

GROTON PLANNING BOARD
MAY 8, 2008
MINUTES

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

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

Member absent: Barringer and Hess

PUBLIC HEARING – SPECIAL PERMIT SITE PLAN, CROSSROADS PLAZA

In accordance with the provisions of Chapter 40A, §§ 9 and 11, M. G. L., the Groton Planning Board held a public hearing to consider the application submitted by Nam Hang, LLC to renew Special Permit 2006-06 granted by the Groton Planning Board under the provisions of Groton Zoning By-law Section 218-25 Site Plan Review for the Level II site plan entitled, “Permit Plan, 788 Boston Road, Crossroads Plaza, Groton, MA,” prepared by GPR, Inc., dated April 2006, revised June 29, 2006. The proposed project is located on Assessors’ Map 133, Parcel 54, located on the westerly side of Boston Road and southerly side of Sandy Pond Road.

Vice Chairman Wilson called the public hearing to order. Clerk Giger read the notice published in the April 18 and 25, 2008 issues of *The Groton Herald*. Design engineer Brian Thorne of GPR represented the applicant at the public hearing.

Mr. Thorne said the Planning Board granted a special permit in 2006 for the construction of 17,700 SF of commercial use including a donut shop, a bank, a retail store and a restaurant. A total of 133 parking spaces are required and will be constructed as shown on the plan. The drainage system was designed to include Low Impact Development (LID) techniques and it is the forefront of stormwater management issues. The drainage system is in full compliance with current local, state and federal stormwater policy standards.

The applicant has not commenced construction because there are probate issues with family members in China. There are no changes to the plan. The applicant will contribute toward the purchase of the Opticom scanners as required in Condition #1 of the original special permit.

PUBLIC HEARING – SPECIAL PERMIT WRPD, CROSSROADS PLAZA

In accordance with the provisions of Chapter 40A, §§ 9 and 11, M. G. L., the Groton Planning Board held a public hearing to consider the application submitted by Nam Hang, LLC to renew Special Permit 2006-05, granted by the Groton Planning Board, to utilize the provisions of Groton Zoning By-law Section 218-30 Water Resource Protection Districts for an on-site wastewater disposal system with a design capacity greater than 110 gallons per day (GPD) per 10,000 SF lot area and aboveground storage of hazardous materials in quantities greater than normal household use in a Water Resource Protection District III. The proposed project is shown on the plan entitled, “Permit Plan, 788 Boston Road, Crossroads Plaza, Groton, MA,” prepared by GPR, Inc., dated April 2006, revised June 29, 2006. The proposed project is located on Assessors’ Map 133, Parcel 54, located on the westerly side of Boston Road and southerly side of Sandy Pond Road.

Mr. Thorne said the Planning Board granted a special permit in 2006 for construction of an innovative sewage disposal system with the capacity to treat 275 gallons per day per 10,000 SF of lot area in a Water Resource Protection District. The Board of Health approved the sewage disposal system in 2006.

The applicant has not commenced construction because there are probate issues with family members in China. There are no changes to the plan.

Vice Chairman Wilson read the comments from the Board of Health and the Water Department.

Mr. Thorne noted that the applicant will provide the Opticom Scanners as required in the original special permit.

Member Capes asked about the drainage system design. Mr. Thorne said all runoff will be contained on the site and discharged to the basin in the rear corner of the property.

Abutter Linda Deciccio asked what would happen if the Planning Board did not renew the special permit. Vice Chairman Wilson said the applicant would reapply.

Ms. Deciccio asked about landscaping. Mr. Thorne pointed out the existing wooded area to the east of the proposed development and described the shrubs to be planted on the site.

Ms. Deciccio asked who the tenants would be. Mr. Thorne said The Lowell Five bank still plans to locate on the site, but the other tenants will be determined at a later date.

The Board voted unanimously to close the public hearings.

DECISIONS

Site Plan Review Special Permit – The motion was made by Perkins to grant a special permit to Nam Hang, LLC for Site Plan Approval and a Special Permit under the provisions of Groton Zoning By-law Section 218-25 and 218-32.1 for approval of the Level II site plan entitled, “Permit Plan, 788 Boston Road, Crossroads Plaza, Groton, MA,” prepared by GPR, Inc., dated April 2006, with revisions through June 29, 2006.

Findings:

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law § 218-25 and 218-32.1:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by constructing new buildings for business use in a location zoned Business (B-1) since zoning districts were adopted in 1963.
2. **Traffic flow and safety:** The rebuilt and signalized intersection at Routes 119 and 225 provide for adequate and safe traffic flow. The proposed roadway improvements include sidewalks to facilitate pedestrian traffic. The Planning Board reviewed the “Traffic Impact Study,” prepared by Conley Associates, April 2006. The Planning Board also received a peer review report from its consulting traffic engineer, Fay, Spofford & Thorndike (FST), regarding the traffic impact of the proposed plan and determined that the traffic flow and safety issues were addressed satisfactorily by the applicant.
3. **Adequacy of utilities:** The proposed development will be served by Town water and sewage disposal system approved by of the Board of Health.
4. **Neighborhood character:** The project is located on land zoned Business (B-1) located at an intersection with similar business uses. The character of the neighborhood will be

maintained because the proposal specifies architectural design, landscaping, and lighting consistent with the surrounding neighborhood. It also maintains a business use within the Business District.

5. **Impacts on the environment:** There is no surface or stormwater management system on the site today. The improvements to the site include installation of a new low impact development drainage system. Groundwater quality will be monitored in accordance with the conditions contained herein. The sewage disposal system provides a secondary treatment in compliance with current DEP and Board of Health regulations.
6. **Fiscal impact on the Town:** The proposed development will have a positive fiscal impact on the Town because the assessed value of the property and tax revenue will increase. Additionally, the proposed development will appropriately utilize the site and create a large number of job opportunities. It will also offer leasable retail space to attract business to the area. This is a fiscal benefit to the Town of Groton and the local population.

7. Site Plan Review Criteria:

- a) The applicant provided a landscaping plan that exceeds the planting requirements of §218-23 Off-Street Parking and Loading Preserve including the planting of a wide variety of non-invasive trees and shrubs.
- b) The plan integrates the development into the existing terrain and surrounding landscape and minimizes topographical changes to the extent feasible. There are no unique historic and cultural amenities, and stone walls to be preserved on the previously disturbed site.
- c) The applicant submitted drainage calculations demonstrating that there will be de minimus increase in the rate or volume of stormwater runoff from the 25- and 100-year storm event across the boundaries of the site. The drainage system, as designed, complies with federal, state and local regulations and guidelines including, but not limited to, the Department of Environmental Protection Stormwater Management Policy.
- d) The applicant demonstrated that the site will have safe pedestrian and vehicular access both within the site and onto adjacent public ways and potential traffic impacts shall be mitigated.
- e) The visibility of parking, storage or other outdoor service areas from public ways has been minimized by the layout of the buildings and proposed landscaping plan.
- f) Headlight glare will be minimized through plantings and other screening.
- g) The Board of Selectmen determined that architectural style is in harmony with the prevailing character of the neighborhood to the maximum extent feasible as required in §218-24B Promotion of Harmonious Development.

- h) Contamination of groundwater from the on-site wastewater disposal systems will be prevented by the secondary treatment system which must meet requirements of Title 5 of the State Environmental Code (310 CMR 15.000 et seq.) and applicable Board of Health regulations.
- i) The Board determined that there will be no excessive demands on local infrastructure and the ability of the Town to provide services to the development. Additionally, the applicant offered to provide funds for the purchase and installation of two (2) Opticom Transmitters for Town of Groton emergency vehicles.

Waivers:

1. **§ Off Street Parking and Loading:** Reduction of required number of parking spaces under section 218-23.B from 140 to 133 parking spaces for the Project.
2. **§ 218-25.G.2.h** from the 500-foot radius plan requirement.
3. **§ 218-25.H.1.e** to allow de minimus temporary storage off-site for 25- and 100-year storms. Stormwater runoff from adjacent properties drains to the subject site in existing conditions. In developed conditions under the 25- and 100-year storm events, a portion of stormwater runoff from adjacent properties, specifically the drainage area northeast of the site where the Boston Road culvert drains, is conveyed onsite along the southeastern boundary and at its mid-point crosses onto the abutting property for a short distance, and crosses back onsite towards the replicated wetland area. Although this is technically not an increase in stormwater run-off (volume or peak rate) to abutting property, the proponent, nevertheless, requested this waiver.
4. **§ 218-25(L)** to allow the unused \$3,000.00 peer review fee paid by the Applicant for its Preliminary Subdivision Plan for the Site to be transferred to cover any new special permit application fees and any further peer review fees for review of this Project application.
5. **§ 218-25(G)(2)(b)** for the plan scale from one inch equals forty feet to one inch equals thirty feet.
6. **§ 218-25(G)(2)(c)** to illustrate existing and proposed topography with one-foot contour intervals rather than 2-foot contour intervals.
7. **§381-40C(1)** to allow calculation of the 100-year storm event to be based upon 7 inches of rainfall in 24 hours.

Conditions:

1. As offered by the applicant, the 17 site shade trees in the interior of the site, as shown on landscaping plan, shall be reduced from 4" – 4½" to 3" – 3½" with cost difference applied to the purchase and installation of two (2) Opticom Transmitters for Town of Groton emergency vehicles.

2. All curbing shall be vertical granite and all sidewalks shall be poured cement concrete as shown on the site plan.
3. There shall be de minimus increase in storm water runoff to allow temporary storage off site for the 25- and 100-year storms, as described in the application dated May 30, 2006.
4. The drainage system shall be constructed and function in compliance with the "Massachusetts Department of Environmental Protection - Stormwater Management, Volume One: Stormwater Policy Handbook, and Volume Two: Stormwater Technical Handbook," dated March 1997.
5. There shall be no storage or dumping of snow in the detention basin.
6. Vegetative screening shall be used to minimize headlight glare onto public ways as required in Section 218-25G(1)(g).
7. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h). From one hour after closing until dawn, only 25% of the pole-mounted fixtures throughout the site shall be allowed on. Changes in the lighting schedule shall not be permitted without prior approval of the Planning Board.
8. In accordance with Section 218-25I, the applicant shall post a performance bond for construction of the drainage system. The amount of the bond shall be determined by the Planning Board based upon an estimate from its consulting engineer. The form of surety shall be acceptable to the Board. The bond shall be posted prior to the issuance of an occupancy permit for the 3200 sq ft building in the northerly portion of the site or the 2000 sq ft building in the northwesterly portion of the site. The bond shall be posted before a building permit is issued for the 7500 sq ft building in the southwesterly portion of the site or the 5000 sq ft building in the southerly portion of the site.
9. Parking for the disabled and access to the buildings shall comply with the requirements of the Architectural Access Board Regulations, 521 CMR, and the Americans with Disabilities Act.
10. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
11. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.
12. 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.
13. An erosion and sedimentation control plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Soil Erosion and Sedimentation Control.

14. Three copies of the final site plan approved by the Planning Board shall be submitted to the Board for endorsement as required in Section 218-25G(3).
15. All outstanding engineering invoices must be paid in full prior to issuance of a building permit.
16. No permanent occupancy permits shall be issued for any building or structure, or portion(s) thereof, until the Planning Board receives an As-Built Plan prepared by a Professional Land Surveyor along with certification from a Registered Professional Engineer that all construction for the particular building (including utilities) have been done in accordance with the approved site plan. No permanent occupancy permit shall be issued for the last building until said plan and certification are provided for said building and the entire site.
17. The Planning Board shall review the project one year after the granting of the first occupancy permit to assure compliance with the special permit and to determine if any reasonable modifications are warranted.
18. This special permit shall not be in effect until certified copies 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.
19. 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 shall constitute commencement of substantial use.

The motion was seconded and passed unanimously.

Water Resource Protection District Special Permit – The motion was made by Perkins to grant a special permit to Nam Hang, LLC for a Special Permit to utilize the provisions of Groton Zoning By-law Section 218-30 Water Resource Protection Districts for an on-site wastewater disposal system with a design capacity greater than 110 gallons per day (GPD) per 10,000 SF lot area and aboveground storage of hazardous materials in quantities greater than normal household use in a Water Resource Protection District III, and use of a commercial dishwasher. The proposed development is shown on the plan entitled, “Permit Plan, 788 Boston Road, Crossroads Plaza, Groton, MA,” prepared by GPR, Inc., dated April 2006, with revisions through June 29, 2006.

Findings:

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law § 218-30 and 218-32.1:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by constructing new buildings for business use in a location zoned Business (B-1) since zoning districts were adopted in 1963.

2. **Traffic flow and safety:** The rebuilt and signalized intersection at Routes 119 and 225 provide for adequate and safe traffic flow. The proposed roadway improvements include sidewalks to facilitate pedestrian traffic. The Planning Board reviewed the “Traffic Impact Study,” prepared by Conley Associates, April 2006. The Planning Board also received a peer review report from its consulting traffic engineer, Fay, Spofford & Thorndike (FST), regarding the traffic impact of the proposed plan and determined that the traffic flow and safety issues were addressed satisfactorily by the applicant.
3. **Adequacy of utilities:** The proposed development will be served by Town water and sewage disposal system approved by the Board of Health.
4. **Neighborhood character:** The project is located on land zoned Business (B-1) located at an intersection with similar business uses. The character of the neighborhood will be maintained because the proposal specifies architectural design, landscaping, and lighting consistent with the surrounding neighborhood. It also maintains a business use within the Business District.
5. **Impacts on the environment:** There is no surface or stormwater management system on the site today. The improvements to the site include installation of a new low impact development drainage system. Groundwater quality will be monitored in accordance with the conditions contained herein. The sewage disposal system provides a secondary treatment in compliance with current DEP and Board of Health regulations.
6. **Fiscal impact on the Town:** The proposed development will have a positive fiscal impact on the Town because the assessed value of the property and tax revenue will increase. Additionally, the proposed development will appropriately utilize the site and create a large number of job opportunities. It will also offer leasable retail space to attract business to the area. This is a fiscal benefit to the Town of Groton and the local population.
7. **Water Resource Protection Districts:** The Board received comments from the Board of Health and Water Department indicating that the installation of new sewage disposal system, with the proposed secondary treatment will protect drinking water resources in the WRPD III District.

Conditions:

1. Groton Zoning By-law § 218-30G states, “surface and groundwater quality resulting from on-site wastewater disposal or other operations on-site shall not fall below the more restrictive of federal or state standards for drinking water, or, if existing surface or groundwater quality is already below those standards, on-site disposal or operations shall result in no further deterioration.”
2. One groundwater-monitoring well shall be installed in the northerly corner of the site. The location of the monitoring well shall be shown on the site plan prior to endorsement of the plan. A baseline test for Safe Drinking Water Standards (SDWS) shall be performed prior to the commencement of any site alterations. The wells shall be tested for SDWS quarterly for one year after issuance of the occupancy permit, and annually on June 30th thereafter. The applicant shall submit the groundwater test results to the Board

of Health, the Groton Water Department, Building Inspector/Zoning Enforcement Officer, and the Planning Board (as Special Permit Granting Authority) for review.

3. Fill used on the site shall be free of hazardous materials. Prior to the placement of fill on site, soil samples from each source pit shall be obtained and analyzed for contamination by a qualified professional, and the results shall be submitted to the Planning Board and the Board of Health. The fill shall be tested using EPA methods 8260 and 8270 and RCRA-5.
4. Floor stripping materials and waste products shall be removed from onsite buildings after all cleaning operations. No floor stripping products or floor stripping waste products will be disposed of in sinks or restroom facilities that drain to the onsite sewage disposal system.
5. The applicant shall install the new sewage disposal system, with the proposed secondary treatment process to protect drinking water resources in the WRPD III District. The design, installation, and maintenance of the system are subject to review and approval by the Board of Health.
6. Snow banks and stockpiles shall not exceed a height of three (3) feet at any time. Within 48-72 hours of a storm, snow in excess of three feet in height shall be removed from the site and disposed of in an area that is not within a Water Resource Protection District. Snow shall not be plowed into the detention basins or drainage swales.
7. The stormwater management system shall be maintained in accordance with the approved Stormwater Pollution Prevention Plan (Sheets C4.1 and C5.1 on the site plan) and as described in the "Stormwater Management Computations – Crossroads Plaza," prepared by GPR, Inc., dated April 2006, with revisions June 2006.
8. The applicant shall apply a minimum amount of non-sodium chloride deicing chemicals to the paved areas on site. The applicant shall submit information regarding the type of chemicals and quantity to the Board of Health for its review and approval.
9. All chemicals stored on site in quantities larger than that normally associated with single family domestic use shall be inventoried and listed; and that said inventory list shall be provided to Board of Health and Planning Board (as Special Permit Granting Authority) for review before occupancy and yearly thereafter and that said boards retain authority and control to regulate, proscribe, and otherwise limit use of any and all such chemicals on site.
10. All dumpsters shall be covered and sealed to prevent runoff from the dumpster from infiltrating the ground.
11. 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.

May 8, 2008

Page 9 of 9

12. 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 shall constitute commencement of substantial use.
13. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion was seconded and passed unanimously.

Meeting adjourned at 9:00 PM

Respectfully submitted,

Michelle Collette
Town Planner