

**PLANNING BOARD  
MAY 26, 2011  
MINUTES**

Chairman Capes called the meeting to order at 7:30 PM.

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

**PUBLIC HEARING – CROSSROADS PLAZA SPECIAL PERMITS**

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 modify Special Permit 2008-04 granted by the Groton Planning Board under the provisions of Groton Zoning By-law Section 218-25 Site Plan Review as shown on the Level II site plan entitled, "Crossroads Plaza, Site Plan Review and Special Permit Modification, 788 Boston Road, Groton, Massachusetts," prepared by Highpoint Engineering, Inc., dated April 21, 2011. 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.

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 2008-03 granted by the Groton Planning Board, to utilize the provisions of Groton Zoning By-law Section 218-30 Water Resource Protection Districts for above-ground 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.

Chairman Capes called the public hearing to order. Clerk Burke read the public hearing notice posted with the Town Clerk on May 3, 2011 and published in the May 6 and 13, 2011 issues of *The Groton Herald*. Design engineer Douglas Hartnett, landscape architect Lorayne Black, and Selectman Anna Eliot were in attendance.

Mr. Hartnett described the proposed modification to the plan to reduce proposed infrastructure costs based upon present market conditions. There are no tenants in place at the present time. The restaurant was eliminated because it was the highest cost use on the previous plan. The restaurant required more parking, sewage disposal system and stormwater management facilities. The revised plan eliminates the need for construction of the 10 ft high segmented retaining wall and wetlands filling at the rear of the site. There is no decrease in the proposed square footage of the three buildings – 7000 SF retail, 7500 SF retail, and 3200 SF bank. The curb cuts are in the same location as shown on the previously approved plan. Traffic will circulate around the buildings with parking in the front. The proposed stormwater management system includes a series of bioretention areas with overflow to a traditional basin in the rear of the site. Roof runoff will be discharged into drywells. The traffic assessment shows a reduction of 30% at peak hours.

Ms. Black described three aspects of the design: the streetscape, the site, and the rain garden. The proposed street trees are pin oak and red maple along Boston Road and Sandy Pond Road. Three crab apples will be planted at the intersection of the pedestrian crossing to Shaws Supermarket. The two proposed basins on the site will be planted with shrubs and herbaceous materials including very natural, colorful flowers. The shade trees will be drought tolerant with some ornamental trees. No invasive species will be planted.

Chairman Capes read the comments from the Water Department and the Fire Chief.

Member Barringer asked if there would be a single owner or tenant for the whole parcel. Mr. Hartnett said there would be different owners for each building, not the whole site.

Member Barringer asked if the bank is a certainty. Mr. Hartnett said not at the present time. Member Barringer asked what would happen to the drive-through window if there is no bank. Mr. Hartnett said the area with the drive-through area could be shrunk.

Member Barringer asked if the 2005 traffic study had been updated. Mr. Hartnett said, "no." Member Barringer requested more current traffic data.

Member Wilson said the previous plan showed parking in the rear of the buildings rather than in the front. He requested that the proposed modification keep parking in the rear as shown on the previous plan. He asked about the request for waiver for submission of architectural design plans. Mr. Hartnett said there are no tenants lined up so the architectural plans may change.

The Board said it would not waive the requirement to submit architectural plans but will require that the plans be submitted at a later date when tenants are known and plans are available.

Member Wilson asked about submission of a photometric diagram as required in the Site Plan Review regulations and the requirement for structural engineering certification for the retaining wall. Mr. Hartnett said the wall would be pre-engineered with plans stamped by a structural engineer registered in Massachusetts.

Member Giger asked about the requirement for a list of hazardous materials. Mr. Hartnett said the applicant is requesting a waiver because they do not know who the tenants will be. Member Giger said the Board may need more information since the special permit is for a use in the Water Resource Protection District.

Member Giger asked about the stormwater management system design. He said the plants will be attractive for 6-8 months of the year and asked about the remaining months when there are no leaves on the plants. He noted that the rain garden would not work if it is not constructed properly. He stated that snow removal must be considered, especially the use of deicing chemicals in the Water Resource Protection District.

Member Perkins said she would prefer less parking in the front and more in the rear. She asked if the applicant plans to divide the buildings into multiple spaces for tenants. Mr. Hartnett said he cannot answer because there are no tenants lined up. The building footprints will be constructed as shown on the plan. Member Perkins said a change of use may impact parking requirements.

Member Perkins expressed concern that snow storage in the front would interfere with the trees and other landscaping. She stated that the retaining wall must be designed and certified by a structural engineer. Mr. Hartnett said the proposed plan has much less fill than the previous plan. The height of the wall has been reduced from 10 ft to 6 ft.

Member Burke said he agreed with comments from other Board members. He said parking spaces in the front of the buildings is not consistent with the design guidelines for the Four Corners. He said the previously approved plan was superior. This site is a gateway to Groton and should not be developed as

a commercial strip. The buildings and sewage disposal system could be relocated. There would be less impervious surface with less parking. He agreed that the traffic counts should be updated.

Member Burke asked if the proposed plan complies with the Massachusetts Stormwater Management Policy. Mr. Hartnett said the design incorporates Low Impact Development techniques such as dry wells for roof runoff and forebays at the drainage basins. Member Burke asked if stormceptors would be used. Mr. Hartnett said there is one in the rear of the site.

Member Burke asked if the proposed plan is 6 ft below the road level. Mr. Hartnett said, "yes."

Member Burke noted that the design plan is similar to Mill Run Plaza. He asked if the applicant could provide the Board with digital modeling. Mr. Hartnett said, "yes," but they do not have architectural design plans at this time.

Member Burke said signage should be included in the Site Plan Review application under the provisions of the new Sign By-law.

Member Parent agreed with other Board members on the location of parking and the importance of the site as a gateway to Groton. He asked how the applicant could determine the number of required parking spaces since the future uses are not known.

Chairman Capes asked about landscaping at the rear of the site. Mr. Hartnett said they would use a wildflower mix.

Chairman Capes asked about pedestrian access. Mr. Hartnett said there would be precast concrete sidewalks as required in the design guidelines.

Member Barringer asked about truck access to empty the dumpsters. Mr. Hartnett said there would not be any dumpsters.

Member Barringer asked if the units would be leased or sold as condominiums. Mr. Hartnett said they do not know yet.

Abutter Linda DeCiccio said her concerns include snow removal, landscaping, and traffic using the access roads as a cut through. She expressed concerns about lanes merging on Route 119. She said there could be an increase in accidents with the additional traffic. She said they still have a problem entering Route 119 from their driveway.

Ms. DeCiccio asked about the time of deliveries. Mr. Hartnett said they did not know.

Selectman Anna Eliot noted that Selectmen have approached the Town of Ayer about connecting the future sewer system for Lost Lake to the Town of Ayer treatment plant. The sewer lines would be installed in Sandy Pond Road so businesses at the Four Corners would be able to connect to public sewer. This would benefit economic development.

Ms. DeCiccio invited the applicant to present the revised plans to the Four Corners Neighborhood Association.

The Board voted unanimously to continue the public hearing on June 30, 2011 at 7:30 PM.

### **ACADEMY HILL – SPECIAL PERMIT MODIFICATION**

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing on Thursday, May 26, 2011 at 8:00 PM in the Town Hall to consider the application submitted by Mark Presti to modify Special Permit 2004-10 granted by the Planning Board on November 19, 2004 to utilize the provisions of Groton Zoning By-law Section 218-26 Open Space Residential Development/subsection 218-26F(2) Cluster for the plan entitled, "Modified Definitive Plan, Academy Hill, Groton, Massachusetts," with revisions through August 5, 2005. The proposed modification is to allow a reduced front yard setback to 40 feet for Lot 48. The Academy Hill subdivision is located on Assessors' Map 202-73, 202-74, 202-75, 202, 76, 202-77, 204-1, 204-2, 204-3, 204-5, 204-6, 204-7, 204-10, 204-11, 204-13, 204-14, and 205-44, on the easterly side of Townsend Road.

Chairman Capes called the public hearing to order. Clerk Burke read the notice posted with the Town Clerk on May 3, 2011 and published in the May 6 and 13, 2011 issues of The Groton Herald. Applicant Mark Presti and design engineer Todd Lobo of Beals Associates were present at the public hearing.

Mr. Lobo presented the plan for a reduction in the setback for Lot 48 with frontage on Fieldstone Drive. He said Mr. Presti purchased the lot in September 2009 with the understanding that there were no setback requirements. Mr. Presti would like to build a house with a 40.5 ft front yard setback. The garage will have a side-facing entrance. The reduced setback is necessary based upon the location of the sewage disposal system and reserve area on the lot. Member Burke asked about the size of the garage. Mr. Lobo said it will be a three-car garage.

The Board voted unanimously to close the public hearing.

The motion was made by Wilson, seconded by Barringer, to modify Special Permit 2004-10 to allow a reduced front yard setback to a minimum of 40 ft for Lot 48 as shown on the plan entitled, "Proposed Sewage Disposal System for a Proposed Five Bedroom House at Lot 48 (Map 204, parcel 10.33), Fieldstone Drive, Groton, MA," prepared by Beals Associates, Inc. dated April 27, 2011, with the following findings and conditions:

#### **Findings:**

1. **Social, economic and community needs:** The proposed modification to the special permit serves social and community needs by providing a house location that is compatible with the other houses in the subdivision.
2. **Traffic flow and safety:** The modification to the special permit will not adversely impact traffic flow in the surrounding area because traffic from the proposed development was taken into consideration when the Board granted the original special permit and approved the Academy Hill definitive plan.
3. **Adequacy of utilities:** There are adequate public utilities at this location to serve the proposed development.
4. **Neighborhood character:** Neighborhood character will be not be affected by the proposed modification because the reduced front yard setback is similar to many other houses in the subdivision.

5. **Impacts on the environment:** The Board determined that a reduction in the front yard setback for the house on Lot 48 will have minimal environmental impact.
6. **Fiscal impact on the Town:** There will be no additional fiscal impact on the Town as a result of the proposed special permit modification because no additional dwelling units will be created.

**Conditions:**

1. The front yard setback for the house on Lot 48 may be reduced to a minimum of 40 ft as shown on the above-referenced plan.
2. The house on Lot 48 with the reduced front yard setback shall have a garage that faces the side yard rather than the front yard, as offered by the applicant at the public hearing.
3. All other findings and conditions of Special 2004-10 and the Academy Hill definitive plan approval dated July 15, 2005 remain in full force and effect.
4. This special permit shall not be in effect until a certified copy of the special permit modification 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 permits shall be issued by any Board or official until evidence of such recording is submitted to the Planning Board by the applicant.
5. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

**PRE-SUBMISSION REVIEW - HUNG Q. NGUYEN, 306 MAIN STREET**

The Board considered the request submitted by Hung Nguyen for a change of use from medical offices to a nail salon and facial massage services at 306 Main Street. The office building was previously used by Dr. Borden. Medical offices require more parking spaces than service establishments such as the nail salon. The existing parking lot is shared with Workers Credit Union as shown on the site plan approved for the credit union in 2005.

The motion was made by Wilson, seconded by Barringer, to waive Site Plan Review for the proposed change of use because there is sufficient parking at the site to meet the parking requirements.

The motion passed unanimously.

**PRE-SUBMISSION REVIEW - THOMAS MORE COLLEGE**

Attorney Robert Collins met with the Board to discuss the site plan to be submitted for the Thomas More College on Old Ayer Road. He said the existing campus in Merrimack, NH has 36 parking spaces and asked that the Board consider allowing 36 parking spaces at the new campus in Groton for the present time.

Chairman Capes asked if there would be a place of public assembly. Mr. Collins said, "no." The uses at the campus will be similar to the uses at the campus in Merrimack, NH.

Member Wilson asked about the number of students. Mr. Collins said there would be 65 students and only 1/3 of the students have vehicles.

Member Giger said the burden of proof is on the college to provide the Board with the documentation of the number of students and faculty when the application is submitted. He noted that consultation with public safety officials is essential.

**PUBLIC HEARING – WOODLE FAMILY RESIDENTIAL TRUST SPECIAL PERMIT**

The Board held the continuation of the public hearing to consider application for a special permit for flexible development for the Woodle Family Residential Trust development off Tavern Road. Attorney Collins represented the application at the public hearing.

Mr. Collins noted that the Board walked the site on Saturday, May 21, 2011. He said the proposed plan preserves one-half mile of shoreline on Lost Lake, protects a number of vernal pools, and preserves the integrity of the historic cabin. The new lots will be situated closer to Harding Road, away from the lake. The new lots will have limited intrusion on the lake. The site has 20 acres and could be developed with nine non-conforming lots of record. The flexible development plan only creates seven lots. A conservation restriction will be placed on 8.2 acres. The municipal water system will be extended to the fire hydrant as shown on the plan. A trail for public access from Balsam Walk to the lake could be created.

Chairman Capes read the comments dated May 25, 2011 from the Fire Chief and the comments dated May 24, 2011 from the Water Department. Mr. Collins said he would meet with the Fire Chief and Water Superintendent to address their concerns.

The Board voted unanimously to continue the public hearing on July 14, 2011 at 7:30 PM.

**PERMIT EXTENSION –GROTON COMMUNITY SCHOOL, 110 BOSTON ROAD**

The motion was made by Burke, seconded by Barringer, that the Site Plan Approval, dated June 4, 2009, is extended for an additional two years to June 4, 2013 in accordance with the provisions of the "Permit Extension Act," Section 173 of Chapter 240 of the Acts of 2010, noting that Town Counsel David Doneski of Kopelman & Paige concurs with this opinion. The motion was seconded and passed unanimously.

**PLANNING BOARD REORGANIZATION**

Member Giger asked if the appointment to the Earth Removal Stormwater Committee was made by the Selectmen, Town Manager or by the Planning Board. Town Planner Michelle Collette said Chapter 134 of the Code of the town of Groton states:

- A. The Committee shall consist of five members, all residents of the Town. one member shall be chosen annually by and from the Planning Board to serve a one-year term. one member shall be chosen by and from the Conservation Commission to serve a one-year term. Three members shall be appointed initially for one, two and three years, respectively, and as their terms expire their successors shall be appointed for terms of three years. The terms of the members appointed by the Selectmen shall begin and end at the Annual Town Meeting nearest to the date of their appointment and the third anniversary thereof, respectively. Any member may be appointed to succeed himself.

The Planning Board voted to elect the following officers:

Chairman	Russell Burke
Vice Chairman	Carolyn Perkins
Clerk	Jason Parent

The Planning Board voted to appoint the following representatives:

Community Preservation Committee	Carolyn Perkins
Earth Removal Stormwater Committee	John Giger
Montachusett Regional Planning Commission	David Manugian
Montachusett Joint Transportation	David Manugian

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

Board of Appeals	George Barringer
Board of Health	Raymond Capes
Board of Selectmen	Chairman Russell Burke, ex officio
Conservation Commission	Scott Wilson
Economic Development	Russell Burke & Jason Parent
Finance Committee	Chairman Russell Burke, ex officio
Groton Dunstable School District	George Barringer
Groton Electric Light Department	George Barringer
Historic Districts Commission	Scott Wilson
Historical Commission	Scott Wilson
Housing Authority	Carolyn Perkins
Housing Partnership	Carolyn Perkins
Prescott Reuse Committee	Jason Parent
Public Safety Officials	Jason Parent
Sewer Department	Scott Wilson
Sign Committee	Russell Burke
Sustainability Commission	Raymond Capes
Water Department	Jason Parent
West Groton Water Supply District	George Barringer

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner