

**PLANNING BOARD  
SEPTEMBER 22, 2011  
MINUTES**

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

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

Members absent: Capes

**SITE PLAN REVIEW – LAWRENCE ACADEMY FACULTY HOUSING**

The Board reviewed two site plans submitted by Lawrence Academy for faculty housing on Old Ayer Road and on Academy Drive. Lawrence Academy Trustee Peter Myette and Director of Business and Finance Operations Linda Deacy, Architect Dan Quaile of Lincoln Architects, and design engineer Stan Dillis of Ducharme & Dillis were present.

**14 Old Ayer Road** – Mr. Dillis presented the site plan to construct two single family units on property located at 14 Old Ayer Road (former Peter Cole property). He said the shared driveway would provide access to the playing fields in the future. Municipal water and sewer are available. The proposed 12 ft wide driveway will be widened to 16 ft as requested by the Fire Chief. Fifteen existing trees will be saved. A catch basin will be installed in the lawn and rear of the site to collect runoff from the roofs and discharge from the sump pumps. The drainage will discharge in the field. There are no wetlands or buffer zone in the project site.

Chairman Burke asked about the location of the sewer line. Mr. Dillis said the line will be located in the field.

Member Giger asked about rest rooms for the playing fields. Ms. Deacy said they have not been installed yet. The rest rooms will be installed in the future on a separate parcel.

Member Perkins asked about architectural elevations. Mr. Quaile presented the architectural plans for one-level, Cape-style homes. The architectural design is subject to review by the Historic Districts Commission (HDC). Mr. Dillis added that parking will be located behind the units as requested by the HDC. The parking will be over 200 ft from Old Ayer Road.

Member Giger asked about runoff and stormwater management. Mr. Dillis said the roof drains and sump will discharge to the 12-inch drain line designed for the 100-year storm.

Chairman Burke asked about groundwater recharge. Mr. Dillis said the runoff will be directed to the catch basin, then to the manhole and then to the discharge point in the grass field.

**Academy Drive**

*(Member Wilson did not participate because he is an abutter.)*

Mr. Dillis presented the plan to construct a duplex at the end of Academy Drive on the Lawrence Academy campus. Each of the units will have three bedrooms and walk out basements.

Chairman Burke asked about drainage. Mr. Dillis said runoff from the roof and foundation will be directed to the lawn at the rear of the site on Lawrence Academy's property.

Mr. Quaille described the architectural elevations presented to the Historic Districts Commission (HDC). The blue color will be changed and a wrap around deck will be added as requested by the HDC.

Member Barringer asked how runoff would be controlled at the end of the pipe. Mr. Dillis said there would be a flared end section and rip-rap in this location.

The motion was made by Wilson, seconded by Barringer, to approve the site plan entitled, "Site Plan, Old Ayer Road, Groton, Massachusetts," prepared by Ducharme & Dillis, dated September 15, 2011, with the following standard conditions:

1. There shall be no net increase in the rate or volume of storm water runoff from the site as required in Chapter 218 Zoning, Section 218-25H(1)(e).
2. The shared driveway shall conform to the minimum standards set forth in Section 381, Part 4 Shared Driveways, Section 381-36 Purposes and Minimum Standards.
3. Lighting shall not intrude onto other properties or public ways as required in Chapter 218 Zoning, Section 218-25H(1)(j).
4. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
5. All signs must conform to the Chapter 196 Signs.
6. Building numbers shall be assigned in accordance with Chapter 258 Street Naming and Building Numbering, Section 258-5A Campuses.
7. The removal of any excess earth material from the site requires a Certificate of Exemption from the Chapter Earth Removal, Section 134-10 Exemptions.
8. A Stormwater Management Plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Stormwater Management.

The motion passed unanimously.

The motion was made by Barringer, seconded by Perkins, to approve the site plan entitled, "Site Plan, Academy Drive, Groton, Massachusetts," prepared by Ducharme & Dillis, dated September 15, 2011, with the following standard conditions:

1. There shall be no net increase in the rate or volume of storm water runoff from the site as required in Section 218-25H(1)(e).
2. Lighting shall not intrude onto other properties or public ways as required in Section 218-25H(1)(j).
3. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
4. All signs must conform to the Chapter 196 Signs.
5. Building numbers shall be assigned in accordance with Chapter 258 Street Naming and Building Numbering, Section 258-5A Campuses.
6. The removal of any excess earth material from the site requires a Certificate of Exemption from Chapter 134 Earth Removal, Section 134-10 Exemptions.
7. A Stormwater Management Plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Stormwater Management.

The motion passed with Burke, Barringer, Giger, Parent, and Perkins in favor; Wilson abstaining.

#### **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 subdivision. Design engineer Todd Lobo of Beals Associates represented the applicant at the public hearing.

The Board received a letter dated September 16, 2011 from Comprehensive Environmental, Inc. (CEI) to the Conservation Commission and a letter dated September 19, 2011 from Beals Associates to the Planning Board.

The Board also received a letter from DPW Director Tom Delaney stating that Townsend Road must be paved this fall and that the culvert in Townsend Road must be replaced in the spring of 2012. The applicant is responsible for obtaining all permits for installation of the culvert.

Member Giger asked about the CEI recommendations on the stream crossing. Mr. Lobo said the proposed mitigation plan is a good, base plan. The developer will use logs and matting to protect the downstream area at Cherry Tree Lane. The applicant agreed that CEI may provide oversight in the field during construction of the Cherry Tree Lane box culvert.

Mr. Lobo said upgrading the culvert under Townsend Road must meet compliance requirements of the Army Corp of Engineers. Chairman Burke asked if the applicant would be responsible for the permitting. Mr. Lobo said, "yes," the applicant would take care of the permitting.

Member Giger noted that communications with the Academy Hill developer have been problematic in the past. He asked about permitting with the Conservation Commission.

Town Planner Michelle Collette said the Conservation Commission may amend its Order of Conditions or issue an Emergency Order to allow the mitigation work to proceed. Mr. Lobo said they are working with the Conservation Commission on a resolution.

Chairman Burke said if the Conservation Commission requires a change to the plan, the applicant must return to the Planning Board to have the change approved by the Board. He added that the developer must submit a construction schedule to assure the Town that the work will be completed prior to December 1, 2011. Mr. Lobo agreed.

The Board voted unanimously to close the public hearing.

The motion was made by Barringer, seconded by Perkins, to **MODIFY** the definitive plan entitled, "Modified Definitive Plan for the Subdivision of Land for Academy Hill in the Town of Groton, Massachusetts" prepared by Beals Associates, Inc., dated February 4, 2005, with revisions through June 29, 2005, with the following conditions:

1. The culvert crossing between Station 4+00 and 4+50 shall be installed as shown on the plan entitled, "Culvert Mitigation Plan, Cherry Tree Lane, Academy Hill Subdivision," prepared by Beals Associates, dated April 5, 2011, revised July 13, 2011.
2. The work to repair the culvert will be done in accordance with the two letters dated July 25, 2011 from Structural Engineer Peter J. Ogren of Hayes Engineering. A final Culvert Mitigation Plan stamped by the Structural Engineer shall be submitted to the Planning Board prior to construction. The contractor must call the structural engineer for an inspection after the invert is cut so the actual limits of concrete backfill can then be determined (see attached letters).
3. All work must be within property owned by the applicant or within the area shown on the "Plan of Land in Groton, Mass. for Landwest," prepared by Rose Land Survey, dated March 25, 2005, revised April 19, 2005, recorded as Plan #1424 of 2005, and referenced in the "Grant of Easement" from Roberta L. LaValley executed on August 16, 2005.
4. The applicant will dig a test pit in the vicinity of Detention Basin #1 as recommended by Nitsch Engineering to determine estimated seasonal high groundwater and soil texture. The test pit shall be observed and evaluated by a representative of the Town of Groton.

5. The applicant is responsible for filing a Notice of Intent with the Conservation Commission for replacing the existing culvert under Townsend Road. The final paving of Townsend Road must be done this fall as required by the DPW Director. The culvert shall be replaced in the spring of 2012. All work on Townsend Road shall meet the requirements of the DPW Director.
6. The applicant shall post a performance bond for the cost-to-complete the repairs to Townsend Road, including replacement of the culvert, because improvements to Townsend Road were required in the approval of the Academy Hill definitive plan.
7. The applicant must comply with the requirements of the Conservation Commission and any other local or state agencies having jurisdiction.
8. The applicant shall submit a construction sequencing plan and schedule to the Planning Board, DPW Director, and Conservation Commission. All work shown on the Culvert Mitigation Plan, Cherry Tree Lane, must be completed no later December 1, 2011.
9. The applicant must submit any proposed change in the above referenced plans to the Planning Board for its review and approval before the change is implemented.
10. All conditions of the definitive plan modification filed with the Town Clerk on July 15, 2005 remain in full force and effect.
11. The conditions of the modification of the definitive plan and definitive plan approval apply to any successor in interest or successor in control.
12. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

**PUBLIC HEARING – SPECIAL PERMIT, BOYNTON MEADOWS, 134 MAIN STREET**

*(Member Giger did not participate because he missed two sessions of the public hearing.)*

The Board held the continuation of the public hearing to consider the application for a special permit for Boynton Meadows at 134 Main Street. Applicant Robert France of Senate Construction, Architects Brent Mangel and Sarah Cormier of Mangel Associates, design engineer Bruce Ringwall of GPR, Inc. were present.

Mr. Mangel presented a series of alternative plans as requested by the Planning Board to reduce the number of driveway cuts and front facing garages in Buildings A and B.

Mr. Ringwall said Plan F could not be considered because it would require filling and replicating wetlands which is not allowed in an Area of Critical Environmental Concern (ACEC).<sup>1</sup> Mr. Ringwall said Plan D results in a loss of seven parking spaces.

Mr. Maugel said Plan C has additional disturbance in the 100-ft buffer zone. Plan B reduces the number of driveway cuts from five to four with one less garage. He said Plan A is the best solution. It reduces the number of garages from five to two and provides a 70 ft green space. Plans A and B do not change work in the buffer zone. Plan A+C with a connection to the adjoining land has more intrusion in the buffer zone.

Member Barringer noted that the proposed access road is a private drive – not a public road. He added that parking spaces cannot be configured so that cars have to back out onto a roadway.

Member Wilson said the connector road should be public, not private. Chairman Burke said the Planning Board has the right to require that the applicant make provisions for connections to adjacent property, but the Board cannot “take” private land. The Town must be willing to purchase land in order to create a secondary roadway.

Member Barringer asked about the purpose of the discussion. Mr. Maugel said the applicant is looking for guidance on the location of driveways. Chairman Burke asked if the alternative plans had been presented to the Conservation Commission. Mr. Ringwall said Plan C was presented to the Commission a long time ago. Chairman Burke asked if the applicant would go back to the Commission with Plan C, especially since the buffer zone is not a pristine area. It is a previously disturbed, mowed field.

Member Perkins asked if the applicant could reduce the number of units to prevent more disturbance in the buffer. She suggested that the Planning Board and Conservation Commission have a joint meeting to discuss various options.

Mr. Ringwall said they did try to convince the Commission about other options, but the Wetlands By-law clearly stated there shall be no structures in the buffer zone. He said the buffer is a lawn/parking area that was previously disturbed. The applicant made the case to the Commission, but Town Counsel’s opinion supported the Commission position that structures are not allowed in the buffer zone without mitigation. The applicant is trying to reduce activity in the buffer zone. A structure of 4750 square feet will be located in the 50-100 ft buffer zone. There will be no activity in the 50 ft buffer. The applicant will remove invasives and replace

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<sup>1 1 1</sup> *The Wetlands Protection Act Regulations state:*

*(e) Any proposed work shall not destroy or otherwise impair any portion of a Bordering Vegetated Wetland that is within an Area of Critical Environmental Concern designated by the Secretary of Environmental Affairs under M.G.L. c. 21A, § 2(7) and 301 CMR 12.00. This 310 CMR 10.55(4)(e):*

- 1. supersedes the provisions of 310 CMR 10.55(4)(b) and (c);*
- 2. shall not apply if the presumption set forth at 310 CMR 10.55(3) is overcome;*
- 3. shall not apply to work proposed under 310 CMR 10.53(3)(l);*

them with native plantings. An escrow account will be established for five years to maintain the plantings, and a gift of \$50,000 will be given to the Conservation Fund.

Member Wilson asked about reducing the footprint of the buildings. Mr. Ringwall said reducing the footprint would affect the marketability of the units. Mr. Valletta said there are financial considerations. The Affordable Housing Trust is investing in the project based upon the pro forma. He said he does not have the authority to reduce the number or size of the units.

Chairman Burke thanked the applicant for looking at alternative configurations.

Member Barringer said Plan A or B would be an improvement.

Chairman Burke said he would like to meet with the Conservation Commission on October 6, 2011 to explore options and address concerns. The Board will invite the Commission to its hearing on October 6, 2011.

Mr. France said they plan to present architectural details to the Board at the public hearing on October 6, 2011. The Board agreed.

Mr. Maugel said the building heights would be lowered to 35 ft as requested by the HDC. They are reconsidering the barn component that was originally suggested by the Design Review Committee.

The Board voted unanimously to continue the public hearing on October 6, 2011 at 8 PM.

#### **PUBLIC HEARING – CROSSROADS PLAZA SPECIAL PERMIT MODIFICATION**

The Board held the continuation of the public hearing to consider the proposed modification of the Crossroads Plaza special permit and site plan. Design engineer Doug Hartnett was present.

Mr. Hartnett updated the Board on the applicant's plans to build a restaurant, but not to develop the remaining buildings shown on the plan at this time. Mr. Wong has not been able to sell the property because the infrastructure costs are too high for the 17,700 sq ft commercial development. He would like to build the restaurant where the bank is shown on the approved plan. The 4000 sq ft restaurant would be Phase I and the remainder would be developed as Phase II in the future.

Member Perkins asked if the retaining wall would be constructed now. Mr. Hartnett said, "no."

Member Barringer asked about the sewage disposal system. Mr. Hartnett said the system would be constructed for one building and could be expanded in the future.

Member Parent asked about updating the traffic flows on Route 119. Mr. Hartnett said there has been no change since the plan was approved in 2006.

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Chairman Burke said the restaurant should have access on both Boston Road (Route 119) and Sandy Pond Road. Member Giger said the primary access should be on Sandy Pond Road. Mr. Hartnett said they want visibility from Route 119.

Member Wilson asked if Phase I would be a stand-alone application. Mr. Hartnett said the applicant does not want to give up the right to construct the 17,700 sq ft approved plan.

Chairman Burke said the Board would not have a problem with constructing the plan in Phases as long as the Board reviews the whole plan.

The Board recommended that the applicant withdraw the request to modify the site plan and special permit and submit a new application when the applicant know what he would like to do.

Member Giger noted that multiple continuations are not fair to the Board or to the abutters.

Mr. Hartnett said he would submit a written request to withdraw the application.

The Board voted unanimously to continue the hearing on October 6, 2011 at 7:55 PM.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner