

**PLANNING BOARD
OCTOBER 24, 2013
MINUTES**

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

Members present: Giger, Barringer, Burke, Parent, Perkins (late), Svarczkopf, and Wilson

PUBLIC HEARING – CHAMBERLAIN MILLS SPECIAL PERMIT

The Board held the continuation of the public hearing to consider the special permit for Flexible Development for the Chamberlain Mills subdivision. Applicant Robert Kiley, Attorney Robert Collins and design engineer Stan Dillis were present.

Attorney Collins reviewed the outstanding items from the September 26, 2013 public hearing, noting that the deed restrictions were submitted previously. He said the plan showing the specimen trees was submitted and the trees were marked in the field. However, the homeowner reported that no one had visited the site to view the marked trees.

Attorney Collins addressed the issue regarding the 13.9 acre open space parcel to be conveyed to the Groton Water Department. The Trails Committee is requesting access to the general public on the trails on the open space. However, the Water Department cannot grant public access under the Division of Water Supply Regulations because the open space will protect the existing and potential public water supply wells. The open space is located in Zone II (310 CMR 22.00). A similar situation exists with the protected open space in the Amandas Way subdivision. The land donation to the Water Department is intended to enhance protection of the public water supply.

Member Burke thanked the applicant for submitting the plan showing the specimen trees. Mr. Dillis said the plan shows all trees with a caliper greater than 10" in the area to be developed. The trees "to be saved" will be marked in the definitive plan.

Chairman Giger read the memorandum dated October 10, 2013 from the Fire Chief.

The Board reviewed the letter dated September 12, 2013 from Attorney Collins requesting four waivers, the Nitsch report dated September 26, 2013, and the Ducharme & Dillis response dated October 3, 2013. The requested waivers are:

1. Section 381-7.B.1 requesting a waiver of the scale of the Yield Plan from 1 inch = 40 feet to 1 inch = 80 feet. The Board had no issues with this waiver.
2. Section 381-7.B.1 requesting a waiver of the cross slope of the cul de sac with appropriate drainage structures to be shown on the definitive plan.
3. Section 218-26D(2) requesting a waiver of the necessity to file an Order of Resource Area Delineation with the Conservation Commission because a Notice of Intent will be filed at the definitive plan stage. The Board said it would defer to the Conservation Commission on this issue.
4. Section 218-26D(3) requesting a waiver of soil testing data until the definitive plan stage. Mr. Dillis said they did 75 soil tests and the soils are all sand and gravel. The soil logs will be submitted at the definitive plan stage. Health Agent Ira Grossman witnessed the testing.

5. Section 218-26D(4) requires submission of any additional information the Planning Board may require. The Board agreed that no additional information is required at this stage.
6. Section 218-26.O requires a 50 ft buffer around the perimeter of the site. Mr. Dillis said the plan has been modified to provide such a buffer. The Board agreed that a waiver is no longer required.
7. Section 218-26.1.F(1) requires submission of an economic impact analysis. Attorney Collins said the analysis would be provided at the definitive plan stage. The Board agreed.
8. Section 218-26.E2(q) requesting a waiver of the requirement that no earth removal take place within six (6) feet of seasonal high groundwater. Nitsch Engineer recommended that a cut and fill analysis be provided. Mr. Dillis said final grading will be defined at the definitive plan stage.
9. Section 381-9C(3) requires that each house should have the ability to access the street without reliance on a common driveway. Lots 7, 8 & 9 will use a shared driveway. Attorney Collins said the special permit for the shared driveway would be submitted with the definitive plan.
10. Section 381-10D(1) requesting a waiver of the requirement that the centerline grade be not less than 0.75 of 1%. The cross slope of the cul de sac directs runoff to the center.
11. Section 381-10E(2) requiring that the cul de sac have a pavement width of 24 ft. The plan shows a pavement width of 20 ft. Mr. Dillis said a vehicular turning plan was submitted to the Fire Chief.
12. Section 381-13A(1)(a)[3] requesting a waiver of the requirement that a sidewalk be provided. The applicant agreed to provide the sidewalk on the definitive plan.

Chairman Giger noted that the issues between the Water Department and Trails Committee have not been resolved regarding trails on Water Department land. Water Superintendent Tom Orcutt said the Water Department cannot grant public access on its land under Public Water Supply Regulations.

Town Planner Michelle Collette said a waiver of Section 381-K Open Space and Trail Signage is required if there will be no public access.

Bruce Easom asked if there was an old, historic schoolhouse on the property. Attorney Collins said there is no evidence of a schoolhouse on this land. There may have been one on the other side of Lowell Road.

The Board voted unanimously to close the public hearing.

PUBLIC HEARING – SPECIAL PERMIT/SITE PLAN REVIEW, PCM REALTY, 120 BOSTON ROAD

Chairman Giger called to order the continuation of the public hearing to consider the PC Myette application for site plan approval of the proposed medical office building. Applicants Peter and Andrea Myette, Attorney Robert Antcil, design engineer Stan Dillis, architect John Cocker, landscape architect Lorayne Black, traffic engineer Kenneth Cramb, real estate broker John Amaral, lighting engineer Paul Morris, and abutter Dorothy Janes were present. The Board's consulting engineers Tim McGivern of Nitsch Engineering and Gary Hebert of Fay, Spofford & Thorndike (FST) were also present.

Chairman Giger entered the following documents into the record:

- Letter dated October 11, 2013 from Ducharme & Dillis Civil Design Group
- Nitsch Report dated September 16, 2013
- Fire Chief's comments dated October 10, 2013
- Stormwater Advisory Committee public hearing notice dated October 22, 2013
- Conservation Commission public hearing notice dated October 22, 2013
- Nitsch Report dated October 23, 2013
- Letter dated October 17, 2013 from Attorney Robert Anctil with Access Agreement
- Letter dated October 17, 2013 from Attorney Robert Anctil with Project Analysis
- Letter dated October 22, 2013 from Landscape Architect Lorayne Black
- Letter dated October 3, 2013 from abutter Dorothy Janes
- FST Report dated September 27, 2013
- Landscape architect plan prepared by Lorayne Black dated October 1, 2013
- Architectural elevations prepared by Mauge Associates dated October 9, 2013

Attorney Anctil introduced the developer's team including architect John Cocker from Mauge Associates, landscape architect Lorayne Black, and design engineer Stan Dillis.

Mr. Cocker of Mauge Associates presented the architectural elevations which included the addition of vertical elements and dormers. Two views were presented in the modeling program showing site landscaping.

Member Barringer asked if the view is of the south side of the site. Mr. Cocker said, "yes."

Member Burke asked about the materials to be used. Mr. Cocker said the building will have fiber-cement clapboards with brisk accent. The roof will have asphalt shingles with a roof truss to shield equipment.

Ms. Black presented minor changes to the landscaping plan including the addition of a large island and a relocation of the wetlands replication area in response to the comments from Nitsch Engineering.

Member Parent asked if the entrance to the site would have two or three lanes. Mr. Dillis said they are still working out details about the curb cut with MassDOT, but the plan shows a two-lane entrance. Mr. Dillis said the changes to the plan include the addition of the landscape island, the sidewalk on Route 119, changes to stormwater management for water quality to Cady Pond Brook, and no work on the abutting property.

Member Barringer asked if a guardrail would be installed on the southern corner of the site. Mr. Dillis said, "no," they will raise the elevation of the retaining wall in this location. He said a cross-section and grading plan is shown on the plan.

Member Parent asked about the MassDOT permit. Mr. Dillis said they submitted the modified curb cut plan. There are issues with the access and not infringing on the easement on abutting land that must be resolved. Mr. Dillis said the easement on the abutting property is not being used with the latest plan. Vegetation will be added to separate the two entrances.

(Member Perkins arrived.)

Mr. Amaral said they are working with MassDOT on two options to access the site and requested that the applicant's traffic engineer address the matter.

Mr. Cramb of Bayside Engineering said the latest plan shows a 12 ft wide lane entrance and 12 ft wide exit from the site. MassDOT will permit only one curb cut. The sight distances will be improved by

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clearing vegetation as detailed in the License Agreement with the Board of Selectmen. A new sidewalk along Route 119 will be provided.

The Board's traffic engineer, Gary Hebert of FST, asked if the curb cut would remain open as shown on the plan. Mr. Cramb said a white line will be painted on the edge of the road. The applicant cannot preclude the abutter from accessing her site.

Mr. Morris of RAB Lighting, presented the lighting which shows 13 poles in the parking lot. The poles will have a height of 24 ft with LED lights. The photometric plan shows the lighting level in the parking lot and hours of operation.

Member Perkins asked if the lights would be shielded. Chairman Giger said there are cut sheets of the fixtures submitted with the plans.

The Board's civil engineer, Tim McGivern of Nitsch Engineering, presented his report dated October 23, 2013. He said most of the issues in the September 12, 2013 report have been addressed by the applicant. Mr. McGivern noted that a waiver of the number of parking spaces is needed – the by-law requires 135 spaces and 98 are shown on the plan. A waiver to allow only one curb cut is also required. Mr. McGivern noted that the stormwater management design must address water quality as well as water quantity. The proposed plan is a significant improvement over existing conditions. However, the redevelopment requirements refer to the site in its natural state, not to existing conditions. A construction sequencing plan has been submitted for clearing and grading, but without specific dates. The issue with tying into the existing water main in Route 119 must still be resolved with the Water Commissioners.

Chairman Giger said the applicant must submit a complete list of all the waivers that are being requested.

Mr. Dillis said they are coordinating the proposed tie-in to the water main with the Water Commissioners. Hours of operation will be submitted to the Planning Board. The outstanding curb cut issues will be addressed with MassDOT.

Chairman Giger said the issue of the new fire hydrants and emergency vehicle access to the rear of the site must be resolved with the Fire Chief. Mr. Dillis said the location of the hydrants is shown on the plan and fire flow tests will be conducted.

Chairman Giger said he prefers vertical granite curbing rather than Cape Cod berms to prevent vehicles from driving into the building. Mr. Dillis said a 6" reveal at the edge of the parking lot should be adequate.

Mr. Hebert of FST presented his report dated September 26, 2013. He said he just received the modified plan with the sidewalk added as requested by the Planning Board. He reminded the applicant that all sidewalks must comply with the Americans with Disabilities Act and Architectural Access Board regulations. He stated that the applicant did his best to maximize sight distances. Mr. Hebert said he has real issues about the proposed curb cut causing confusion. He said he preferred the access as shown on the original plan. He urged the applicant to continue to work on a resolution with MassDOT so there is one clear curb cut.

Chairman Giger opened the hearing to comments from the public. He noted that matters relative to the shared sewage disposal system are in litigation and will not be discussed at this public hearing.

Abutter Dorothy Janes said the traffic study prepared by the applicant's engineer was not responsive to the concerns of the abutters. Her business is open from 10 AM to 4 PM. She said the Zoning By-law

requires that a parking lot with more than 10 spaces have two means of access. She said her site plan was held to all the requirements without any waivers. She requested that FST do a traffic count at her garage and front door. She said noise from traffic will cause additional disturbance. The proposed project will triple the size of the building, violate wetlands and conservation land, and cause harm to the abutters by raising the existing grade at the site. Ms. Janes said water will flow from the Myette site onto her property and cause flooding. She said the medical office building is too large. Chairman Giger reviewed the list of outstanding items including:

- An application for a Sign Permit must be submitted to the Planning Board
- The connection to Town water must be resolved with the Water Department
- The type of curbing around the parking lot must be resolved
- The curb cut on Route 119 must be resolved with MassDOT
- A loading area for deliveries must be shown on the plan
- A complete list of requested waivers must be submitted by the applicant
- Stormwater runoff into Cady Pond Brook must be resolved
- Electric service to the Janes property post construction must be addressed

The Board voted unanimously to continue the public hearing on November 21, 2013 at 7:30 PM.

OTHER BUSINESS:

Monarch Path Blasting – The Fire Chief has issued the blasting permit for Lot 8 in the Monarch Path subdivision. The applicant notified abutters as required in the Planning Board’s definitive plan modification. Conservation Commission member Bruce Easom expressed concern about the blasting on the vernal pool on the abutting property.

Academy Hill Update – The Board received a report from its structural engineer, Val Prest of Groton Engineering, regarding progress on the repairs to the Box culvert in the Academy Hill subdivision. The Board also received a complaint from a resident about lack of enough street lights in the subdivision. The motion was made by Wilson, seconded by Barringer, to send a letter to the developer regarding the resident’s concerns about installation of street lights in the subdivision. The motion passed unanimously.

Minutes – The Board voted unanimously to approve the minutes of September 12, 2013.

Boynton Meadows – Board members expressed concern about the intensity of lighting at the Boynton Meadows development and about the lack of a handrail at the front steps. The motion was made by Barringer, seconded by Parent, to send a letter to the developer requesting that he reduce the intensity of lighting at the site and to send a request to the Building Commission and Historic Districts Commission that a railing be installed at the front steps. The motion passed unanimously.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner