

**PLANNING BOARD
AUGUST 25, 2011
MINUTES**

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

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

Members absent: Giger

PUBLIC HEARING - BOYNTON MEADOWS, 134 MAIN ST

The Planning Board held the continuation of a public hearing to consider the application submitted by Mount Laurel Development, LLC, for a Special Permit for construction as shown on the plan entitled, "Town Center Overlay District, Mixed Use/Residential Development, Boynton Meadows."

Applicant Robert France of Senate Construction, Architects Brent Mangel and Steve Wychorski of Mangel Associates, design engineer Bruce Ringwall and Nicholas Pauling of GPR, Inc.; traffic engineer Robert Michaud of MDM Transportation Consultants, financial advisor David Valletta, the Board's consulting traffic engineer Gary Hebert of Fay, Spofford & Thorndike, Selectman Anna Eliot, and Affordable Housing Trust member Allen King were present.

Chairman Burke said this evening's public hearing would focus on traffic and civil engineering issues.

Mr. Ringwall said he and Nick Pauling met with Tim McGivern of Nitsch Engineering, Town Planner Michelle Collette, and Conservation Administrator Barbara Ganem on August 18, 2011 to review the stormwater management system and drainage issues. He explained the conflict in the Town's various regulations – Site Plan Review, Subdivision, Town Center Overlay District, and Earth Removal Stormwater Advisory Committee (ERSWAC). He said the most conservative regulations are the ERSWAC Regulations, adopted in 2008, based upon the Natural Resources Conservation Services guidelines. The regulations use the 6.5" storm for the 100-year storm event.

Mr. Ringwall said the applicant is requesting a waiver to allow Section 381-40C(1) to be replaced by the ERSWAC regulations. He asked the Board to vote on the waiver now so the engineering design could move forward. He said the applicant met with the Conservation Commission on August 23, 2011 to review work in the 100-ft buffer zone. The buffer zone is about 33,000 square feet area. Approximately 48% of the buffer will be disturbed with only 14% impervious area in the buffer zone. The constructed wetland in the cul de sac is 4243 square feet.

Chairman Burke asked how much of the buffer zone is pristine and undisturbed rather than maintained turf. Mr. Ringwall said the applicant walked the site with the Conservation Commission on Saturday, August 20, 2011 to stake out buildings in the buffer zone and elsewhere on the site. All structures in the buffer zone will be in the maintained, meadow area between 50 and 100 ft from the wetlands. The applicant is proposing to remove invasive species and replace them with natural plantings.

Chairman Burke asked about grading. Mr. Ringwall said all the grading in the buffer zone will be in the 50-100 ft area. The grading is necessary for installation of the bioretention swale and rain garden in the buffer.

Member Perkins asked about proposed disturbance in the buffer zone that is not impervious area. Mr. Ringwall said about 11,000 square feet disturbance is needed for grading for the bioretention area, retaining walls and rain garden.

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Chairman Burke asked the applicant's team to present the traffic study.

Mr. Michaud of MDM Transportation Consultants said he and Gary Hebert of FST concur on traffic issues. Main Street is a well-traveled road so the increase in traffic from the proposed development will be less than one percent and will not have a significant impact. The traffic study is based upon a one percent annual growth over the next five years. There will be no material change in the Level of Service (LOS). However, there may be longer delays for left-hand turns. Access to the site will be improved over existing conditions. The configuration will be improved by locating the driveway directly across the street from Moison's Hardware and by increasing the width of the driveway from 12 ft to 20 ft to accommodate emergency vehicles. Mr. Michaud said there is a problem with the existing driveway that is collocated with the driveway to the Groton Inn on the abutting property. It is beneficial to locate driveways opposite each other because it reduces friction

Member Capes asked what the peak morning hours are. Mr. Michaud said the morning peak is from 7 to 9 AM based upon national standards for this type of use with the understanding that "flex time" is considered in the database.

Member Barringer asked how the traffic study accounted for commercial space. Mr. Michaud said they used 1000 square feet retail and 3500 square feet medical/dental office as the highest and best use. He noted that the highest number of commercial trips is during the afternoon peak hours of 4-6 PM.

Chairman Burke asked what was used for ambient traffic. Mr. Michaud said the counts were taken during May 2011 when school was in session. In the morning, 70% of the traffic was going south toward Interstate 495 and 30 % was traveling north.

Chairman Burke asked about the LOS at the proposed intersection of the access road and Main St. Mr. Michaud said the LOS for left hand turns from the site is "F," but the LOS of the main line flow is "A" and left hand onto the site is "A".

Mr. Hebert presented his report dated August 22, 2011. He said he does not agree that Main Street operates at a LOS A today based upon the methodology used for an unsignalized intersection. He urged the Board not to spend too much time on the topic because the traffic from the development will have very little impact. He said the improvements to the intersection of Main Street (Route 119) and Lowell Road (Route 40) will help. Mr. Hebert said the new access road should be designed to look like a driveway rather than a street for the sake of pedestrians on Main Street. He suggested installing an in-laid concrete sidewalk where it crosses the driveway.

Member Perkins expressed concern about parked cars on Main St blocking views. She asked if cars could stop farther back so they do not go past the sidewalk.

Mr. Hebert said the Town could install transverse striping to create a "No Parking" zone at the intersection to make sight lines more clear. If a stop sign is installed, it should be located on the back side of the sidewalk.

Member Capes agreed that the sidewalk on Main Street should be differentiated from the driveway. Mr. Hebert suggested using concrete or a different type of surface material rather than painting a crosswalk. The Board agreed. Chairman Burke asked the applicant to provide a sketch showing the Main Street sidewalk crossing.

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Mr. Hebert said there are 74 parking spaces on site. 54 spaces are for the residences and 20 are for the commercial uses. There may not be enough parking as it is allocated today. He asked if the applicant had considered shared parking arrangements with residential owners.

Mr. Michaud said they would provide additional information to the Planning Board and FST on parking. He said there are 20 parking spaces for the commercial uses but the demand is usually 8-12 cars. He said he would submit parking calculations to the Planning Board.

Member Parent asked if the applicant is requesting a waiver of the parking requirements. Mr. Pauling said not at this meeting. He said the applicant would prefer to wait until the next public hearing.

Mr. Hebert asked about connectivity to adjoining properties. He asked if there is enough room for future connections. Mr. Pauling said they would be able to connect with the property to the south through the parking lot and pointed out the area on the plan to connect with the property to the north.

Mr. Hebert asked about pedestrian connections. Mr. France said he understands that they are required to provide connections to abutting lots for the future and have provisions on the plan to do so.

Chairman Burke said there are wetlands to the east and a historic structure to the west. The Groton Inn (commercial) is located to the south and the Grinnell's property (residential) is located to the north. He stated that owners have private property rights.

Member Barringer agreed and said it is a good idea to connect the parking lot in the development to the parking lot at the Groton Inn. Mr. Pauling said that connector could be done with the present layout.

Member Barringer asked about afternoon peak turns. Mr. Hebert said there are more than 1200 trips per hour during peak hours. He said the queue would not be very long in either direction. He noted that the proposed development will not be a big change for existing conditions. He added that the plan should include provisions for bicycles. Mr. France responded that the bicycle rack will be located near the accessible parking spaces as shown on the plan.

Member Perkins asked if cars would have trouble backing out of the accessible parking spaces. Mr. Pauling said, "no," because the dumpster will be located in the adjacent area – it is not a parking space. Mr. Hebert agreed that this is a very common parking configuration.

Chairman Burke reiterated his request to address the number of driveway cuts and garages in the front of the units on the right-hand side of the access road. He also requested that the applicant consider some other type of barrier rather than the wooden guardrail around the constructed wetlands. He said there should be a more aesthetic solution.

Mr. France said the guardrail is required in the by-law. Mr. Pauling said the regulations require a guardrail if the shoulder is less than five feet in width. The proposed shoulder is three feet wide. He said they would look into alternatives. Chairman Burke said the Board would consider granting a waiver for a better solution.

Abutter Karen Corey asked if there would be any plans submitted in the next five years for Prescott School, the Groton Inn and Station Avenue. She said the sidewalk crossing in this location is a problem. She asked if there would be adequate parking for patrons and employees since Main Street is at its maximum capacity today. Chairman Burke said the Board would look closely at parking.

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Mr. Pauling asked the Board to determine the 100-year storm event that should be used so the engineering design could move forward. He requested that the Board allow the applicant to use the Earth Removal Stormwater Advisory Committee regulations adopted in 2008.

The motion was made by Barringer, seconded by Capes, to grant a waiver of the Site Plan Review Regulations and allow the applicant to utilize the ERSWAC regulations adopted on April 1, 2008 because those regulations are more current and consistent with Massachusetts Stormwater Policy Guidelines. The motion passed unanimously.

The Board voted unanimously to continue the public hearing on September 15, 2011 at 8 PM.

PRE-SUBMISSION REVIEW – LAWRENCE ACADEMY

The Board met with Dan Quaille of Lincoln Architects, Stan Dillis of Ducharme and Dillis, and Trustee Peter Myette of Lawrence Academy, to discuss the plans for proposed faculty housing on Old Ayer Road and at the Lawrence Academy campus. Mr. Quaille described the two sites and the school's plans to build two housing units in each location. The units on Old Ayer Road will be one story, single family units with three bedrooms each. The units at Academy Drive will be two-story townhouses with three bedrooms each. Both plans are before the Historic District Commission for review.

Mr. Dillis requested that the Board require a Level I site plan submission since Lawrence Academy is exempt as an educational use. The Board agreed.

Mr. Dillis described the general location, drainage and siting issues for both locations. Mr. Myette said the Old Ayer Road plans were modified to address the abutters' concerns. Mr. Quaille said the units were rotated to preserve the view from abutting properties, the units were changed from two stories to one, and the abutters' concerns about drainage have been addressed.

Chairman Burke asked if the driveway to the units will provide access to the playing fields. Mr. Dillis said, "yes." Mr. Quaille added that the fields will be ball fields in the future. The driveway will provide emergency vehicle access.

PUBLIC HEARING - WOODLE SPECIAL PERMITS

The Board held the continuation of the public hearing to consider the application for a special permit to create seven lots off Tavern Road. Attorney Robert Collins was present.

The Board received a letter dated August 22, 2011 from the Fire Chief concurring with the latest revisions to the plan.

The Board voted unanimously to close the public hearing.

Special Decision – Flexible Development

The motion was made by Barringer, seconded by Wilson, to grant a special permit to the Woodle Family Residential Trust to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development to create seven (7) lots as shown on the plan entitled, "Site Plan in Groton, Mass., Prepared for Woodle Family Residential Trust, dated December 15, 2010, with revisions through July 22, 2011, with the following findings and conditions:

Findings:

1. **Social, economic and community needs:** The proposed Flexible Development plan with seven (7) lots results in less disturbance to the neighborhood and surrounding woodlands than development of the land as shown on the by-right, "Conventional 9 Lot Site Plan," submitted with the application. The proposed preservation of 8.2 acres of open space will provide valuable protection of vernal pools and 1200 feet of shoreline on Lost Lake.
2. **Traffic flow and safety:** The proposed changes to the existing road network will enhance traffic safety by ending Tavern Road where shown on the plan with a "T" turnaround on Lots 2 and 6, and providing for additional turnaround areas on the common driveway serving Lot 7 and the Braudis property. Currently there is no discernable end to Tavern Road nor are there places where vehicles can easily reverse directions.
3. **Adequacy of utilities:** Utilities will be provided with on-site sewage disposal system. Municipal water will be extended to six (6) of the new homes and a new full-size fire hydrant will be installed at the end of the Tavern Road public right of way as shown on the plan.
4. **Neighborhood character:** The neighborhood character will be not be impacted by the proposed residential use. The proposed Historic Preservation Restriction will preserve the existing Adirondack-style cabin on Lot 7, which is visually significant.
5. **Impacts on the environment:** The proposed plan preserves the 8.2 acres of Lot 7 with a permanent conservation restriction. This area contains vernal pools and is an area of fragile environment.
6. **Fiscal impact on the Town:** The fiscal impact to the Town is not greater from the Flexible Development plan than from the conventional, two-acre plan.
7. **Consistency with the Master Plan:** The proposed plan better meets the goals of the Comprehensive Master Plan by protecting environmentally significant open space and preserving the appearance of the existing cabin and shoreline of the largest privately held property and one of the more visually prominent properties on the lake.

Conditions

1. As offered by the applicant, a permanent conservation restriction, pursuant to MGL Chapter 184, §§ 31 to 33, comparable in form to that submitted (recognizing that edits to this form will occur during its review with the Conservation Commission and Executive Office of Energy and Environmental Affairs) will be placed on the portion of Lot 7 indicated on the plan. The conservation restriction must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Inspector prior to building permit issuance for any lots shown on the plan.

2. As offered by the applicant, a historic preservation restriction to be held by the Historic Districts Commission will be placed on the remaining portion of Lot 7 comparable in form to that submitted (recognizing that edits to this form will occur during its review with the Historic Districts Commission). The historic preservation restriction must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Inspector prior to building permit issuance for any lots shown on the plan.
3. The existing municipal water main in Tavern Road shall be extended to the "T" turnaround on Lots 2 and 6, ending at full size fire hydrant. Lots 1 through 6, inclusive, shall be served by municipal water; Lot 7 shall be served by a private, on-site well.
4. The construction of a "T" turnaround on Lots 2 and 6, the gravel-surfaced emergency turnaround on Lot 7 shown on Detail 2, and the driveway widening on Lot 7 shown on the plan west of the existing cabin shall be completed to the satisfaction of the Fire Chief prior to building permit issuance for any lots shown on the plan.
5. The applicant shall sign a waiver which eliminates municipal responsibility for the portion of Tavern Road beyond the "T" turnaround on Lots 2 and 6 and shall record a common driveway agreement serving Lot 7 and the adjacent Braudis property. Should a gate be installed at this "T" turnaround, arrangements for keyed access for emergency personnel must be made through the Groton Fire Department.
6. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed Approval Not Required (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.

Special Decision – Special Permit, Shared Driveway Serving Lots 2 & 3 and 4 & 5

The motion was made by Barringer, seconded by Wilson, to grant a special permit to the Woodle Family Residential Trust to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to construct two shared driveways serving Lots a 2 and 3 and Lots 4 and 5a shown on the plan entitled, "Site Plan in Groton, Mass., Prepared for Woodle Family Residential Trust, dated December 15, 2010, with revisions through July 22, 2011, with the following findings and conditions:

Findings:

1. **Social, economic and community needs:** The proposed shared driveway will eliminate multiple driveway cuts on Tavern Road and will minimize environmental impact.
2. **Traffic flow and safety:** The proposed changes to the existing road network will enhance traffic safety by ending Tavern Road where shown on the plan with a "T" turnaround on Lots 2 and 6, and providing for additional turnaround areas on the common driveway serving Lot 7 and the Braudis property. Currently there is no discernable end to Tavern Road nor are there places where vehicles can easily reverse directions.
3. **Adequacy of utilities:** Utilities will be provided by on-site sewage disposal systems. Municipal water will be extended to six (6) of the new homes and a new full-size fire hydrant will be installed at the end of the Tavern Road public right of way as shown on the plan. The fire hydrant will improve fire protection in the area.
4. **Neighborhood character:** The neighborhood character will be not be impacted by the proposed residential use. The proposed Historic Preservation Restriction will preserve the existing Adirondack-style cabin on Lot 7, which is unique and visually significant.
5. **Impacts on the environment:** The proposed shared driveway will eliminate multiple driveway cuts on Tavern Road and will minimize removal of vegetation and environmental impact.
6. **Fiscal impact on the Town:** The proposed plan eliminates municipal responsibility for the portion of Tavern Road beyond the turnaround on Lots 2 and 6; thus reducing maintenance costs for the Town.
7. **Consistency with the Master Plan:** The proposed plan meets the goals of the Comprehensive Master Plan by protecting environmentally significant open space and preserving the appearance of the existing cabin and shoreline of the largest privately held property and one of the more visually prominent properties on the lake.

Conditions

1. The existing municipal water main in Tavern Road shall be extended to the "T" turnaround on Lots 2 and 6, ending with a full size fire hydrant. Lots 1 through 6, inclusive, shall be served by municipal water; Lot 7 shall be served by a private, on-site well.
2. The construction of a "T" turnaround on Lots 2 and 6, the gravel-surfaced emergency turnaround on Lot 7 shown on Detail 2, and the driveway widening on Lot 7 shown on the plan west of the existing cabin shall be completed to the satisfaction of the Fire Chief prior to building permit issuance for any lots shown on the plan.

3. The applicant shall sign a waiver which eliminates municipal responsibility for the portion of Tavern Road beyond the "T" turnaround on Lots 2 and 6 and shall record a common driveway agreement serving Lot 7 and the adjacent Braudis property. Should a gate be installed at this "T" turnaround, arrangements for keyed access for emergency personnel must be made through the Groton Fire Department.
4. The limits of disturbance shown on the plan shall be well delineated in the field in the locations shown on the above-referenced plan. The delineation shall be maintained throughout construction to prevent any disturbance to the vegetation or topography beyond the limits of disturbance.
5. The proposed shared driveway shall meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996.
6. A homeowners association shall be established and a maintenance agreement shall be recorded at the Registry of Deeds or Land Court. Evidence of such recording shall be submitted to the Planning Board and Building Inspector prior to the issuance of a building permit.
7. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed Approval Not Required (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.

Special Decision – Special Permit, Shared Driveway Serving Lot 7 & Braudis Property

The motion was made by Barringer, seconded by Wilson, to grant a special permit to the Woodle Family Residential Trust and to Peter and Lauren Braudis to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to construct a shared driveway serving Lot 7 and the adjacent lot owned by Braudis as shown on the plan entitled, "Site Plan in Groton, Mass., Prepared for Woodle Family Residential Trust, dated December 15, 2010, with revisions through July 22, 2011, with the following findings and conditions:

Findings:

1. **Social, economic and community needs:** The proposed shared driveway will eliminate multiple driveway cuts on Tavern Road and will minimize environmental impact.
2. **Traffic flow and safety:** The proposed changes to the existing road network will enhance traffic safety by ending Tavern Road where shown on the plan with a "T" turnaround on Lots 2 and 6, and providing for additional turnaround areas on the common driveway serving Lot 7 and the Braudis property. Currently there is no discernable end to Tavern Road nor are there places where vehicles can easily reverse directions.
3. **Adequacy of utilities:** Utilities will be provided by on-site sewage disposal systems. Municipal water will be extended to six (6) of the new homes and a new full-size fire hydrant will be installed at the end of the Tavern Road public right of way as shown on the plan. The fire hydrant will improve fire protection in the area.
4. **Neighborhood character:** The neighborhood character will be not be impacted by the proposed residential use. The proposed Historic Preservation Restriction will preserve the existing Adirondack-style cabin on Lot 7, which is unique and visually significant.
5. **Impacts on the environment:** The proposed shared driveway will eliminate multiple driveway cuts on Tavern Road and will minimize removal of vegetation and environmental impact.
6. **Fiscal impact on the Town:** The proposed plan eliminates municipal responsibility for the portion of Tavern Road beyond the turnaround on Lots 2 and 6; thus reducing maintenance costs for the Town.
7. **Consistency with the Master Plan:** The proposed plan meets the goals of the Comprehensive Master Plan by protecting environmentally significant open space and preserving the appearance of the existing cabin and shoreline of the largest privately held property and one of the more visually prominent properties on the lake.

Conditions

1. The existing municipal water main in Tavern Road shall be extended to the "T" turnaround on Lots 2 and 6, ending with a full size fire hydrant. Lots 1 through 6, inclusive, shall be served by municipal water; Lot 7 shall be served by a private, on-site well.
2. The construction of a "T" turnaround on Lots 2 and 6, the gravel-surfaced emergency turnaround on Lot 7 shown on Detail 2, and the driveway widening on Lot 7 shown on the plan west of the existing cabin shall be completed to the satisfaction of the Fire Chief prior to building permit issuance for any lots shown on the plan.

3. The applicant shall sign a waiver which eliminates municipal responsibility for the portion of Tavern Road beyond the "T" turnaround on Lots 2 and 6 and shall record a common driveway agreement serving Lot 7 and the adjacent Braudis property. Should a gate be installed at this "T" turnaround, arrangements for keyed access for emergency personnel must be made through the Groton Fire Department.
4. The limits of disturbance shown on the plan shall be well delineated in the field in the locations shown on the above-referenced plan. The delineation shall be maintained throughout construction to prevent any disturbance to the vegetation or topography beyond the limits of disturbance.
5. A homeowners association shall be established and a maintenance agreement shall be recorded at the Registry of Deeds or Land Court. Evidence of such recording shall be submitted to the Planning Board and Building Inspector prior to the issuance of a building permit.
6. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed Approval Not Required (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.

PUBLIC HEARING – ACADEMY HILL DEFINITIVE PLAN MODIFICATION

The Board held the continuation of the public hearing to consider the proposed modification of the Academy Hill definitive plan. Design engineer Todd Lobo of Beals Associates was present.

The Board received a letter dated August 25, 2011 from Bruce Wheeler of LandWest regarding submission of the culvert mitigation plan stamped by a structural engineer and the replacement of the existing culvert under Townsend Road as required by the DPW Director and conditions of the original definitive plan approval. Mr. Wheeler agreed to install the culvert if the Town obtained the permits.

The Board said the Townsend Road culvert is new information and must be resolved before the public hearing is closed.

The Board voted unanimously to extend the deadline to September 30, 2011 as requested by the applicant.

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The Board voted unanimously to continue the public hearing on September 8, 2011 at 8:00 PM.

FALL TOWN MEETING ARTICLE

The Board will submit an article for the Fall Town Meeting to request \$15,000 for development of Town Center Overlay District design guidelines as part the Master Plan Implementation. Dodson Associates proposal includes an active public participation process as requested by the Board.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette
Land use Director/Town Planner