

**PLANNING BOARD  
AUGUST 1, 2013  
MINUTES**

Chairman Giger called the meeting to order at 7:30 PM

Members present: Giger, Barringer (remotely & in person) Burke, Parent, Perkins, and Wilson

Members absent: Svarczkopf

**PUBLIC HEARING – SPECIAL PERMIT, CHAMBERLAINS MILL SUBDIVISION**

*(Member Barringer participated remotely for part of the hearing.)*

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by High Oaks Realty Trust for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development and Section 218-26.1 Major Residential Development to create nine (9) lots as shown on the plan entitled, "Preliminary Subdivision Plan in Groton, Massachusetts – Chamberlains Mill," prepared by Ducharme & Dillis Civil Design Group, Inc., dated April 25, 2013. The proposed subdivision is on land owned by the Estate of Rita O'Connell, Assessors' Map 233, Parcel 75, located on northerly side of Lowell Road and easterly side of Schoolhouse Road.

Chairman Giger called the public hearing to order and read the notice posted with the Town Clerk on July 9, 2013 and published in the July 12 and 19, 2013 issues of *The Groton Herald*. Applicant Robert Kiley, Attorney Robert Collins, design engineer Stan Dillis of Ducharme & Dillis Civil Design Group, and the Board's consulting engineer Tim McGivern of Nitsch Engineering were present.

Attorney Collins presented the preliminary subdivision plan and special permit application for Flexible Development to create nine (9) lots served by a cul de sac off Schoolhouse Road. The 25-acre parcel contains wetlands and is located in Zone II of the Water Resource Protection District. The property is also within the 200 ft buffer of Martins Pond Brook. The 13-acre open space parcel will be donated to the Groton Water Department.

Mr. Dillis described the plan which will utilize a Low Impact Development (LID) drainage system. The topography is fairly steep, but grade changes have been minimized. Mr. Dillis said he is not prepared to respond to the comments from Nitsch Engineering at this meeting.

Mr. Collins said a conventional plan would result in 11 lots with a visual corridor into the site from Route 40. ANR and hammerhead lots could be created to utilize the entire site. The Flexible Development plan is preferable for many reasons.

Mr. McGivern presented his report dated August 1, 2013. He noted that the conventional plan conforms to the regulations. He asked that the elevation of the Conservancy District be verified and that the amount of cut and fill on the centerline of the roadway be calculated. Additionally, the test pit logs and high ground water data must be submitted. Mr. McGivern said the 50 ft buffer around the perimeter of the property should remain undisturbed unless waived by the Planning Board (see §218-26.O). A sidewalk on one side of the street is required in the Subdivision Regulations.

*(Member Barringer arrived.)*

Mr. McGivern said the project must comply with Mass Stormwater Standards for Zone II and review by the Natural Heritage and Endangered Species Program is required.

Mr. Collins said he would request a waiver for the sidewalk when the definitive plan is submitted.

August 1, 2013

Page 2

Chairman Giger read the comments from the Board of Health, the Conservation Commission, the Water Department, and the Fire Chief. He read the letter dated July 16, 2013 from Matthew & Lorena Novak requesting that the public hearing be continued because they were away on vacation. Chairman Giger explained that the Board would conduct the first session of the hearing this evening. All the files and record of the proceedings are public documents and may be reviewed.

Abutter Bob Woodward, 52 Schoolhouse Road, expressed concerns about traffic on Schoolhouse Road during the morning and afternoon commuting hours. Schoolhouse Road and Gay Road are used as a short cut to Route 119. Mr. Collins said they would measure sight distances on Schoolhouse Road and submit more information to the Board.

Dorothy Mack asked about encroachment in the 100 ft buffer. Mr. Collins said Martins Pond Brook has a 200 ft buffer, and there is a wetland on the opposite side of Schoolhouse Road.

Abutter Heather Adamczyk, 447 Lowell Road, asked about the powerline and wetlands. Mr. Collins said the powerlines are not on the property to be subdivided. Town Planner Michelle Collette said she received a request for information and sent a copy of the plans and the application to National Grid.

Member Perkins suggested doing a site walk. The Board will walk the property on Saturday, September 7, 2013, at 8 AM.

Trails Committee Chairman Paul Funch said there is an existing trail from Route 40 to Martins Pond Road. He asked if the trail would be open for public access. Chairman Giger asked that the trail be shown on the plan and flagged in the field.

The Board voted unanimously to continue the public hearing on September 12, 2013 at 7:30 PM.

#### **PRE-SUBMISSION REVIEW – PC MYETTE, 120 BOSTON ROAD**

The Board met with Peter and Andrea Myette, Attorney Robert Anctil, and design engineer Stan Dillis to discuss the site plan review application to be submitted for the proposed medical office building at 120 Main Street.

Mr. Dillis described the revisions to the plan approved by Town Meeting including the elimination of the second office building in the rear of the site. He said the MassDOT sight line issues have been resolved by clearing vegetation. The Board of Selectmen granted a license to the applicant for clearing vegetation at the Country Club to improve sight distances.

Member Wilson asked about the building footprint. Mr. Dillis said it is 8305 SF for a total of 16,610 SF gross floor area.

Member Perkins asked about the number of parking spaces. Mr. Dillis said 97. The applicant will request a waiver because 135 spaces are required.

Member Burke asked if the building could be moved to the southeast of the lot. Mr. Dillis said they considered it, but the building cannot be moved because the groundwater elevation is only 2 ft below the surface in this location.

Member Burke asked about the elevation of the first floor. Mr. Dillis said 316 ft. Member Burke asked about the elevation of Boston Road. Mr. Dillis said it is 318 ft.

Member Perkins asked about the old sewage disposal system. Mr. Dillis said the Board of Health is mandating that the property tie into the municipal sewer system.

Member Barringer said this is only a pre-submission review and asked if the applicant has any questions for the Board. He noted that the plan only shows one access onto Route 119 and the by-law requires two access points. Section 218-23C(3) states:

Access. Required off-street parking and loading spaces shall have adequate vehicular access to a street as determined by the Building Inspector, or if site plan review is involved, the Planning Board. A parking area with more than 10 parking spaces shall have a minimum of two access points on a public way unless waived by the Planning Board.

Mr. Dillis said he met with the Fire Chief to discuss the curb cuts and turning radii. MassDOT will allow only one curb cut – not two.

Member Burke requested that a sidewalk be installed along Boston Road.

Chairman Giger said vegetation along Route 119 must be carefully considered so it does not obstruct sight distance. He asked how runoff will be channeled on the north side of the lot. Mr. Dillis said runoff will flow via a swale to the recharge systems.

Member Parent asked about the property line to the west and the distance from the property line to the building on the abutting lot. Mr. Dillis said about 15 ft.

Shane Grant requested about 15 minutes to address the Board. Chairman Giger said the Board could not take the time at this meeting. This is a pre-submission review and statements from abutters should be made and entered into the record at the public hearing.

Dorothy Mack said there are two easements in place for the entrance onto Boston Road that cannot be changed without her consent. The Board said this is a private matter that must be worked out between the parties and their attorneys. Member Barringer said this is a matter for Land Court, the Planning Board does not have the authority to resolve land-use disputes.

#### **REQUEST FROM DANIEL RACICOT, SHEPLE LANE**

The Board met with Daniel Racicot and Neal Gorman of David E. Ross Associates to discuss changing a shared driveway to individual driveways to provide access to exclusive use areas off Sheple Lane, a single-family condominium development.

Mr. Gorman said the original special permit, granted by the Planning Board in 1987, included a 260 ft shared driveway. The individual driveway will be 280 ft long resulting less cut and fill. The 3000 SF footprint of the house on the original plan has been reduced to 1500 SF. The approved plan requires a 500 ft water line and the proposed plan requires a 160 ft water line. The individual driveways will be easier to maintain than the common driveway.

Member Burke said he supports the concept of two driveways. He agreed that the proposed plan shows a better house site.

Member Barringer asked about the amount of cut and fill. Mr. Gorman said there will be approximately 2.5 ft of cut and 3-4 ft of fill. There are no slope issues and the grade of the driveway will be 10%.

Member Barringer asked if the Condominium Association agreed to the change. Mr. Gorman said none of the homeowners expressed any objections. The Board said it would like a letter from the Condominium Association prior to construction.

The motion was made by Burke, seconded by Barringer, to approve the change in the location of the driveway serving Residence Area 2 as shown on the plan entitled, "Residence Area 2, Sheple Hill Farm, Sketch Plan in Groton, Mass., Prepared for Daniel Racicot," prepared by David E. Ross Associates, dated July 2013, and further described in the letter dated July 25, 2013 from David E. Ross Associates to the Planning Board. The change in the driveway location is approved with the condition that, prior to commencement of construction, the applicant shall submit a letter of consent from the Shepley Hill Farm Condominium Trust, recorded at the South Middlesex Registry of Deeds at Book 20156, Page 305.

The motion passed unanimously.

#### **ACADEMY HILL**

**Box Culvert** - The Board met with Bruce Wheeler and George Gallagher of Academy Hill, LLC, design engineer Peter Ogren of Hayes Engineering, and the Board's consulting civil engineer Tim McGivern of Nitsch Engineering and consulting structural engineer Lynwood (Val) Prest of Groton Engineering.

Mr. Ogren presented new plans that had been reviewed by both Tim McGivern and Val Prest. He said he met with the pre-caster of the concrete to discuss the remediation plans. An independent wall will be installed above the culvert to carry the loads. The new wall must be made in the field. Work will be inspected by Mr. McGivern and Mr. Prest. Mr. Ogren said the work should be completed this fall.

Chairman Giger asked Mr. Prest and Mr. McGivern for their opinions. Mr. Prest explained the concerns he has about the force and potential sliding between concrete and concrete. He said he and Mr. Ogren came up with a solution to prevent sliding by installing a circular collar. This design and work must be done in the field.

Mr. McGivern said he had a number of concerns regarding the substrate in the culvert, velocity and erosion. The entire construction sequence must be shown on the plan. If erosion occurs, stones larger than 1.5 inches should be installed.

Chairman Giger asked Mr. Wheeler if he is willing to work with the Board and its engineers to resolve the matter. Mr. Wheeler said, "Yes, we are."

Member Burke noted that there is still some tension between functional and environmental issues.

Chairman Giger read the memorandum dated August 1, 2013 from the West Groton Water Supply District stating:

"The District will not approve the last ten (10) applications for water service on Cherry Tree Lane pending completion of the 12" Ductile Iron water main. This gravity main is shown on the approved plans on Sheet U-1 and U-4. It has already been tied into Townsend Road at the junction of Cherry Tree Lane and run up Cherry Tree as far as the new Woods Road at Sta 3+50. It is capped and out of the roadway at this time awaiting completion. This main will provide redundant service to the Tank & Booster Pump Station responsible for providing the drinking water and fire protection for the Academy Hill Subdivision.

"Further the District has already informed Academy Hill's engineering firm there is to be no water main installed on Cherry Tree lane crossing the Re-designed Box Culvert between Sta 4+50 and 5+00.

"Also the District received the As-built Plans owed on all work from the beginning of Field Stone all the way up to 182 Cherry Tree Lane and including Arbor Way, Rose Crest, Lilac Circle, and Magnolia Circle. All that remains is that portion of Cherry Tree Lane yet to be built."

Mr. Wheeler agreed that would be no changes and the water main would be installed as shown on the plan.

Chairman Giger asked when the work on the box culvert would be done. Mr. Wheeler said they would begin working in two weeks.

Member Burke asked about revised drawings. Mr. Prest said no shop drawings are needed – the adjustments to the plan must be determined in the field.

The motion was made by Burke, seconded by Wilson, to approve, as a field change to the Academy Hill definitive plan, the remediation plans for the box culvert, located between Stations 4+00 and 4+50 on Cherry Tree Lane, as shown on the following plans:

- "Academy Hill, Groton, Massachusetts, Plan & Profile in Groton, Mass. Showing Culvert & Drain Details, Cherry Tree Lane," prepared by Hayes Engineering, dated June 19, 2013, with revisions through July 31, 2013.
- "Detail Groton, Mass.," prepared by Hayes Engineering, dated August 1, 2013.

The Board approved the remediation plans with the following conditions:

1. The construction sequence as outlined in the document entitled, "Culvert Replacement, Cherry Tree Lane, Groton, Massachusetts," prepared by Hayes engineering, dated July 11, 2013, must be added to the plan. Installation of erosion and sedimentation control measures shall be added as Item #1 of the Construction Sequence.

2. The proposed collar shall be installed, as described at the August 1, 2013 Planning Board meeting, by design engineer Peter Ogren of Hayes Engineering and reviewed by the Board's consulting structural engineer Lynwood Prest of Groton Engineering.
3. The installation of the collar and lateral support is subject to approval in the field during construction by the Board's consulting structural engineer, Lynwood Prest of Groton Engineering.
4. The installation of the culvert substrate including the "silty material," coconut fiber mat," and "imbedded river stone" is subject to approval in the field during construction by the Board's consulting civil engineer. The substrate shall be monitored for a one year period after installation to determine if adjustments to the substrate design should be considered, as recommended in the letter dated July 11, 2013 from Nitsch Engineering.
5. The work shall commence no later than August 20, 2013 and shall be completed no later than October 1, 2013.
6. All outstanding engineering invoices for peer review by the Planning Board must be paid in full.

The motion passed unanimously.

Chairman Giger asked Mr. Wheeler if he understood that he must continue to build the affordable housing units according to the schedule and the July 2, 2012 agreement with the Planning Board. Mr. Wheeler said, "yes."

**Surety Reduction** – The Board received a report dated July 25, 2013 from Nitsch Engineering with a cost-to-complete estimate for Phases I & II of the Academy Hill subdivision. The motion was made by Burke, seconded by Parent, to reduce the amount held in the "Agreement and Contract – Town of Groton Planning Board, Middlesex Savings Bank" to a total of \$58,748.24 for Phases One and Two in the Academy Hill Subdivision (Fieldstone Drive - \$21,283.47, Arbor Way – \$7264.05, and Cherry Tree Lane from Station 32+67.01 to 57+27.98 - \$30,200.72), as recommended in the attached report dated July 25, 2013 from Nitsch Engineering. The motion passed unanimously.

Mr. Gallagher asked if the cost to complete the access road through the woods to the West Groton Water Supply storage tank could be moved from Phases I & II to Phase III. The Board said, "no."

#### **BERTOZZI FARMS**

The Board met with developer Michael Vacarro regarding the Bertozzi Farms subdivision. The subdivision road, Amelia Way, was repaired and repaved, as detailed in the July 9, 2013 field report from Nitsch Engineering. The report stated that there may be an underground drainage issue because Mr. McGivern could hear running water flowing underground. Mr. Vacarro said he would investigate the source of the problem and repair it.

Mr. Vacarro asked the Board to sign off on permits for lots 2 and 6. The Board is holding cash surety in the amount of \$122,836 that has been held by the Town Treasurer since 2003. The updated cost-to-complete estimate dated August 1, 2013 prepared by Nitsch Engineering is \$166,011. The Board suggested that Mr. Vacarro do additional work to reduce the cost to complete estimate.

August 1, 2013

Page 7

The motion was made by Burke, seconded by Parent, to send a memorandum to the Building Commissioner signing off on building permits for Lots 2 and 6 in the Bertozzi Farm subdivision. The motion passed unanimously.

Meeting adjourned 11 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner