Street resident Fran Stanley said she is concerned about the impact on James Brook. The parcel located adjacent to Town Hall, presently zoned R-B, and is included in the Station Avenue Overlay District. She cautioned the Board about unintended consequences if the plan is overly ambitious.

Ray Lyons urged the Board to go forward and present the zoning amendment at the Special Town Meeting on May 7, 2007 rather than wait until the fall. He said the plan may lose momentum if there is a delay.

Station Avenue Redevelopment Committee members Tim Hess and Greg Mischel stated that the proposal is not quite ready and more time is needed. Committee member Richard Curtis agreed, especially since the major landowners are not supporting the amendment as written.

Chairman Wilson said this is a complicated process with many uncertainties. The Board must come up with a coherent vision for this area. The proposed amendment is not quite ready yet.

Member Degen said the Board and the Committee need more time to be sure things are done right. He said the Selectmen can call a special town meeting in the fall to consider the proposal.

Member Perkins stated that she agrees that the amendment is not ready for adoption by Town Meeting. People need more time to understand the proposal, and there are significant questions about economic issues and the minimum lot size, etc.

Member Clements said he agrees that there are still too many unknowns so the Board should not go forward at this time.

Member Eliot said the zoning amendment and concept plan are blind to who the landowner is. The Committee has done good work to date and should be commended. There has been a clear message to all parties about the importance of the vitality of the Town Center. She thanked the Committee, John Mullin and Peter Flinker for all the constructive work. She asked if the Board should really be drafting a zoning amendment based upon economics.

Member Barringer said there are risks and benefits from such a proposal. He said the level of uncertainty would cause the article to fail at the upcoming Town Meeting. The Board must continue to work with all the stakeholders, both public and private. It is premature to present the amendment at this time.

John Mullin urged the Board to present a report to Town Meeting explaining why the article will be postponed. The Board agreed.

The Board voted unanimously to close the public hearing.

The motion was made by Barringer to recommend that Town Meeting vote to postpone indefinitely and that the Planning Board present a report detailing the process and the progress made to date. ***The motion was seconded and passed unanimously.***

PUBLIC HEARING – LEE EDMANDS SHARED DRIVEWAY 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, and Water Superintendent Gordon Newell of the West Groton Water Supply District (WGWSO) were present.

Mr. Lyons submitted the plans for the guardrail as requested by the Planning Board. He summarized the three requested waivers:

- Driveway slope of 16%
- Pavement width of 12 ft
- Depth of pavement of 3" binder course

Mr. Lyons said McCanns Hill Road provides adequate access to serve one residential lot and the WGWSO storage tank. He requested that the Board close the public hearing and vote to grant the special permit

Abutter George Dillon expressed concern about existing drainage problems and described severe erosion that occurred during the recent heavy rains. He said the Groton Highway Department looked at the amount of debris around the catch basin. Mr. Dillon said he has kept the catch basin area free of debris to prevent drainage problems over the years.

Mr. Newell said the erosion came from ruts in the existing dirt path. Paving the driveway and the proposed infiltration system will help correct the problem. Mr. Newell said the WGWSO would work with the Highway Surveyor to find a solution to the situation. He said a similar infiltration system was installed along the access to the WGWSO tank off Townsend Road. It has worked very well and there have been no erosion problems on Townsend Road.

Member Perkins asked who would keep the catch basin clean. Mr. Newell said it is the Highway Department's responsibility.

Member Degen said he has a similar situation at his property and he cleans the debris away from the catch basin on a regular basis. The proposed improvements to the driveway and installation of a drainage system should help.

Mr. Newell said the proposed guardrail meets MassHighway Department's standards and will be installed under the Highway Surveyor's supervision.

The Board voted unanimously to close the public hearing.

The motion was made by Degen to **GRANT** a special permit to Lee Edmands to construct a shared driveway serving two lots as shown on the plan entitled, "Driveway Construction Plan, Map 206, Parcel 54, McCanns Hill Road, Groton, MA," prepared by Marsden Engineering, dated September 18, 2006, with revisions through April 11, 2007, based upon the following findings and conditions:

Findings:

The Planning Board made the following findings based upon the criterion set forth in Zoning By-Law § 218-23D and 218-32.1:

1. **Social, economic and community needs:** The community will be better served by having fewer driveway cuts on McCanns Hill Road or Kemp Street. In addition, the shared driveway will provide practical and legal access for the West Groton Water Supply District (WGWSD) to reach its storage tank.
2. **Traffic flow and safety:** Traffic flow and safety were addressed by the Planning Board in consultation with the Town's public safety officials. Groton Zoning By-law Section 218-22A Frontage, subsection (e) 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.

At its regular meeting on May 20, 2004, the Board voted that McCanns Hill Road would provide adequate access to the site if the following conditions were met:

- a. The road must be constructed to a minimum width of 16 ft with an eight-inch gravel base.
- b. The consent of the Board of Selectmen and Highway Surveyor must be granted for improvements to the public way.
- c. The improvements must meet the requirements of the Town's public safety officials.

In granting this special permit, the Planning Board determined the McCanns Hill Road and the proposed shared driveway provides adequate access for only one residential lot and the WGWSD tank as shown on the above-referenced plan.

3. **Adequacy of Utilities:** The proposed lots will be served by public water from the West Groton Water Supply District (WGWSD) and an on-site sewage disposal system. The Groton Electric Light Department will relocate the existing above ground utilities to meet the requirements of the West Groton Water Supply District.

4. **Neighborhood character:** There will be less impact on neighborhood character with fewer driveway cuts rather than individual driveways serving each lot. The construction of one house on 28 acres will have minimal impact on the neighborhood.
5. **Impacts on the environment:** The proposed stormwater system will help alleviate existing drainage problems on McCanns Hill Road and Kemp Street.
6. **Fiscal impact on the Town:** There will be no additional fiscal impact on the Town and the project will benefit the WGWSO.

Waivers:

The Board voted to grant the following waivers of the Chapter 381, §§ 36-38, Shared Driveway Regulations:

1. § 381-36A to allow a pavement width of 12 ft rather than 16 ft.
2. § 381-36B to allow a maximum grade of 16% rather than 8% in the location shown on the above-referenced plan.
3. § 381-36B to allow a 3" bituminous concrete binder course for the entire length of the driveway.

Conditions:

1. The proposed shared driveway shall meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996 with the exception of the requirements waived by the Planning Board.
2. A guardrail shall be installed along the westerly side of McCanns Hill Road as shown on the plan. The guardrail must meet MassHighway Department specifications. The Highway Surveyor shall review and approve the specifications and installation of the guardrail.
3. The applicant shall comply with the Fire Chief's requirements to provide adequate access to the site including:
 - a. Provide adequate access for fire apparatus to the buildable portion of the residential lot and WGWSO site.
 - b. Ensure adequate turning radius for fire apparatus.
 - c. The WGWSO shall maintain the shared driveway year round as stated at the public hearing.
 - d. Proper signage must be located at the bottom of the access driveway and at junction points to identify the address of the residence as required in Chapter 119 Numbering of Buildings.

- e. The Fire Chief shall test the shared driveway and turn-around area after the gravel base is prepared but before pavement is installed. The driveway shall be regraded if the Fire Chief deems it necessary to provide adequate access for emergency vehicles.
4. The applicant's engineer and WGWSO will work with the Highway Surveyor to remediate existing drainage problems on Kemp Street.
5. A stormwater management permit application and stormwater operating and maintenance plan shall be submitted to the Earth Removal Advisory Committee for its review and approval.
6. The applicant is responsible for obtaining any other permits (including but not limited to) those required by the Board of Selectmen, Board of Health, Conservation Commission, Building Inspector, Earth Removal Advisory Committee, Highway Surveyor, and Zoning Board of Appeals.
7. 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.

ORCHARD REALTY TRUST FEE WAIVER

The Board received a request from Orchard Realty Trust to waive the fee for the 593 account for the resubmission of the special permit application for a shared driveway. The motion was made by Barringer to waive the \$500 filing fee for the 593 account but not to waive the \$100 administrative filing fee. ***The motion was seconded and passed unanimously.***

GROTON COLLISION SITE PLAN REVIEW EXTENSION

The Board received a request from Attorney Ray Lyons to extend the site plan approval for Groton Collision. The Board approved the plan on May 5, 2005 so the approval will expire on May 12, 2007. The motion was made by Degen to extend the site plan approval to May 5, 2008. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 10:30 PM.

Respectfully submitted,

Michelle Collette
Town Planner