

**PLANNING BOARD
MARCH 6, 2014
MINUTES**

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

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

PUBLIC HEARING – SPECIAL PERMIT, GELD SOLAR FACILITIES

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 the Groton Electric Light Department (GELD) for a Special Permit to construct a ground-mounted solar photovoltaic facility as shown on the plan entitled, “Site Plan, Nate Nutting Road, Groton, Massachusetts,” and “Site Plan, Sandy Pond Road, Groton, Massachusetts” prepared by Ducharme & Dillis Civil Design Group, dated January 20, 2014. The proposed facility will be located on property owned by the Town of Groton Electric Light Department, Assessors’ Map 236, Parcel 14, on the southerly side of Nate Nutting Road, and Map 119, Parcel 1-0, on the northerly side of Sandy Pond Road.

Chairman Giger called the public hearing to order. Clerk Svarczkopf read the notice posted with the Town Clerk on February 12, 2014 and published in the February 14 and 21, 2014 issues of *The Groton Herald*. GELD Manager Kevin Kelly, Attorney Robert Collins, and design engineer Stan Dillis of Ducharme & Dillis Civil Design Group were present.

Attorney Collins presented a history of GELD’s efforts to construct a solar photovoltaic facility on Nate Nutting Road. He said the Natural History and Endangered Species Program reviewed the project extensively. The NHESP decision resulted in the incorporation of both sites – Nate Nutting Road and Sandy Pond - to provide mitigation. Both sites are on land donated to the Town by Robert Lacombe and David Moulton as part of the Boston Road Marketplace/Rocky Hill developments. The sites contain a total of 27 acres with 11 acres to be occupied by the solar panels. The site is facing south and has good southerly exposure for the solar panels. The sale of electricity will provide additional green energy for GELD.

Mr. Dillis said a drainage area would be provided for the gravel access road. He submitted drainage calculations with the application.

Attorney Collins said the Boy Scouts own the abutting land and have used the cart path of GELD’s property as access.

Member Barringer asked about the vernal pool. Mr. Dillis said it is under the jurisdiction of the Wetlands Protection By-law but not the Wetlands Protection Act. The protected turtle lives in this area.

Member Barringer asked if the 100 ft buffer would be cleared. Attorney Collins said, “yes, to allow the sun to shine in this area.”

Member Barringer asked about the plan of GELD’s site on Lowell Road included in the application. Attorney Collins said this area provides additional mitigation for turtles.

Member Parent asked if any other structures would be constructed on Nate Nutting Road. Attorney Collins said GELD may construct a substation on this site in the future. It is shown on the plan for the Natural Heritage and Endangered Species Program.

Member Parent asked about the inverter shown on the plan. Mr. Kelly said it is a large metal box that converts Direct Current (DC) to Alternating Current (AC). The box will be the size of the transformer in rear of the Town Hall.

Member Burke asked if the solar arrays would be on rails. Mr. Dillis said, “yes,” the rails would be on posts driven into the ground.

Member Perkins asked about the future structure shown on the plan. Mr. Kelly said if there is future growth, the area will be used for transformers.

Member Perkins asked how the proposed project would impact the Boy Scouts. Attorney Collins said there would still be 600 ft of available frontage even after the substation is constructed in the future.

Member Burke asked about the area to be fenced around the transformers. Mr. Kelly said the area to be fenced would allow enough walking space on GELD’s property.

Member Burke asked who would operate the facility. Mr. Kelly said once GELD receives all the permits, it hopes to lease the land for a purchase power agreement with a third party.

Chairman Giger asked about the bond to remove the facility as required in Section 218-25.3B.1.13.3 Financial Surety. Attorney Collins said the contract between GELD and the third party operator would cover the financial surety issues.

Attorney Ray Lyons, representing the Sargent Youth Foundation, said the Boy Scouts do not own the abutting property, but the Scouts do use it regularly. He asked about lighting, noise, safety, and access. Mr. Dillis said a six-foot fence would be installed.

Attorney Lyons asked if the facility would be quiet at night when the Scouts are camping. Attorney Collins said, “yes.”

Attorney Collins said the existing cart road is used by the Scouts to access the Sargent Youth Foundation land. He said a walking path would not be adequate for Scout leaders’ vehicles.

Mr. Dillis said an area will be cleared for parking and access. Attorney Collins said the area would be "roughed in" by GELD and a new cart road could be created along the westerly property line to connect with the existing cart road. Attorney Lyons thanked the applicant.

Member Barringer asked about the width of Nate Nutting Road. Attorney Collins said the paved road is about 200 ft away from the site. The gravel road is 10-12 ft wide.

Member Barringer said the road must provide adequate access for emergency vehicles. Attorney Collins said the site is accessible by a small SUV and the road was sufficient for fire trucks when there was a fire on the Massachusetts Audubon Society's land in this area.

Member Barringer said the Board should ask public safety officials to review emergency vehicle access to the site. Attorney Collins said they would speak with the Fire Chief.

Member Barringer suggested using shared driveway standards to provide access for emergency vehicles.

Member Perkins asked about Nate Nutting Road being discontinued for use as a bridle path. Attorney Collins said the Town Meeting voted to discontinue the road in the 1970's and to reserve the right-of-way as a pathway. Adjoining landowners have the right to use the road to access their property. The road is not adequate for house lots, but GELD will only use the road once a month to inspect the solar facility.

Member Perkins asked who is responsible to maintain the road. Attorney Collins said GELD would work with the DPW. Mr. Kelly said GELD has to trim vegetation regularly, but it does not maintain roads.

Member Burke said the solar field is a utility – it is not a habitable structure.

Member Barringer said service personnel may have accidents and need an ambulance. He said the Board should wait to hear from the Fire Chief.

Attorney Lyons said the Sargent Youth Foundation appreciates GELD's offer to rough cut the roadway and would like to see as little improvements as possible.

Chairman Giger read comments from the DPW Director into the record.

Town Planner Michelle Collette asked if the Board wanted to send the drainage calculations to Nitsch Engineering for review. The Board determined that a peer review is not necessary because the ground cover would be grass. There would be little coverage other than the pilings.

The Board voted unanimously to continue the public hearing on March 20, 2014 at 7:30 PM.

PUBLIC HEARING – CHAMBERLAIN MILLS DEFINITIVE PLAN

The Board held the continuation of public hearing to consider the Chamberlains Mill definitive subdivision plan. 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.

The Board received a letter dated March 6, 2014 from Attorney Collins requesting waivers from the Subdivision Regulations and a report dated February 12, 2014.

Attorney Collins said he researched the title at the Registry of Deeds in response to concerns expressed by the Groton Historical Commission. The old schoolhouse in this area was the #9 Willard School located in the intersection of Lowell Road and School House Road. Attorney Collins presented a plan showing the location of the schoolhouse which ceased being a school in 1896. The building was razed before 1930. The County changed the layout of Lowell Road (Route 40) in 1909, 1930 and 1932. There are three County layouts (1930, 1931, and 1932) of Route 40 from Groton Center to the Westford town line. The location of the former school is now under pavement. Attorney Collins said there are piles of bricks on the other side of Lowell Road on property formerly owned by the Gays. The bricks may be the remains of the old schoolhouse.

Chairman Giger asked Bob DeGroot and George Wheatley of the Groton Historical Commission (GHC) to respond. Former GHC member and archaeologist Michael Roberts was also present. Mr. DeGroot stated that the GHC is not at the hearing to cause trouble for the developer. He acknowledged that the former schoolhouse may well have been located in the intersection. However, there could be many artifacts on the Chamberlain Mill site. He said the GHC is asking for the opportunity to do a reconnaissance survey of the property prior to the commencement of development.

Mr. Roberts said that he is a Registered Professional Archaeologist and the information on the site could come from privies, wells, outbuildings, and walking paths. Groton once had 13 schoolhouses and many have been destroyed by development. In addition to having the opportunity to do the reconnaissance survey, permission to install interpretive signage at the site would be appreciated.

Member Wilson asked how long the survey would take. Mr. Roberts said he would be able to start in two weeks, but he would have to wait until there is no snow cover. The process would take 2 to 2.5 months. A permit from the State Archaeologist is required.

Chairman Giger said this is very interesting information, but the Planning Board does not have a role in working out this disagreement. The Board has a statutory deadline and the historical issues cannot impede the Board's review of the definitive plan. He urged the two parties to get together and come up with a solution.

Attorney Collins said he would talk with the DPW director about putting signage at the intersection where the schoolhouse was located.

Mr. McGivern of Nitsch Engineering presented his peer review dated February 12, 2014. He said a cut and fill analysis is required and no earth removal should take place in Zone II. He also noted that sewage disposal systems in Zone II must meet Title Five requirements of 10,000 square feet for every bedroom (110 gpd). Town Planner Michelle Collette said the Board of Health did not submit any comments to date. She will follow up with the Board of Health to see if it has any concerns. Mr. McGivern presented the remaining items in his report.

Mr. Dillis submitted a response dated March 5, 2014 and said he would make the necessary revisions to the plan. Attorney Collins will update his waiver request.

Chairman Giger asked for comments from the public.

Abutter Bob Woodward asked why the entrance to the subdivision would be off Schoolhouse Road rather than Lowell Road. He said the intersection from Schoolhouse Road to the logging road on Lowell Road is more than 600 ft. Mr. Dillis said the logging road is 650 ft away from the intersection, but a subdivision road in this location would not meet the cut and fill requirements. In addition, it is also in the riverfront area of Martins Pond Brook. A subdivision road in this location would disturb more of the site and take away from the open space. Member Perkins asked Mr. Dillis to address the location of the subdivision road in writing. Mr. Dillis said it was part of the preliminary plan and special permit granted by the Planning Board.

Chairman Giger said the Board needs additional information on the outstanding engineering issues, an updated request for waivers, comments from the DPW Director and the Board of Health.

The Board voted unanimously to continue the public hearing on March 20, 2014 at 8 PM.

SITE PLAN REVIEW – NESSP, INC. TEMPLE, BOSTON ROAD

The Board considered the application for Level I Site Plan approval submitted by the New England Shirdi Sai Parivaan, Inc. (NESSP) to construct a temple, a four-unit apartment building, and an auditorium with a total of 60,781 SF (all buildings) as shown on the plan entitled, "NESSP, Inc.; Site Plan Review, Boston Road (Route 119), Groton, 719 Great Road, Littleton," prepared by Markey & Rubin, dated February 21, 2014. The proposed temple will be located at Assessors' Map 253, Parcels 23, 24.1, and 25, on the easterly side of Boston Road.

NESSP Board Members Mahender Singh, President; Baskaran Narasimhan, Treasurer; Ramakanth Chella, Treasurer; Sandeep Kaushik, Surya Kodukula, Srinivas Jidge, and Venu Pedda were present. Attorney Benjamin Tyman of Greenberg Traurig, design engineer Ian Rubin of Markey & Rubin, Architect BD Nayak of BD Nayak Architects and Planners, contractor Michael Vaccaro, and landowner Matt Field were also in attendance.

Mr. Rubin presented the site plan for a total of 60,000 SF total in all buildings including the temple, auditorium and four-unit apartment building on property located at the Groton-Littleton town line. He described the access road that will have a loop configuration with the entrance/exit on Route 119 in Littleton. The parking lots will be porous pavement to reduce stormwater runoff. Retention basins will be constructed as shown on the plan. There are bordering vegetated wetlands and certified vernal pool on the site. The plan minimizes work in the buffer zone with the exception of the retention basin near the entrance to the site. The utilities for the project include an on-site well and sewage disposal system. The plans for the sewage disposal system have not been submitted to the Board of Health for review yet. The applicant is investigating extending public water from Groton or Littleton.

Architect BD Nayak presented the architectural elevations. The buildings will cover one acre of the 28 acre site. The natural trees will be preserved to provide a buffer for the neighbors. The temple will have two floors with 20,000 SF per floor. The height of the habitable section of the building is less than 35 ft. The area above 35 ft will provide natural light. The total height, including the uninhabitable steeples, will be around 104 ft with a 15-20 ft ornament on top.

Member Parent asked about lighting. Mr. Nayak said the lights will remain on until 10 PM. The photometric plan was prepared by a professional light engineer. Member Parent asked the applicant to submit the time lights will be on when the building is occupied and not occupied. Mr. Nayak said the applicant is sensitive to the concerns of the neighbors.

Member Burke added that Groton is a rural community and would encourage the lighting to be "dark sky" compliant. Attorney Nyman said they would address the Board's concerns about lighting.

Member Barringer said the light fixtures should be shielded so they shine downward. He asked about simultaneous use of the three structures. Mr. Singh said the worship services (on the second floor) are on Thursday evening beginning at 7 PM followed by a dinner (on the first floor). The congregants will leave between 9:30 and 10 PM. Approximately 500 people will attend Mass. Approximately 5-10 people will be at the site at other times.

Member Svarczkopf asked about activities in the auditorium. Mr. Singh said there will be cultural and scholarly events in the auditorium to be built in the future. Events at the auditorium will not be at the same time as events in the temple. He invited the Board to visit the site of the temple in Chelmsford.

Chairman Giger read comments from the Conservation Commission, the Fire Chief, the Building Commissioners, the DPW Director, the Water Department, and the Board of Health. Chairman Giger said the Board would like more information on the sight distances on Route 119 and a traffic study. Mr. Rubin said the sight distance is 500 ft in both directions and parking has been provided for 650 people. Chairman Giger said the Building Commissioner calculated building occupancy based upon the State Building Code for full occupancy and came up with a larger number. Mr. Rubin said the temple will not have more than 500 people for religious use and there will be no simultaneous functions. The Board asked Mr. Rubin to provide documentation.

Abutter John Bielefeld, 19 Ernies Drive, Littleton, asked about overflow parking and runoff from the parking lots. He said he is a ham radio operator and requested that the public address system have audio filtering. Mr. Nayak said the building is more than 150 ft from Mr. Bielefeld's house. The natural tree cover will buffer the sound.

Dennis McEvoy, 89 Stonebridge Way, asked what would happen to the remaining land in Littleton. Mr. Vaccaro said they did not know at the present time. The use of the land in Littleton would be determined in the future.

Mr. Bielefeld asked about grade changes. Mr. Vaccaro said the cut would be about 16 ft deep to remove ledge. Blasting will be required. Material will be removed to be processed and returned to the site. Mr. Rubin said about 5000 cubic yards will be removed and returned to the site. The cut and fill is balanced for development of the site.

Member Perkins asked about the porous pavement. Mr. Rubin described the porous pavement and subsurface structures that would be used to treat stormwater. There is adequate storage for stormwater and an Operating and Maintenance plan was submitted with the application. Member Burke asked if the system would meet DEP Stormwater Management requirements. Mr. Rubin said, "yes."

Chairman Giger noted that the 30-day deadline for the Level I Site Plan Review is March 26, 2014. He noted that the Board would need more time to review the additional information. Attorney Tymann said he would submit a letter to the Board to request an extension of the deadline.

The Board voted unanimously to continue the review of the site plan on March 20, 2014 at 8:30 PM.

Meeting adjourned at 10:15 PM.

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner