

**GROTON PLANNING BOARD  
MAY 31, 2007  
MINUTES**

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

Members present: Wilson, Barringer, Capes, Clements, Giger, Eliot and Perkins

**SHAW'S LANDSCAPING**

The Board discussed the poor condition of the landscaping at the Boston Road Marketplace (Shaw's). Member Giger provided the Board with photographs depicting dead and dying plant material at the site.

The motion was made by Perkins to send a letter to Shaw's requesting that the parking lot be cleaned and the plants replaced before June 14, 2007. If the work cannot be done by that time, the Board will request that Shaw's send a representative to the Board's June 14, 2007 meeting. *The motion was seconded and passed unanimously.*

**SPECIAL PERMIT DECISIONS – GAMLIN/PATENAUDE, BRIDGE STREET**

The motion was made by Clements to **GRANT** a special permit pursuant to Albert Patenaude to utilize the provisions of Chapter 218 of the Code of the Town of Groton, 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 April 16, 2007.

**Findings:**

*The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law §§ 218-23.1 and 218-32.1:*

1. **Social, economic and community needs:** The proposed plan will address the economic and community needs by creating lots consistent with the development patterns of the neighborhood.
2. **Traffic flow and safety:** Traffic flow will be minimized by the creation of three new lots with access on Old Dunstable Road and three new lots with access on Bridge Street.
3. **Adequacy of utilities:** Utilities will be provided with on-site sewage disposal systems and private wells. Other utilities are available to serve the proposed lots.
4. **Neighborhood character:** The neighborhood character will be maintained by the creation of conventional and hammerhead lots for residential use.
5. **Impacts on the environment:** Reduced density will result in less environmental impact because less infrastructure will be required and there will be less disturbance to the land.
6. **Fiscal impact on the Town:** The fiscal impact to the Town will be less from development on five acre hammerhead lots than from conventional, two-acre development.

7. **Section 218-23.1 Hammerhead Lots:** The proposed hammerhead lots meet the minimum dimensional requirements (five acres area, 40 feet frontage, and 200 ft set back) for hammerhead lots. The reduction in frontage does not result in a hazardous concentration of egress points.

*The Planning Board makes the following specific finding related to Bridge Street:*

1. Bridge Street is an “E” road as defined under the Groton Zoning By-law, Section 218-22A, and is sufficient to service the needs of access and utilities for the three lots shown on the plan, with the improvements specified in the conditions below.

**Conditions**

2. The Applicant shall perform repairs to the ten catch basins and five manholes on Bridge Street to the end of the cul-de-sac. The repairs shall be the removal of each casting for each catch basin and manhole, the repair and replacement as needed of any damaged brick, and the resetting of the castings to receive an additional one inch of pavement, and the Applicant will pave Bridge Street with at least a one inch (1”) coat of bituminous asphalt, once the site work and construction of the homes for the development of Lots 4, 5 and 6, have been completed. Alternatively, the Applicant may arrange, at the Applicant’s cost, for the Town of Groton to perform such paving.
3. The Applicant shall not construct any structures, other than those related to the common driveway that must be submitted to the Planning Board for approval, within the area shown as “Buffer Zone” on the Plan.
4. As offered by the Applicant, Parcel “A” shown on the Plan shall be maintained or restricted for conservation purposes.
5. The Applicant shall repair any and all damage to Bridge Street caused by the development and construction of the lots as shown on the Plan. Prior to commencing construction, the Applicant shall have Bridge Street videotaped to show its current condition. All repairs shall be made to the satisfaction of the Highway Surveyor.
6. The Planning Board encourages the Applicant to cluster the homes closer together to minimize vegetation clearing and land disturbance.
7. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed ANR plan are 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.
8. This special permit shall lapse in 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. The recording of the special permit and subsequently approved ANR plan shall constitute commencement of substantial use.

9. This special permit runs with the land and applies to any successor in interest or successor in control.

***The motion was seconded and passed with Barringer, Capes, Clements, Eliot, Perkins and Wilson in favor; Giger abstaining.***

The motion was made by Eliot to **GRANT** a Special Permit to Albert Patenaude to utilize the provisions of Chapter 218 of the Code of the Town of Groton, § 218-26.1 Major Residential Development, to create six (6) lots as shown on the plan entitled, ““Plan of Land in Groton, Massachusetts; Prepared for Robert Gamlin,” prepared by Ducharme & Dillis, dated April 16, 2007, based upon the following findings and with the following conditions:

**Findings:**

*The Planning Board determined that the plan with three hammerhead lots and three conventional lots, rather than the flexible or conventional subdivision plans, best promotes the objectives of the Code of the Town of Groton, Chapter 218, Zoning, §218-26.1 and § 218-32.1, based upon the following findings:*

1. **Social, economic and community needs:** The plan with three hammerhead lots and three conventional lots results in less density than the 11-lot conventional or flexible subdivision plan. The proposed open space shown as Parcel A on the hammerhead lot plan will provide an important link between existing conservation properties in the vicinity.
2. **Traffic flow and safety:** The proposed special permit plan will result in less density and therefore less traffic than a conventional or flexible plan on this site.
3. **Adequacy of utilities:** Utilities will be provided with on-site sewage disposal system and private wells. Other utilities are available to serve the proposed lots.
4. **Neighborhood character:** The neighborhood character will be maintained by the creation of conventional and hammerhead lots for residential use.
5. **Impacts on the environment:** Reduced density will result in less environmental impact because less infrastructure will be required and there will be less disturbance to the land.
6. **Fiscal impact on the Town:** The fiscal impact to the Town will be less from development on five acre hammerhead lots than from conventional, two-acre development.

*The Planning Board makes the following specific finding related to Bridge Street:*

1. Bridge Street is an “E” road as defined under the Groton Zoning By-law, Section 218-22A, and is sufficient to service the needs of access and utilities for the three lots shown on the plan, with the improvements specified in the conditions below.

### **Conditions**

1. The Applicant shall perform repairs to the ten catch basins and five manholes on Bridge Street to the end of the cul-de-sac. The repairs shall be the removal of each casting for each catch basin and manhole, the repair and replacement as needed of any damaged brick, and the resetting of the castings to receive an additional one inch of pavement, and the Applicant will pave Bridge Street with at least a one inch (1") coat of bituminous asphalt, once the site work and construction of the homes for the development of Lots 4, 5 and 6, have been completed. Alternatively, the Applicant may arrange, at the Applicant's cost, for the Town of Groton to perform such paving.
2. The Applicant shall not construct any structures, other than those related to the common driveway that must be submitted to the Planning Board for approval, within the area shown as "Buffer Zone" on the Plan.
3. As offered by the Applicant, Parcel "A" shown on the Plan shall be maintained or restricted for conservation purposes.
4. The Applicant shall repair any and all damage to Bridge Street caused by the development and construction of the lots as shown on the Plan. Prior to commencing construction, the Applicant shall have Bridge Street videotaped to show its current condition. All repairs shall be made to the satisfaction of the Highway Surveyor.
5. The Planning Board encourages the Applicant to cluster the homes closer together to minimize vegetation clearing and land disturbance.
6. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed ANR plan are 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.
7. This special permit shall lapse in 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. The recording of the special permit and subsequently approved ANR plan shall constitute commencement of substantial use.
8. This special permit runs with the land and applies to any successor in interest or successor in control.

***The motion was seconded and passed with Barringer, Capes, Clements, Eliot, Perkins and Wilson in favor; Giger abstaining.***

### **ORCHARD REALTY TRUST**

The Board received a letter dated May 31, 2007 from Attorney Ray Lyons withdrawing the original special permit application submitted by Orchard Realty Trust on June 28, 2006. ***The Board voted to accept the withdrawal of the application without prejudice.***

### **PUBLIC HEARING – SPECIAL PERMIT ORCHARD REALTY TRUST**

The Board held the continuation of a public hearing to consider the application submitted by Orchard Realty Trust to construct a shared driveway serving two lots off Reedy Meadow Road. Attorney Lyons and Surveyor Stan Dillis were present.

Attorney Lyons said a homeowners association will be formed to maintain the drainage system. He submitted a “Declaration of Easement and Maintenance” for the Board’s consideration.

The Board received a report dated May 11, 2007 from Nitsch Engineering approving the drainage calculations and plans.

The Board received a memorandum dated May 3, 2007 from the Fire Chief.

Member Clements said he would like some assurance that the trees near Reedy Meadow Road will be saved if the Board grants the special permit for the shared driveway. Surveyor Stan Dillis highlighted the limits of clearing on the plan. The Board will reference the clearing limitation in its decision.

The Board voted to close the public hearing.

### **ROCKY HILL CURBING**

The Board received a report dated May 23, 2007 from Nitsch Engineering regarding the Rocky Hill subdivision. Engineer William Maher noted that the curbing at the intersection is sloped granite rather than vertical granite as required in the subdivision regulations. He also noted that Massachusetts Highway Department requires vertical granite curbing for intersections on State Highways. The subdivision road intersects with Route 119, a state highway.

The motion was made by Perkins to notify the developer that the Board will discuss curbing at the Rocky Hill subdivision at its meeting on June 14, 2007. ***The motion was seconded and passed with Barringer, Capes, Clements, Eliot, Perkins and Wilson in favor; Giger abstaining.***

### **PUBLIC HEARING - MONARCH PATH DEFINITIVE PLAN**

The Board held the continuation of the public hearing to consider the Monarch Path definitive plan. Applicant Ebrahim Masalehdan, design engineer David Buhlman of TF Moran, Inc., and the Board’s engineer William Maher of Nitsch Engineering were present.

Mr. Maher presented his report dated May 31, 2007 indicating that all engineering issues have been resolved. He said Low Impact Development (LID) techniques were incorporated into the design of the drainage system as requested by the Board. The retention basin adjacent to Gilson Road will be converted to a rain garden.

Member Barringer asked about the abandoned well located behind the house formerly owned by Cunningham. Mr. Buhlman said it would be filled in as ordered by the Board of Health.

Member Clements asked about the abutters’ concerns about drainage. Mr. Maher said all the outstanding issues with the drainage system have been resolved to his satisfaction. Mr. Buhlman added that the Isolated Land Subject to Flooding shown on the plan would be deeded to the Groton Conservation Commission.

Member Giger asked if filling the well would have an adverse impact on drainage. Both Mr. Buhlman and Mr. Maher said it would not have any effect on the water table or drainage.

Member Eliot said the adjacent yards have a lot of standing water now. She asked if the development would increase flooding. Mr. Maher said there would be a decrease in runoff from the site, according to the calculations, because more recharge will be provided.

Member Barringer asked if a swale could be dug in the area of the abandoned well. Mr. Maher said it would not work because the land slopes the other way.

Member Giger asked about the parcel for the police precinct station. Mr. Buhlman said it is shown on the plan. Planner Michelle Collette said the applicant must work out the details on the gift of land with the Board of Selectmen and Police Chief.

Member Perkins asked if the limits of clearing were shown on the plan. Mr. Maher said, "yes."

Member Perkins asked if any invasive species would be planted. Mr. Buhlman said, "no."

Member Perkins asked what type of evergreens would be used to screen headlight glare. Mr. Masalehdan said blue spruce trees would be planted.

The Board voted unanimously to close the public hearing.

### **MONARCH PATH DECISION**

The motion was made by Clements to approve the definitive subdivision plan entitled, "Monarch Path, Groton, Massachusetts," prepared by TFM, dated March 9, 2007 with revisions through May 25, 2007 with the following waivers and conditions:

#### **Waivers:**

The Planning Board voted to grant waivers of the following sections of the Code of the Town of Groton, Chapter 381 Subdivision of Land, after determining that said waivers would be in the public interest and would not be inconsistent with the intent and purpose of the Subdivision Control Law.

1. § 381-10C(2) to allow a pavement width of 20 ft (lane standards) rather than 22 ft (minor street standards) because the reduction in impervious surface will result in less stormwater runoff. The reduced pavement width will provide adequate access for emergency vehicles.

#### **Conditions:**

1. The Applicant will work with the Board of Selectmen and the Police Chief regarding the future conveyance of the Parcel shown as "Proposed Police Substation Area = 5000 SF."
2. The existing dug well, shown as "existing well to be abandoned," located on Lot 2 shall be filled in accordance with the order from the Board of Health (see attached).

3. The Applicant shall install a 1½" overlay on existing pavement on Gilson Road as noted on Sheet 5 of 39 of the definitive plan. The Applicant shall receive the approval of the Highway Surveyor prior to performing any work in the public right-of-way.
4. The Applicant shall submit a plan stamped by a Registered Landscape Architect detailing the plantings to establish a rain garden in Detention Basin 2, adjacent to Gilson Road, for the Planning Board Board's review and approval.
5. The Applicant shall submit details of the plantings to be used to screen headlight glare on Gilson Road.
6. Proposed landscaping plantings (trees, shrubs, etc.) shall not consist of plantings that are identified as an invasive species in the publication entitled, "The Evaluation of Non-Native Plant Species for Invasives in Massachusetts (with annotated list)," prepared by the Massachusetts Invasive Species Advisory Group, dated April 1, 2005. (Copies are available in the Planning Board and Conservation Commission offices.)
7. The limits of disturbance shall be clearly delineated on the definitive plan and in the field as required in 381-B(30).
8. The Planning Board will evaluate the stormwater management system one year after construction to determine if any increase in runoff is being contained on site as required in §381-11A. If any corrections to the drainage system are necessary, the Board will require that the Applicant submit a modification of the definitive plan to address any stormwater management issues.
9. The definitive plan and development of lots shown on said plan shall comply with Chapter 218 Zoning and Chapter 381 Subdivision of Land of the Code of the Town of Groton, unless waived by the Board (see above).
10. A registered land surveyor or registered professional engineer shall certify that each lot complies with Chapter 218, Zoning, on each Lotting Sheet prior to endorsement of the definitive plan.
11. The Monarch Path subdivision includes approximately 30.39 acres depicted and described on the Definitive Plans within the ownership of the applicant and identified on Assessor's Map 138, Parcel 38, and Map 253, Parcel 2. The Definitive Plan is approved for no more than thirteen (13) building lots as depicted on the Definitive Plan which has been incorporated into and made a part of this Decision. No lots may be divided with the effect of creating a new building lot. No further subdivision of the parcels is to be permitted except for minor lot line modifications without a prior amendment approved by the Planning Board pursuant to Chapter 41, Section 81-W, MGL.
12. The name of this subdivision is "Monarch Path," and the name of the subdivision road is "Monarch Path." These names cannot be changed unless the Planning Board holds a public hearing and votes to modify the definitive plan because changing the names may result in confusion for dispatching emergency vehicles to the site. After the road is accepted as a public way, any name change must be approved by the Board of Selectmen pursuant to MGL Chapter 85, section 3.

13. As required in § 381-12C Fire Protection and § 381-13G Street Signs, the fire cistern shall be inspected and approved by the Fire Chief and the street sign shall be installed prior to the issuance of any building permits.
14. The Applicant shall submit an application for a Stormwater Management Permit to the Earth Removal-Stormwater Advisory Committee for its review and approval as required in Chapter 198 Stormwater Management – Low Impact Development. The Stormwater Pollution Prevention Plan (SWPPP) shall be appended to the definitive plan as required in Section 381-8C(1)(e)[2][c].
15. The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions, states:

“The above exemptions do not cover the removal of earth materials from the premise involving topographical changes or soil-stripping or loam-stripping activities, nor shall the tentative or final approval of a subdivision plan be construed as authorizing the removal of earth materials from the premises, even though in connection with the construction of streets as shown on the plan.”
16. Public water shall be supplied to each lot in the subdivision as required in § 381-12A of the subdivision regulations. The installation of the public water supply system shall conform to § 381-12C Fire Protection and the specifications of the Groton Water Department.
17. Sound granite bounds shall be installed at every lot corner of open space parcel as required in Section 381-13F(2).
18. The drainage system shall be installed to prevent surface water runoff from collecting on Monarch Path.
19. The Applicant will be held accountable for any surface water or subsurface water breakout of water on any part of this subdivision that results in uncontrolled runoff that was not present during predevelopment conditions.
20. No stumps, brush, or wood waste shall be buried on site.
21. As required in § 381-13A(2) of Subdivision Regulations, access ramps for the disabled shall be provided at all intersections and driveways. The ramps shall conform to the Architectural Access Board current regulations (521 CMR) and the Americans with Disabilities Act (ANSI A117.1) current regulations.
22. As required in Section 381-8G(1) of the Subdivision Regulations, the as-built plan shall be certified by a Registered Professional Engineer that the grades on all lots have been established in compliance with the drainage and topographical plans and that said grades have been established so as not to create adverse drainage patterns onto adjoining lots or streets.



23. As offered by the Applicant, the Parcel shown as "Area to be Held by the Town," with 87,224 SF, and Access Easement 3-1, Area 2650 SF, shall be deeded to the Town of Groton to be managed by the Conservation Commission. The Planning Board will not release any lots from covenant until the deed conveying the open space parcel to the Town has been recorded at the Registry of Deeds and satisfactory evidence of recording has been received by the Planning Board.
24. The definitive plan approval and all easements, covenants and restrictions shall be recorded at the Registry of Deeds along with the definitive plan. No construction or site alteration shall commence until the applicant submits evidence of such recording to the Planning Board.
25. Prior to endorsement of the definitive plan, the subdivider shall either file a bond as required in Section 381-8E(1) Final approval with bonds or surety or Section 381-8E(2) Final approval with covenant. Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
26. This subdivision is subject to Special Permits 2006-11, granted by the Planning Board and filed with the Town Clerk on October 6, 2006. All conditions of the special permits are applicable to the development of this subdivision.
27. The conditions of the definitive plan approval apply to any successor in interest or successor in control.

***The motion was seconded and passed with Barringer, Capes, Clements, Eliot, Perkins and Wilson in favor; Giger abstaining.***

#### **MILL RUN PLAZA UPDATE**

*(Note: Members Capes and Wilson stepped down and did not participate.)*

William Maher of Nitsch Engineering reported that he looked at the cracks in the pavement around the catch basins in the rear of the site as requested by the Building Inspector. He said they are not serious at this time but should be monitored. He said the litter and debris in the basins could clog the outlets, but the drainage system appears to be working well since the installation of the connection to the MassHighway storm drain system. He said the new parking spaces were installed and the parking lot was repainted.

#### **STATION AVENUE UPDATE**

Chairman Wilson reported that the Station Avenue Redevelopment Committee and Economic Viability Committee will meet with April Anderson of the Executive Office of Economic Development to discuss Chapter 43D Expedited Permitting. The Committee will meet with John Mullin and Town Counsel Judith Cutler on June 13, 2007 to discuss revisions to the proposed zoning amendment. The Committee will meet with Gary Hebert of FST on June 27, 2007 to discuss traffic issues.

The motion was made by Eliot to reappoint the following members of the Station Avenue Redevelopment Committee. The term will expire on June 30, 2008.

Scott Wilson	Planning Board
George Dillon	Board of Selectmen
Doris Chojnowski	Groton Electric Light Department
Richard Curtis	SADAC
Gregory Mischel	Neighborhood
Dan Barton	Historic Districts Commission
Peter Morrison	Conservation Commission
Tim Hess	Business Community
Dorothy Van Hoogan	Neighborhood alternate

*The motion was seconded and passed unanimously.*

The motion was made by Perkins to appoint the following representatives to the Station Avenue Subcommittee on Economic Viability. The term will expire on June 30, 2008.

Joshua Degen	Board of Selectmen
Kevin Lindemer	Groton Electric Light Department
Ray Capes	Planning Board
Richard Curtis	SADAC

*The motion was seconded and passed unanimously.*

## **PLANNING BOARD REORGANIZATION**

The Planning Board voted unanimously to elect the following officers:

Chairman	George Barringer
Vice Chairman	Scott Wilson
Clerk	John Giger

The Planning Board voted to appoint the following representatives:

Community Preservation Committee	Carolyn Perkins
Earth Removal Advisory Committee	Bruce Clements
Great Ponds Advisory Committee	No representative appointed
Montachusett Regional Planning Commission	George Barringer
Montachusett Joint Transportation	George Barringer
Surrenden Farms Land Use Committee	Scott Wilson

The Planning Board voted to appoint the following members to act as liaisons to other Town Departments and Committees:

Board of Appeals	Anna Eliot
Board of Health	Ray Capes
Board of Selectmen	Chairman George Barringer, ex officio

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Conservation Commission  
Finance Committee  
Groton Dunstable School District  
Groton Electric Light Department  
Historic Districts Commission  
Historical Commission  
Housing Authority  
Housing Partnership  
Public Safety Officials  
Sewer Department  
Water Department  
West Groton Water Supply District

Bruce Clements  
Chairman George Barringer, ex officio  
George Barringer  
George Barringer  
Scott Wilson  
Scott Wilson  
Carolyn Perkins  
Carolyn Perkins  
John Giger  
Ray Capes  
Ray Capes  
George Barringer

Meeting adjourned at 10:00 PM.

Respectfully submitted,

Michelle Collette  
Town Planner