

**GROTON PLANNING BOARD
JUNE 2, 2011
MINUTES**

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

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

PUBLIC HEARING – ACADEMY HILL DEFINITIVE PLAN MODIFICATION

In accordance with the provisions of Chapter 41, Sections 81-U and 81-T, the Groton Planning Board held a public hearing to consider the application submitted by LandWest, Inc. to **modify** the Academy Hill definitive subdivision plan and stormwater management system as shown on the plan entitled, "Culvert Mitigation Plan, Cherry Tree Lane, Academy Hill Subdivision," prepared by Beals Associates, dated April 5, 2011.

Chairman Burke called the public hearing to order. Clerk Parent read the notice posted with the Town Clerk on May 11, 2011 and published in the May 13 and 20, 2011 issues of *The Groton Herald*. Applicant Bruce Wheeler of Academy Hill, LLC, design engineers Lawrence Beals and Todd Lobo of Beals Associates, and the Planning Board's consulting engineers John Schmid and Tim McGivern of Nitsch Engineering were in attendance.

Mr. Beals presented the "Culvert Mitigation Plan – Cherry Tree Lane, Academy Hill Subdivision" to correct the drainage issues that occurred at the subdivision this spring. Mr. Beals stated that the box culvert was installed at the elevations shown on the approved definitive plan. However, the elevations are higher than the existing grades in the field as a result of an error in the topographic plans. He said there are two options: bring the existing grades up or bring the culvert down. A portion of the concrete footings under the retaining wall could be removed to lower the elevation from 273.6 ft to 272.6 ft to match the ground surface. More natural material will be installed in the area of the stream crossing. Mr. Beals stated that the Conservation Commission is concerned about amphibians crossing in the area and agreed with the proposed solution.

Mr. Beals said an as-built plan showing the roadway profile was submitted with the application. The black line shows the centerline of the roadway and the red line shows the as-built binder level. Surveyor Rose Chaulk is preparing a plan to show all the information on one plan.

Chairman Burke asked about the invert elevation on the design plan. Mr. Beals said it is 273.83 ft. Chairman Burke said the problem is not what was built, but the error in the topography of existing conditions. Mr. Beals said the culvert was installed at the elevations shown on the plan. Chairman Burke said everything should be surveyed in the field. The validity of the design plan is compromised by the underlying topographic plan. Mr. Beals said the topography was based upon aerial photos (photogrammetry) with ground control provided by Hayes Engineering. The topography is consistently about one foot off. Mr. Beals said the as-built plan is in progress now. The Conservation Commission is looking for a biologist to do a peer review of the proposed culvert mitigation plan.

John Schmid presented the Nitsch Engineering field report dated May 6, 2011. He noted that the outfall of the culvert is about five feet from the property line. The footings at the base of the culvert created a dam. He expressed concern about the impact on the structural integrity of the box culvert if portions of the footings are removed.

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Mr. Beals said they are cutting down a portion of the five foot wide footings. The opening will be three feet leaving one foot on each side. Mr. Schmid said the plan must maintain the structural integrity of the culvert and the design must be stamped by a structural engineer.

Member Barringer expressed concern that cutting down the footings in the center would undermine the footing especially since it would be exposed to running water. Other members shared the concern.

Chairman Burke said current standards require a natural bottom. He asked how the culvert would have been designed to meet current standards. Mr. Beals drew a diagram showing the proposed design. Mr. Schmid and Mr. McGivern offered suggestions on how to add soil and other natural material. Both stressed the requirement for a structural engineer's certification, inspection and sign-off after construction.

Chairman Burke asked about the underlying stormwater management plan and hydrologic integrity including attenuation capacity and water quality. Mr. Schmid said they would review the design plans for hydrology, noting that the measurements should be verified. He asked about the test data and depth to groundwater information. He said that Nitsch Engineering would review all the stormwater calculations, shoulder slopes, easements, etc.

Member Barringer asked about the impact of the topographic errors on sewage disposal systems. Mr. Lobo said the sewage disposal system designs are based upon ground survey.

Member Giger asked about the stabilization schedule. Town Planner Michelle Collette said the developer e-mailed the schedule but it is not up to date.

The Board voted unanimously to continue the public hearing on June 30, 2011 at 8 PM.

John Schmid introduced Tim McGivern to the Board. He said Tim would be taking over from Bill Maher as field engineer and would do plan reviews for Groton. The Board welcomed Mr. McGivern.

PUBLIC HEARING – 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, June 2, 2011 at 8:30 PM in the Town Hall (second floor meeting room) to consider the application submitted by Mullane Construction, LLC 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 side yard setback to 10.9 feet for Lot 32. 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 Burke called the public hearing to order. Clerk Parent read the notice posted with the Town Clerk on May 11, 2011 and published in the May 13 and 20, 2001 issues of *The Groton Herald*. Applicant Steve Mullane was present.

Town Planner Michelle Collette explained the history of the set back problem for Lot 32. She said the lot should have been included in the waiver granted for other existing houses in the Academy Hill subdivision when the Board modified the special permit in January 2011. The Mullane Construction purchased a lot from Academy Hill, LLC, on April 26, 2010 and received a valid building permit on May 27, 2010. Mullane Construction did not receive notice of Academy Hill, LLC's application to modify the special permit to allow setback waivers because the Town did not have Mullane Construction's correct mailing address. Mr. Mullane learned of the problems with reduced setbacks when he applied for an occupancy permit. He applied to modify the special permit to remedy the matter.

Mr. Mullane said he is requesting a waiver for a reduced side yard setback of 10.7 ft. Member Giger asked if there is an existing dwelling on Lot 32. Mr. Mullane said, "no."

The Board voted unanimously to close the public hearing.

The motion was made by Perkins, seconded by Wilson, to **MODIFY** Special Permit 2004-10 to allow a reduced side yard setback to a minimum of 10.9 ft for Lot 32 as shown on the plan entitled, "Certified Inspection Plan, Arbor Way, Groton, MA, (plan no S-12171-A)" prepared by David E. Ross Associates, Inc., dated July 12, 2010, 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 side yard setback is similar to many other houses in the subdivision.
5. **Impacts on the environment:** The Board determined that a reduction in the side yard setback for the house on Lot 32 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 side yard setback for the house on Lot 32 may be reduced to a minimum of 10.9 ft as shown on the above-referenced plan.

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2. 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.
3. 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.
4. 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 – BLACKBIRD CAFÉ, MILL RUN PLAZA

The Planning Board held a pre-submission review to discuss the request dated June 2, 2011 submitted by Lucas and Katie Kenney for additional seating at Blackbird Café, located at 491E Main Street. Mr. Kenney was present at the meeting.

Mr. Kenney said the Mill Run Condominium Association, the Board of Health and Sewer Commission have already approved the proposed change in the number of seats from 15 to 25. No more than four of the 25 seats will be located outdoors as stated in the letter dated June 2, 2011 from the Mill Run Condominium Association.

Member Capes asked if the Blackbird Café plans to expand or change what they are presently doing. Mr. Kenney said, “no,” they are only adding seats.

Member Giger noted that the letter from the Mill Run Condominium Association did not address parking. Town Planner Michelle Collette said the Mill Run owners will be presenting a plan to the Board in the near future to modify accessible parking and add access ramps.

The motion was made by Giger, seconded by Barringer to waive Site Plan Review for ten additional seats with not more than four of the ten to be located outdoors. The total number of seats is now 25 as stated in the memorandum dated May 19, 2011 from the Sewer Commission. The motion passed unanimously.

SPECIAL TOWN MEETING – ARTICLE 6

Selectmen Peter Cunningham and Anna Eliot met with the Board to request the Board’s support for Article 6 at the Special Town Meeting on June 13, 2011. The Article requests authorization to purchase the one-acre lot at 279 Main Street from the Archdiocese of Boston for construction of a new fire station.

Selectman Cunningham asked the Board to consider the impact on the Station Avenue Overlay District economic development plan if the fire station is constructed on the GELD property on Station Avenue rather than on Main Street.

Member Barringer stated that Station Avenue is not the right location for the fire station because the response time is not as good as from Main Street, the intersection of Station Avenue and Main Street is

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difficult, and the condition of Broadmeadow Road as a secondary access is not adequate. He noted that Broadmeadow Road floods every spring.

Member Barringer said if GELD builds its facilities on Station Avenue, it will damage the redevelopment potential. If a fire station is constructed there as well, it will be even more difficult.

Member Giger said the Town advertised two Requests for Proposal in the middle of a severe recession so the Station Avenue redevelopment has not been given a serious chance. If the redevelopment proposal is injured by GELD building its facilities, it will be compounded by construction of a new fire station. Member Giger said construction of a pedestrian connection from Prescott School to the GELD property could benefit both Station Avenue and Main Street.

Member Giger said the church property is not in the Historic District and traffic can be managed better because the church site is located on Main Street.

Member Wilson said he agreed with the other members about the viability of Station Avenue being damaged by the construction of GELD's facilities and it would be even more difficult if the fire station is constructed on the same property. It is a problematic site with wetlands and other environmental considerations.

Member Perkins said she hoped GELD had decided to build elsewhere so there would be a more cohesive plan for Station Avenue.

Member Capes said that mixed use does not include public utilities and fire stations. He agreed that construction of a fire station at the end of Station Avenue would put an end to the Station Avenue redevelopment plans.

Member Parent said he agreed that much would be lost if the fire station is built on Station Avenue. The money spent to date would also be lost. He added that the Prescott School has potential for mixed use development. The opportunity would be lost if Prescott is used for a fire station.

Selectman Eliot said constructing the fire station on Station Avenue would put more pressure for development on Main Street.

Member Giger added that the Town is in the process of applying for a PWED grant (now called Mass Works) and the construction of a fire station on Station Avenue would compromise the Town's chances to receive the grant.

Member Barringer said the Station Avenue development could be similar to the Peterborough, NH economic development. Chairman Burke said Williamstown, MA has a similar business development off its main street.

Chairman Burke said GELD should build its garage facilities on Cow Pond Brook Road near the DPW garage and transfer station. The GELD office could be located in the Town Center. Station Avenue is not a good location for the fire station. He said the neighborhood concerns are exaggerated. A fire station can be a good neighbor. The cost of acquiring the site can be amortized over the life span of the

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building. He doubted that there would be any cost savings if the fire station is constructed on the GELD property.

Selectmen Eliot and Cunningham asked the Board to speak to the article to purchase the church property at Town Meeting. Member Perkins said the Board could address the impact on Station Avenue rather than the acquisition of the church property. She said it is inappropriate and premature for the Board to comment on the church site.

Chairman Burke noted that the master plan supports construction of a new fire station in the center. However, construction of a fire station on Station Avenue is not consistent with the master plan.

The Board did not want to take a position on Article 6 until the Center Fire Station Location Search Committee and Board of Selectmen had voted. The Board will hold a meeting on Monday, June 13, 2011, at 6:30 PM prior to Town Meeting to discuss whether to take a position on the article. Chairman Burke will attend the Selectmen's meeting on June 6, 2011 to express the Board's concerns about building a fire station on Station Avenue.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner