

**GROTON PLANNING BOARD
JULY 9, 2009
MINUTES**

Chairman Capes called the meeting to order at 7:15 PM in the Town Hall

Members present: Capes, Barringer, Burke, Giger, and Wilson

Members absent: Hess and Perkins

**PUBLIC HEARING – CRYSTAL SPRING ESTATES DEFINITIVE PLAN &
SPECIAL PERMIT FOR SHARED DRIVEWAYS**

The Board continued the public hearing to consider the Crystal Spring Estates definitive plan and two special permit applications for shared driveways serving Lots 3 and 4 and Lots 5 and 6. Landowner Robert Gamlin, applicant Robert Kiley, Attorney Robert Collins, and design engineer Stan Dillis were present.

Attorney Collins submitted a letter dated July 9, 2009 containing a fiscal impact analysis and an updated list of waiver requests. The proposed nine-lot plan will have an impact of approximately \$18,000 on the Town.

The Board voted unanimously to close the public hearing.

The motion was made by Burke, seconded by Wilson, to grant the following waivers of the Subdivision Regulations for the Crystal Spring Estates subdivision:

1. **§381- 8.B(23)** to waive the requirement that street lights be installed.
2. **§381- 9D(1)** to waive the requirement that land be set aside for future acquisition by the Town for a park because Open Space Parcel B will be laid out as a neighborhood gathering area.
3. **§381-10B(2)(c)** to waive the requirement for a minimum centerline radii of 75 ft from curved sections of the subdivision road and to allow a radii of 72 ft to facilitate the creation of Open Space Parcel B.
4. **§381-10B(5)** to waive the requirement for granite curbing at the roundings because the development will utilize a Low Impact Development (LID) drainage system.
5. **§381-11B(2)** to waive the requirement for that culverts be designed to allow a velocity of two to ten feet per second and to allow the system, as designed, with a peak velocity of fifteen feet per second for infrequent periods.
6. **§381-D(5)** to waive the requirement for maximum cut and fill of seven foot cut and to allow fill of 8.5 feet for a distance of 50 feet in order to provide optimal sight distance and the safest entry point to the site from Old Dunstable Road.
7. **§381-11D** to waive requirements for the stormwater drainage system and to allow an LID drainage system.
8. **§381-12A(1)** to waive the requirement for installation of water mains for future use because it is unlikely that the public water system would be extended to the site in the near future.

9. **§381-12C(1)** to waive the requirement for the installation of a fire cistern where municipal water is not available. The applicant will explore alternative means of fire protection with the Fire Chief. If the Fire Chief's approval is not received, as required in Condition #4, this waiver is not granted and the fire cistern must be installed.
10. **§381-13A** to waive the requirement for the construction of sidewalks because a walking path and school bus waiting area will be installed instead of a conventional sidewalk.
11. **§381-13D(2)** to waive the requirement for Cape Cod berms and to allow installation of an LID drainage system.
12. **§381-13K** to waive the requirement for signage for the open space areas on the cul de sac. A sign will be placed at the entrance to the open space parcel on Bridge Street.
13. **§381-34B(1)** to waive the requirement for reinforced concrete pipe and to allow the use of ADA pipe.

The motion passed unanimously.

The motion was made by Burke, seconded by Wilson, to approve the definitive subdivision plan entitled, "Crystal Spring Estates, Definitive Subdivision Flexible Development, Groton, Massachusetts," prepared by Ducharme & Dillis Civil Design Group, Inc., dated March 5, 2009, with revisions through June 12, 2009, with the following conditions:

Conditions:

1. The name of this subdivision is "Crystal Spring Estates," and the name of the subdivision road is "Crystal Springs Lane." 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.
2. The Crystal Springs subdivision includes approximately 30 acres depicted and described on the Definitive Plan within the ownership of the applicant and identified on Assessor's Map 248, Parcel 4. The Definitive Plan is approved for no more than nine (9) 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.
3. 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.
4. The applicant may explore alternative methods of fire protection of the homes located within the subdivision. Should the Fire Chief approve such an alternative such as interior sprinkler systems in the individual homes, the applicant may elect not to install the fire cistern, in which case he shall file with the Planning Board a copy of the Fire Chief's approval of the alternative method of fire protection as well as a new sheet which shows the cul de sac without the fire cistern.

5. Chapter 119, Building Numbering states:

Any prospective subdivider shall show the proposed building numbering system on the definitive subdivision plan or Approval Not Required (ANR) plan. Endorsement of said plan by the Planning Board shall constitute the assignment of building numbers to the lots shown on the plan. The building numbering shall follow the numbering system as provided in any regulations promulgated pursuant to this Chapter.

The applicant shall show the assigned building numbers of the definitive plan prior to the endorsement of said plan.

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 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 a waived by the Board (see above).
9. 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.
10. 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].
11. 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 street as shown on the plan."
12. Sound granite bounds shall be installed at every lot corner of open space parcel as required in Section 381-13F(2).
13. The drainage system shall be installed to prevent surface water runoff from collecting on Crystal Springs Lane or Old Dunstable Road.

14. No stumps, brush, or wood waste shall be buried on site.
15. 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.
16. 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.
17. 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.
18. 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.
19. This subdivision is subject to Special Permits 2009-01 and 2009-02, granted by the Planning Board and filed with the Town Clerk on March 9, 2009. All conditions of the special permits are applicable to the development of this subdivision.
20. The conditions of the definitive plan approval apply to any successor in interest or successor in control.

The motion passed unanimously.

STATION AVENUE DESIGN REVIEW COMMITTEE

The motion was made by Burke, seconded by Wilson, to re-appoint Fay Raynor to the Station Avenue Design Review Committee to serve in that capacity until June 30, 2012. *The motion passed unanimously.*

STATION AVENUE INFRASTRUCTURE UPDATE

The Board met with John Schmid of Nitsch Engineering and John Copley of Copley Wolfe Associates to discuss the Station Avenue Infrastructure Improvement plans. Selectman Anna Eliot and Design Review Committee Members Lorayne Black and Fay Raynor were present.

Mr. Schmid said they met with the Design Review Committee twice to discuss the preliminary plans. Court Street to Station Avenue will be one-way. A cul de sac will be constructed at the end of Station Avenue so vehicles can turn-around. Access to Buckingham Bus will be provided. Traffic calming measures were shown on the plan. A sidewalk for pedestrian access to the Nashua River Rail Trail (NRRT) will be constructed. Low Impact Development (LID) techniques will be used for stormwater management.

Member Barringer said the end of Station Avenue should have two-way traffic for bus access. Mr. Schmid said they would have to eliminate either the sidewalk or parking spaces to accommodate two-way traffic since the right-of-way is only 33 ft in this location. Member Barringer said he would not want buses to use Court Street.

Member Wilson said it is important to create a pedestrian friendly area using the NRRT as a nexus. The cul de sac seems to be oriented for vehicle access rather than pedestrian access. Mr. Schmid said they are trying to preserve the focal point of Station Avenue while working within the existing right-of-way. This is the best solution until other options become available in the future.

Member Giger stated that he is concerned about directing more traffic onto Court Street if the end of Station Avenue becomes one-way. He said the Town should explore other options. He asked about the different color treatment of the proposed crosswalks. Mr. Schmid said the change in surface material for the crosswalks was discussed with the Design Review Committee and they agreed with this approach.

Member Burke asked about the project's eligibility for Public Works Economic Development (PWED) funding. He suggested that the Town may want to end the project at the Groton Electric Light Department (GELD) land for this phase. Mr. Schmid said that should be considered.

Member Burke said he liked the proposed rise in elevation of the crosswalks and other traffic calming measures.

Member Wilson asked if all the work is on town-owned land. Mr. Schmid said the work is in the right-of-way or on town-owned land managed by GELD.

GELD Commissioner Kevin Lindemer said GELD must declare its land surplus before the Town can use it for any other purpose. Town Meeting must approve the change. Mr. Schmid said the cul de sac could be relocated to avoid GELD's building.

Member Barringer suggested keeping two-way traffic and eliminating parking spaces at the end of Station Avenue so people will be able to walk to the NRRT.

Chairman Capes said Court Street should not be used for parking.

Chairman Capes asked if the Design Review Committee had any comments.

Lorayne Black said the landscaping plan should be changed so the location of the street trees is not regular and not so urban.

Fay Raynor said the traffic flow is a difficult issue to address because the Town must consider both temporary and permanent solutions. The plan can be modified in the future.

Selectman Anna Eliot asked if the utilities would be underground. Mr. Schmid said, "yes." Selectman Eliot said the traffic calming bump out should be extended to take away two parking spaces in front of Town Hall to improve visibility at the intersection. Member Giger agreed and added that the crosswalk on Route 119 in front of Town Hall should be relocated as well. Mr. Schmid said they would look at this option.

GELD Commissioner Lindemer objected to the proposed cul de sac on GELD's land. He requested that Mr. Schmid meet with the GELD Commissioners and that GELD be involved in the process. Mr. Schmid agreed to meet with GELD on July 13, 2009.

ANR PLANS

Kevin Lindemer, Boston Road – The Board considered the Approval Not Required (ANR) plan submitted by Kevin Lindemer to create two lots on Boston Road. Cynthia O'Connell of Beals Associates presented the plan. She stated that both lots exceed all minimum lot size and other zoning requirements.

Member Barringer asked about the Massachusetts Highway Department's guardrail on Boston Road (Route 119). Ms. O'Connell said the existing driveway would be used to serve both lots. The proposed lot line is in the middle of the driveway.

Member Burke asked if access to each lot is possible without reliance on the shared driveway. Ms. O'Connell said, "yes." The driveway is wide enough for two 10 ft wide driveways. Mr. Lindemer said the driveway was designed to accommodate 18-wheel trucks for agricultural use. Ms. O'Connell said the applicant submitted a Notice of Intent to improve the driveway and a Conservation Commission issued a Certificate of Compliance.

The motion was made by Wilson, seconded by Barringer, to endorse as Approval Not Required the plan entitled, Plan of Land in Groton, MA., #227 Boston Road, Owner: Christine & Kevin Lindemer," prepared by Precision Land Survey, dated May 22, 2009. ***The motion passed unanimously.***

DISCUSSION OF PROPOSED ZONING AMENDMENT

The Board met with Deborah Mendel to discuss her request that the Board propose a zoning amendment to regulate storage containers. Town Planner Michelle Collette said she researched General Code communities in Massachusetts and found a definition and reference to storage containers in the Randolph Zoning By-law.

Ms. Mendel said Lexington and Stoneham address storage containers as an accessory or temporary use. She said she found a good example on regulating storage containers from a town in New Jersey.

Member Barringer noted that there is a big difference between storage containers and sheds and they should be treated differently.

Member Giger noted that there is a variety existing containers used for storage throughout the Town.

Member Burke expressed concern about the regulation of storage containers in a rural community with agricultural uses. He said the Agricultural Commission should have a voice in this discussion.

Town Planner Michelle Collette said Attorney Robert Collins offered his assistance in drafting an amendment to address this issue.

The motion was made by Burke, seconded by Wilson, that the proponents discuss the matter with Attorney Collins and propose a definition of storage containers and draft an amendment to the Board. ***The motion passed unanimously.***

The motion was made by Giger, seconded by Wilson, that the proponents provide a written statement about what uses the proposed zoning amendment should address. ***The motion passed unanimously.***

PUBLIC HEARING – SPECIAL PERMIT, HICKS, JENKINS ROAD

The Board continued the public hearing to consider the application submitted by RM Hicks Corporation to create a hammerhead lot on Jenkins Road. Attorney Kevin Erickson presented the plan.

Mr. Erickson submitted the draft deed restriction and fiscal impact analysis requested by the Board at the previous hearing. He said the value of the home would be \$789,000 so the fiscal impact on the Town would be \$343.00.

Member Giger asked if the plan had been revised so the driveway would have pull-over and turn-around areas for emergency vehicles. Mr. Erickson said the driveway width exceeds the 10 ft requirement in the driveway regulations.

Member Barringer asked about the length of the driveway. Mr. Erickson said it would be 400-500 ft long.

Member Giger expressed concerns about fire trucks not being able to back out. Member Burke noted that the width of the driveway is 11.5 to 12 ft. Member Barringer said the driveway should have reinforced shoulders to support fire trucks. The Board requested that the applicant submit a revised plan with modifications to the driveway to accommodate emergency vehicles.

Chairman Capes asked if the applicant had considered using a shared driveway. Mr. Erickson said they considered it, but a shared driveway would affect marketability of the lots. The lots will be conveyed immediately to different owners. The distance between individual driveway cuts is 110 ft.

Chairman Capes asked for clarification on extending municipal sewer to the site. Mr. Erickson said the sewer system would have been extended for the Flexible Development plan, not for the hammerhead lot plan.

The motion was made by Burke, seconded by Wilson, to request that the Town Planner draft special permit findings and conditions, that the applicant submit a revised plan, and the Board continue the public hearing on July 16, 2009 at 7:30 PM. ***The motion passed unanimously.***

COMPREHENSIVE MASTER PLAN PROPOSALS

The Board members shared their ranking scores on the Comprehensive Master Plan proposals. The Board will continue its discussion and decide who to interview when other members are present.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette
Town Planner