

**PLANNING BOARD
DECEMBER 5, 2013
MINUTES**

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

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

Members absent: Burke

SPECIAL PERMIT DECISION – CHAMBERLAIN MILLS FLEXIBLE DEVELOPMENT

The Planning Board reviewed and edited the draft special permit decision for the Chamberlain Mills subdivision. Applicant Robert Kiley and Attorney Robert Collins were present.

The motion was made by Barringer, seconded by Wilson, to GRANT a special permit to High Oaks Realty Trust for 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 – Chamberlain Mills, (Sheets 1-8)" prepared by Ducharme & Dillis Civil Design Group, Inc., dated April 25, 2013, revised September 4, 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.

Findings:

The Planning Board made the following findings:

1. **Social, economic and community needs:** The proposed Flexible Development plan (Sheets 5 & 6) with eight new lots results in less disturbance to the neighborhood and surrounding woodlands than nine conventional, two-acre lots on 26 acres as shown on the conventional plan (Sheets 3 & 4). The proposed 13.9 acres of open space on the Flexible Development plan will provide additional protection in Zone II of the Town of Groton existing and potential public water supply wells.
2. **Traffic flow and safety:** The proposed special permit plan will have access on Schoolhouse Road rather than Lowell Road. The subdivision will generate an increase in traffic of ½ of 1% according to traffic counts provided by the Montachusett Regional Planning Commission. The subdivision road will be located where sight distances on Schoolhouse Road exceed sight distance requirements in the Subdivision Regulations. Therefore, the proposed subdivision will not have a negative impact on traffic safety.
3. **Adequacy of utilities:** Utilities will be provided with on-site sewage disposal systems and public water. Other utilities are available to serve the proposed lots.
4. **Neighborhood character:** The neighborhood character will be not be impacted by the proposed residential use.
5. **Impacts on the environment:** Clustering the lots will result in less environmental impact because there will be less disturbance to the land. Less roadway and impervious surface will be required, and less stormwater runoff will be generated. The house sites are located in the front of the lots on the gentler slopes. The steeper slopes are in the undisturbed area at the rear of the lots and on the open space parcel. The open space parcel will protect the Zone II of the public water supply.

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.

Waivers:

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.
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.
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 218-26F(1) requires lots with reduced area or frontage shall not have frontage on a street other than a street created by the Flexible Development. Lot 2, with the existing house, has frontage on Lowell Road and Schoolhouse Road and 67,974 SF area.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

Conditions

1. The developer has marked specimen trees with a caliper greater than 10" on the property. The trees shall be shown on the definitive plan. The "trees to be saved" shall be delineated on the definitive plan.

2. The proposed limit of clearing shall be shown on the definitive plan and clearly delineated in the field.
3. The developer shall submit an application for a special permit for the shared driveway serving Lots 7, 8 and 9 when the definitive plan is submitted.
4. The deeds for the individual lots shall contain notice that a portion of the premises lies within the Zone II associated with the municipal well; that no use shall be made on the premises which is prohibited in Section 218-30 Water Resource Protection Districts; and that the portion of the premises lying outside the limit of disturbance shown on the plan shall remain in a natural state (see letter dated September 25, 2013 from Attorney Robert Collins).
5. As offered by the Applicant, the 13.9 acre open space parcel shall be deeded to the Town to be managed by the Water Department by a Deed in Trust with Restrictions (see letter dated September 25, 2013 from Attorney Robert Collins).. The Groton Water Department shall manage the property in accordance with the then current requirements of 310 CMR 22 Drinking Water. The deed for the open space must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Commissioner prior to the release of any lots from the covenant.
6. This special permit shall lapse in 24 months (from the date the decision is filed with the Town Clerk and the 20-day appeal period expires), 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 endorsed definitive plan shall constitute commencement of substantial use.
7. 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 runs with the land and applies to any successor in interest or successor in control.

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

ROCKY HILL ANR PLAN & LOT RELEASES

ANR Plan - The Board considered the Approval Not Required plan submitted by Fox Meadow Realty Trust to adjust lot lines in the Rocky Hill subdivision. Attorney Collins presented the plan to combine Lots 17 and 18 and into one lot. A new Lot 18A is also shown on the plan.

The motion was made by Wilson, seconded by Barringer to endorse as Approval Not Required the plan entitled, "Plan of Land for Rocky Hill Subdivision in Groton, Mass.," Prepared by R. Wilson Associates, dated July 26, 2013. The motion passed unanimously.

Lot Releases - The motion was made by Wilson, seconded by Barringer, to release Lot 13B on Cardinal Lane and Lot 18 on Robin Hill Road. The motion passed unanimously.

PUBLIC HEARING- PCM REALTY TRUST SIGN PERMIT APPLICATION

Chairman Giger called to order the continuation of the public hearings for the Sign Permit. Applicants Peter and Andrea Myette, Attorney Robert Ancil, design engineer Stan Dillis, real estate broker John Amaral, abutter Dorothy Janes, and Douglas Hartnett of Highpoint Engineering (on behalf of Janes) were present.

Attorney Ancil presented the application for a Special and Unique Sign under the provisions of Section 196-8 of the Sign By-Law. Attorney Ancil said the lighting on the sign will be operational one hour before and one hour after the medical offices open.

Chairman Giger asked about the size of the proposed sign. Mr. Amaral said it would be 40 SF rather than 20 SF. The larger sign is needed for patients and ambulances. Pediatrics West will be moving into the building.

Member Parent asked if there would be any other tenants. Mr. Amaral said there may be other medical uses.

Member Svarczkopf said the dimensions on the plan show a sign that is 12 ft wide, 8 ft tall, and 4 ft thick. The sign will be 96 SF. Mr. Amaral said the dimensions on the plan include the brick masonry base that ties in with the building. The actual sign is 40 SF.

Member Svarczkopf asked about the size of the signs at the Emerson medical office building. He also said the applicant should look at whether the sign will block sight distance on Boston Road.

Member Barringer asked where the sign would be located. Mr. Amaral said "on the lawn." Member Barringer said he liked the design of the sign, but it is too large. Mr. Amaral said the applicant will work with the Board and reduce the size of the sign. A new design will be presented at the continuation of the public hearing.

Abutter Dorothy Janes said the proposed sign would cover view of her building, showroom, and access to her business. She requested that the Planning Board consider the vision of her show room when considering the sign permit application.

The Board voted unanimously to continue the public hearing on January 9, 2014 at 8 PM.

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 Ancil, design engineer Stan Dillis, real estate broker John Amaral, abutter Dorothy Janes, and Douglas Hartnett of Highpoint Engineering (on behalf of Janes) were present.

Chairman Giger entered the following documents into the record:

- A photocopy of the Fairview Orchards site plan approval dated April 19, 1996
- An email message dated December 5, 2013 from Dorothy Janes
- Report dated December 4, 2013 from Nitsch Engineering
- Memorandum dated December 5, 2013 from the Groton Water Department
- Letter dated December 5, 2013 from Attorney Robert Ancil
- Letter dated November 21, 2013 from Attorney Robert Ancil
- Memorandum dated December 4, 2013 from the Groton Electric Light Department
- Construction Sequence (undated) from Pinnacle Construction
- Sign permit application
- Memorandum dated October 10, 2013 from the Fire Chief

- Memorandum dated November 27, 2013 from the Fire Chief
- Report from Ducharme & Dillis with cut and fill analysis
- Curbing modification plan dated November 25, 2013

Attorney Ancil said the only outstanding issue is the Fire Chief's request for a hydrant in the rear of the site. He requested that the Board close the public hearing with a condition that the applicant work with the Fire Chief on the location of the fire hydrants.

Member Barringer asked about the lighting plan and whether the lights would be left on all night. Attorney Ancil said only some of the lights in the parking lot would be left on overnight.

Member Parent asked if MassDOT had granted the permit for the curb cut. Mr. Amaral said they received verbal approval but not the written permit yet. Attorney Ancil said if the curb cut is on the easement on the abutting property, the applicant must obtain consent from the abutter to receive the MassDOT permit. The proposed curb cut, as shown on the plan, is on applicant's property. If they receive consent from Janes for the curb cut on the easement, the applicant will come back to the Planning Board to modify the plan. MassDOT has approved the proposed curb cut located entirely on the applicant's land.

Mr. Amaral added that they do not have the written approval yet and cannot begin work without it. The Board noted that receiving the MassDOT permit prior to the commencement of construction would be a condition of the special permit.

Member Svarczkopf asked about cut and fill on the site. Mr. Dillis said about 3900 cubic yards would be brought onto the site. Member Svarczkopf said the finished grade is about three (3) feet higher than existing grade which will change the view from Route 119.

Chairman Giger asked if the elevation of the site would be higher than Route 119. Mr. Dillis said, "yes," about two (2) feet.

Member Perkins asked about the curbing plan. Mr. Dillis said it would be sloped granite curbing rather than Cape Cod berms. Vertical granite curbing will be used at the entrance to the site.

Douglas Hartnett, of Highpoint Engineering, spoke on behalf of abutter Dorothy Janes. He said he just received the revised plans. He said the Janes access easement is encumbered by parking as shown on the reviewed plan. Changes to the existing easement must be negotiated between the parties. He also stated that he has issues with the drainage analysis because the new plan will pitch the land toward the Janes property resulting in a channelized flow along the property line. He said engineering alternative should be considered such as moving the wall away from the lot line.

Shane Grant, speaking on behalf of Dorothy Janes, said the 1996 Site Plan Approval for Fairview Orchards included a condition that the site plans for Lots 1 and 2 should be presented together. He asked why the proposed site plan did not include Lots 1 & 2. He submitted copies of the site Plan approvals dated April 17, 1996 and April 17, 2001.

Member Perkins noted that both site plan approvals resulted from a change of use in existing buildings, there was no new construction at the time.

Mr. Grant said Mr. Myette had an option to buy the second lot, but never did. Dorothy Janes purchased the lot in 2001. Ms. Janes asked that the applicant be held to the same standards that she was in 2001.

Chairman Giger responded that the same standards are in the by-law today, and the Board is holding the applicant to the same standards.

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Ms. Janes expressed concerns about the impact of the lighting from the Myette site on her property. She said there was a condition about lighting on her site plan in 2001. Member Svarczkopf reiterated that the applicant is being held to the same performance standards on lighting and all other site plan requirements. The Board received a photometric diagram prepared by a professional engineer demonstrating compliance with the requirements. The plans were reviewed by the Board's consulting engineer.

Ms. Janes said she has gone through obstacles and considerable expense to protect her property.

Chairman Giger said the Board appreciates her comments and concerns.

The Board voted unanimously to close the public hearing.

MINUTES

The Board voted to approve the minutes of September 26, 2013; October 3, 2013; and November 7, 2013.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner