GROTON PLANNING BOARD
MAY 3, 2007
MINUTES

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

LETTER FROM SPICZKA'S, KEMP STRRET

The Planning Board received a letter dated April 30, 2007 from Dennis and Lou Ann Spiczka, of 106 Kemp Street, objecting to the condition in the Lee Edmands special permit requiring the installation of a guardrail on McCanns Hill Road. The Spiczkas letter states that the road is not a public way and that they own the land where the guardrail will be located.

Attorney Ray Lyons, representing Lee Edmands, said his client and the Town have the right to install the guardrail within the right-of-way. He said he would work with the Highway Surveyor, the West Groton Water Supply District (WGWSD), Lee Edmands, and the Spiczkas to address the Spiczkas concerns. If the guardrail cannot be installed, the applicant must submit an application to amend the special permit.

PUBLIC HEARING – ORCHARD REALTY SPECIAL PERMIT/SHARED DRIVEWAY

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Orchard Realty Trust for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to construct a shared driveway serving Lots 1 and 2 as shown on the plan entitled, "Common Driveway Plan, Reedy Meadow Road, Groton, Massachusetts," prepared by Ducharme and Dillis, Inc. dated June 6, 2006, with revisions through February 5, 2007. The proposed shared driveway is on Assessors Lot 230, Parcels 9, 10 & 11, located on the southerly side of Reedy Meadow Road.

In accordance with the provisions of § 184-3 of the Code of the Town of Groton, the Planning Board and Tree Warden held a public hearing to consider the application submitted by Orchard Realty Trust to remove trees and alter a stone wall within the right-of-way of Reedy Meadow Road along the frontage of Assessors Map 230, parcel 9, 10 & 11.

Chairman Wilson called the two public hearings to order. Clerk Capes read the notices published in the April 20 & 27, 2007 issues of *The Groton Herald*. Highway Surveyor Tom Delaney was present. Attorney Ray Lyons and Surveyor Stan Dillis represented the applicant at the public hearing.

Attorney Lyons summarized the previous application submitted to the Planning Board. However, there was not a quorum of the Board eligible to vote on the special permit, so the applicant submitted a new application and the same plan. The proposed shared driveway will serve two lots. One street tree must be removed to provide access for fire trucks by the shared driveway. If two individual driveways are constructed, many more trees must be removed.

Highway Surveyor Tom Delaney said he would prefer to have one access in the safest location even if the large oak tree must be cut down. He said individual driveways would require that more trees be removed. He noted that the intent of the Scenic Roads by-law is to remove trees only if there are no other option. Trees can be removed if there is a public health or safety reason. There is less impact from the shared driveway than there would be from individual driveways.

Mr. Dillis said the proposed shared driveway complies with the regulations for widths, grades, and curves. The applicant submitted a fire truck access demonstration plan to the Fire Chief. The applicant received permits from the Conservation Commission, the Earth Removal Advisory Committee, and the Board of Health for the proposed project. The revised plan addresses all the comments from Nitsch Engineering.

Member Barringer asked about cut and fill. Mr. Dillis said it does not exceed seven feet and the site is as balanced as possible.

Member Clements asked if only one tree must be removed to construct the shared driveway. Mr. Dillis said, "yes."

Member Perkins asked about the drainage structures and Stormceptor™. Mr. Dillis said these structures were added to meet DEP's stormwater management requirements.

Member Perkins asked about the riprap along the edge of Reedy Meadow Road. Mr. Delaney said he installed the riprap to address existing runoff conditions and erosion from the side of the hill onto Reedy Meadow Road.

Mr. Dillis said there would be no net increase in runoff from pre- and post-development conditions. He said the old farm drain at the top of the hill would be intercepted and redirected.

Member Eliot asked whether this is the best location for the shared driveway. She asked if there is an easement for access to the adjacent farm. Mr. Dillis said the orchard property has 50 ft of frontage on Reedy Meadow Road.

Member Eliot said there would be runoff from the orchard through these lots and the developer must mitigate that runoff. The abutting agricultural use is important and should be acknowledged when these home are sold.

Mr. Lyons said there would be a shared driveway agreement for the plowing and maintenance of the shared driveway and drainage system. He said he would add a statement that it is the homeowners' responsibility to maintain the drainage system.

Member Barringer asked if the farm drain discharges to a brook. Mr. Dillis said, "no," it is not a brook, but runoff from the pipe has eroded a swale. Member Barringer said the "Right to Farm" by-law does not include the "right to flood."

Member Eliot said the swale is there now. People who are buying these lots must be made aware of the drainage issues. Mr. Lyons said he could record a separate document with the deed and place a notation on the plan. The Board agreed.

Member Capes asked if the applicant had demonstrated the ability to access these lots using separate driveways. Mr. Dillis said. "yes," a plan showing individual driveways was submitted to the Planning Board.

Member Eliot read the Fire Chief's letter dated May 3, 2007 into the record. Mr. Dillis said they met with the Fire Chief to address his concerns.

The Board suggested that the Fire Chief test the driveway before it is paved. Mr. Lyons agreed.

Abutter Kathleen Sellars said the sight lines are dangerous in this location. She noted that there have been six accidents along this section of Reedy Meadow Road. Mr. Dillis said the sight distances from the driveway are more than adequate in both directions.

Highway Surveyor Tom Delaney stated that he has been working for more than two years to correct wash outs and other drainage problems on this section of Reedy Meadow Road. The proposed plan will help correct an existing problem.

Attorney Lyons requested that the Board accept the withdrawal of the previous Scenic Roads application. The Board voted unanimously to accept the withdrawal of the application without prejudice.

The Board voted unanimously to close the public hearing on the current Scenic Roads application.

The motion was made by Perkins to grant a permit for the removal of the oak tree as shown on the plan entitled, "Common Driveway Plan, Reedy Meadow Road, Groton, Massachusetts," prepared by Ducharme and Dillis, Inc. dated June 6, 2006, with revisions through February 5, 2007, with the condition that the removal of the tree is contingent upon the grant of the special permit for the shared driveway. ***The motion was seconded and passed unanimously with all Board members and the Highway Surveyor in favor.***

The Board voted unanimously to continue the public hearing on the special permit for the shared driveway on May 17, 2007 at 9:00 PM.

PUBLIC HEARING – HUGHES-ORTIZ, SPECIAL EPRMIT/SITE PLAN REVIEW
(Member Clements was not present and did not participate.)

The Board held the continuation of the public hearing to consider the special permit/site plan review for Patricia Hughes-Ortiz roofing business at 60 Boston Road. Patricia Hughes-Ortiz, design engineer Kevin Hardiman of David E. Ross Associates, and landscape architect Lorayne Black were present.

Mr. Hardiman submitted a modified plan, a landscaping plan, and his letter dated May 2, 2007 in response to the Nitsch Engineering report dated April 19, 2007. He said he will submit a plan for the retaining wall stamped by a structural engineer as requested by the Board. The applicant is asking for waivers from the regulations including:

- A reduction in the number of parking spaces from 13 to 7;
- Submission of a traffic assessment;
- Submission of a scale model;
- Topography within 200 ft of the site;
- Cape Cod berm rather than vertical granite curbing.

Mr. Hardiman said more space will be provided between the infiltration system and the abutting property to the west. A swale will be constructed in this area to accommodate runoff so there will be no impact on the abutter's property.

Chairman Wilson asked for an update on the Conservation Commission process. Mr. Hardiman said the Commission is waiting for the Planning Board to approve the site plan before it issues the Order of Conditions.

Member Eliot thanked the applicant for being responsive to the Planning Board's concerns.

Ms. Black presented the landscaping plan designed to soften the visual impact from Boston Road. Yews will be planted along the road, and the lawn will be left open for snow storage. Yews and rhododendrons will be planted along the eastern property line with additional plantings below to provide better screening.

Member Eliot said there have been many improvements to the plan. She suggested that the Board include a condition in the special permit requiring that the Board review the site in one year to be sure the drainage system is functioning. She expressed concern about impact of runoff from the site on the wetlands. She said she had no problems with the requested waivers.

Member Perkins said the engineer's certification of the proposed retaining wall is important. She asked what would stop cars from driving over the edge of the wall. Mr. Hardiman said the structural engineer will determine whether a rail is needed.

Member Perkins asked if the fill would be tested by the Board of Health to prevent impact on the wetlands. She said she had no problem with the requested waivers.

Member Capes asked about the proposed snow storage area which is located uphill from the parking area. He asked what would prevent the applicant from plowing snow into the nearby wetlands. Mr. Hardiman said the applicant does not plow the snow – they use a snow blower to remove the snow and deposit on the lawn area. The melting snow will flow into the storm drain system.

Planner Michelle Collette suggested that the Board may want to require that snow be removed from the site to prevent damage to the stormwater infiltration system and wetlands.

Abutters Jim Cullen (to the east) and John Levin (to the west) both said they had no problem with snow removal as it is done now.

Member Capes asked about the methodology in calculating the different storm events as raised by the Nitsch Engineering report. Mr. Hardiman explained that the calculations vary depending upon soil types which is why they requested the letter dated May 3, 2007 from the Board of Health. The drainage system is designed with a safety factor in the percolation rates.

Member Perkins asked about lighting details. Mr. Hardiman said lights will be installed on the garage as shown in the specifications. The fixtures will be shielded to prevent glare.

Member Barringer requested that the reasons for requesting a waiver of the topography within 200 ft of the site be submitted in writing for the record. Mr. Hardiman agreed. Member Barringer asked if the revised plans addressed all the items in the Nitsch Engineering report. Mr. Hardiman said, "yes."

Member Barringer asked if the storage trailers would be removed from the site. Mr. Hardiman said, "yes," as noted on the plan.

The Board voted unanimously to continue the public hearing on May 17, 2007 at 8:30 PM.

PUBLIC HEARING – GAMLIN SPECIAL PERMITS, BRIDGE STREET

The Planning Board continued the three public hearings on the applications submitted by Albert Patenaude for Major Residential Development, Flexible Development and Hammerhead lots 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 explained that the applicant and neighbors have reached an agreement with Mr. Gamlin regarding the configuration of the lots and the status of Bridge Street. The applicant is requesting that the Board approve the plan with the hammerhead lots as well as the special permit for Major Residential Development. The applicant will withdraw the Flexible Development application if the Board grants the other special permits. He will also submit an application for two shared driveways, each serving three lots.

Member Eliot encouraged the applicant to cluster the homes closer together. Mr. Orsi said they would consider a tighter cluster, but the house locations must comply with the agreement with the neighbors.

Chairman Wilson commented that the hammerhead lot plan is a good plan. He agreed that clustering the homes would result in less land disturbance.

Member Clements asked if there are building envelopes on the plan. Mr. Dillis said, "Not at this time." Mr. Orsi noted that building envelopes could be shown on the shared driveway plan in the future.

The Board voted unanimously to close the public hearing on the special permit application for Major Residential Development.

The Board voted unanimously to close the public hearing on the special permit application for Hammerhead Lots.

The Board voted unanimously to close the public hearing on special permit application for Flexible Development.

The Board will vote on the special permit decision on May 24, 2007 at 7:30 PM.

BOSTON ROAD MARKETPLACE
The Board discussed the condition of the snow storage area at the Boston Road Market Place. The site should be cleaned, loamed and seeded to repair damage done during the winter. In addition, dead trees and shrubs should be replaced.

The motion was made by Perkins to send a letter to Shaw's requesting that they clean up and restore the snow storage area and replace dead plant materials and that they submit a progress report by the middle of May. ***The motion was seconded and passed unanimously.***

STATION AVENUE UPDATE
The Board received a written report from the Station Avenue Redevelopment Committee and will use the report as a handout at the May 7, 2007 Special Town Meeting. Chairman Wilson will present the report and explain why the Planning Board is recommending that the article be postponed indefinitely.

Meeting adjourned at 9:30 PM.

Respectfully submitted,

Michelle Collette
Town Planner