

## TOWN OF GROTON PLANNING BOARD

**March 28, 2019**  
**Meeting Minutes**

A meeting of the Planning Board was held on Thursday, March 28, 2019, at 7:00 p.m. in the second floor meeting room at Town Hall, 173 Main Street, Groton, MA 01450

### Members Present:

Mr. George Barringer, Chair (Arrived at 7:10 p.m.)  
Mr. Russell Burke, Vice Chair  
Mr. Scott Wilson, Member  
Ms. Carolyn Perkins, Member  
Ms. Annika Nilsson Ripps, Member  
Mr. Gus Widmayer, Member

### Members not Present:

Mr. Timothy M. Svarczkopf, Clerk

### Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

### **Public Hearing – Zoning By-Law Amendment for Short-Term Rentals (Select Board)**

(Note: Proposed Zoning Amendment was **Withdrawn** by the Select Board)

Mr. Burke assumed the role of Chair as Mr. Barringer had not yet arrived.

Mr. Burke noted that the agenda would be taken out of order.

### **General Business**

- Bertozzi Farm Estates – Update on Amelia Way

Mr. Burke said, in summary, they would be discussing a subdivision which was taken over by another party after the original developer fell onto some hard times. He further said it was discovered there was some unanticipated infiltration into the drainage system. Mr. Burke said a question was raised at the previous meeting as to whether the existing drainage system had the capacity to handle it or if the additional groundwater seepage was going to overburden the system.

Mr. Jared Gentilucci, P.E. indicated that Nitsch Engineering was the civil engineering consultant for the Town. He said they were working on Amelia Way for multiple years and during one of their site reviews, it was discovered there was some groundwater inflow into the drainage

system. He further said the design engineer reviewed it and looked at the actual flow rate entering the system which was 1/10 of a CFS.

Mr. Gentilucci said they looked at two things, to make sure the extra inflow would not impact the pipes and the detention basins. He further said the inflow was a negligible amount at less than a 1% impact on both the pipes and the detention basins.

Mr. Gentilucci commented that their recommendation would be to close out the item as it did not have any impact on the performance of the stormwater management system for the site.

Mr. Burke asked if there were any members of the Board who had questions or comments.

Mr. Widmayer asked if there were still a concern with the manhole that was paved over. Mr. Gentilucci replied it was still a concern and they were holding that against the bond to ensure it would be raised to grade.

Mr. Barringer, having arrived, took his seat as Chair and Mr. Burke returned to his seat as Vice Chair.

### **Discussion – Reedy Meadow Estates Drainage Issues - Update**

Mr. Burke stated that there had been an on-going issue with regard to stormwater. He further stated the Planning Board received plans for the remediation from the developer.

Mr. Burke commented the proposed solution involved land which was originally set aside for conservation and would require both Town Meeting approval as well as an act of the State Legislature to allow non-conservation use to occur.

Mr. Gentilucci stated that Nitsch Engineering reviewed the updated plans as well as the stormwater report and they felt the applicant proposed a number of improvements to deal with the flooding on Olivia Way. He said there was overflow at the west edge of the street and they were going to direct the overflow from the infiltration system at 9 Olivia Way into a detention basin. He noted there was a discrepancy regarding the size of the pipe and the applicant needed to confirm the size of the proposed pipe.

Mr. Burke asked what the elevation of the inverts would be that came out of the infiltration systems in relation to the basement floor level. Mr. Gentilucci replied the bottom of the chambers in the infiltration system was an elevation of 201.2 and then approximately 6" of stone below the chambers. He said the bottom of the footing at 10 Olivia Way was 204.8, pointing out the bottom of the infiltration system appeared to be below the bottom of the footing.

Mr. Burke said basically the groundwater itself had risen and surpassed everything.

Mr. Gentilucci said the applicant was proposing a 6" perimeter drain which was essentially a perforated pipe in a stone trench and along with that they were proposing a 40-millimeter poly barrier that was an impermeable liner which would go along the back side of 10 Olivia Way and it would be below grade so it would not be seen. He further said the intent of that was to block the groundwater from going up to the foundation of 10 Olivia Way and the drain would funnel the water over to the infiltration system.

Ms. Perkins asked how deep the barrier would be? Mr. Gentilucci replied the bottom was at 204' and the top was at 208' and it was totally below ground.

Ms. Perkins asked if the impermeable barriers were effective. Mr. Gentilucci replied they were effective and designed to be impermeable whereas they did not allow any water to go through them.

Mr. Barringer asked why it would not be wrapped further around 10 Olivia Way? Mr. Gentilucci replied it might be a good idea to do that.

Mr. Barringer commented that the perimeter drain appeared as though it was only 2' down from the surface grade. Mr. Gentilucci replied the elevations were 204.5 and 203.5 respectively. He said it was about 3' to 4' below grade.

Ms. Perkins commented when the water table was originally tested it was 12' below grade and asked where it was presently. Ms. Perkins asked if it had been tested recently. Mr. Gentilucci replied he did not know but said he felt it would be worthwhile to have it re-tested.

Mr. Burke asked if the plans were based on as-built. Mr. Gentilucci replied he believed they were based on as-built and not design information. Mr. Burke asked Mr. Gentilucci to confirm that. Mr. Tada replied in December Mr. Doug Lees prepared as-built plans.

Mr. Widmayer asked if the sump pump would remain in the basement of 10 Olivia Way even after the remediation. Mr. Gentilucci replied he believed it would and he felt the sump pump should remain there as a back-up.

Channing Lambert, 10 Olivia Way, stated that a sump pump pit already existed below the basement floor and had been there since the house was built.

Mr. Widmayer asked Mr. Gentilucci if anyone had ever encountered ledge during soil testing or construction, and if there were a map of the bedrock underneath the development. Mr. Gentilucci replied he had not seen a bedrock map and had not observed any ledge.

Ms. Perkins asked if the expectation was that the drainage pond area would not retain water over time but effectively drain and not be a standing pond for long periods of time. Mr. Gentilucci replied based on the stormwater calculations, there was an overflow and the berm wrapped around the entire basin. He said the overflow was at 203.7.

Mr. Burke asked Mr. Tada where the item stood with other town Boards and Committees. Mr. Tada replied the plans currently being assessed were submitted with a formal application to modify the stormwater permit which was submitted to the Stormwater Committee. He said there would be a joint meeting with the Conservation Commission the following Tuesday, April 2<sup>nd</sup>. He further replied the Stormwater Committee would review the plan in the context of a public hearing relative to a formal application to modify the stormwater permit.

Mr. Burke stated the Planning Board would also have to have a formal amendment to the definitive plan which had not yet been done. Mr. Tada said the applicant had not yet requested that from the Planning Board.

Mr. Tada said the Conservation Commission sent a letter to the developer, Mr. Peter Cricones, strongly encouraging him to come up with some thoughts on the other items which were alluded to. He added in order to make all of the suggested remediations possible, they needed to get an easement on the conservation land which would involve action at the Town Meeting as well as the State Legislature.

Mr. Tada indicated that Mr. Cricones was invited to attend the April 2<sup>nd</sup> Stormwater Committee meeting to share his ideas.

Ms. Sandra McNab, 5 Olivia Way, addressed the Board, and noted the development was a condominium association. She further pointed out that although they did not own the land, they had exclusive rights to use it.

Ms. McNab also expressed concern that there were no remediation plans mentioned for the flooding between 3 Olivia Way and 5 Olivia Way and did not want anything to be approved without that being part of the remediation. Mr. Barringer replied it would not be approved until it was addressed.

Mr. Burke commented the following was a punch list of items the Planning Board would like more information on:

- More information with regard to what the groundwater level was.
- Lots 3 and 5 had to be addressed.
- Lot 10 needed to be addressed.

Mr. Gentilucci pointed out they were also proposing to raise a portion of Olivia Way to help alleviate the drainage problem.

Mr. Barringer commented that Mr. Tada, representatives from the Conservation Commission and himself visited the Town of Pepperell Town Hall approximately one week prior to discuss the situation with them. He said it was important to realize that just over the town line, about 600 feet away from the condominium development, was the Town of Pepperell's main water department wells and the exclusions on those wells went directly up to the road which ran down to the Pepperell side of the subdivision. He further said there may have been a number of compounding factors that could have made it look like the water table was deeper than it actually was.

Mr. Barringer agreed that the groundwater table needed to be re-tested.

Mr. Gentilucci shared that he would be attending the Stormwater Committee meeting on the following Tuesday evening.

Mr. Lambert, 10 Olivia Way, commented that one of his concerns was, as they had already gone through a winter, that his property was significantly lower than that on the Pepperell side. He said he could see the path the water made as it ran to the lowest points of the property. He asked if it would make sense to have the grade brought up so the impact was not as drastic.

Ms. Nilsson Ripps commented that the survey was outdated and incomplete. She further commented she did not feel there was enough information for the Board to be discussing all of

the problems that were going on. Mr. Burke expressed agreement and said he felt the developer needed to augment the survey data.

Mr. Widmayer asked if the original developer were going to pay for the proposed remediations. Mr. Gentilucci replied that was correct.

Mr. Barringer asked who was in control of the condominium association at the present time. The owners of the condominiums seated in the audience replied it was the developer.

### **Discussion – Mockingbird Hill Road – Bond Reduction**

Mr. Widmayer recused himself from the discussion as he had hired Attorney Bob Collins to assist him with the approval process for the property at 240 Main Street. Mr. Widmayer took a seat in the audience section of the room.

Mr. Barringer commented the Planning Board was in receipt of a request from the developer of Mockingbird Hill Road, who was represented by Attorney Bob Collins, for a bond reduction request and approval of a draft tri-party agreement.

Ms. Perkins asked if the Board had anything from Nitsch Engineering that suggested they should reduce the bond. Mr. Tada replied he had been in touch with Zuki from Nitsch Engineering and he reviewed the report and the bond estimate in order for Mr. Dave Moulton, the developer, to put a cash bond in place for the work. He said the only outstanding question that Zuki had relative to the request was whether all of the electrical conduits that should have been installed, were installed. Mr. Tada stated that he had placed a few phone calls to Attorney Collins and the developer to get an update on the situation.

Mr. Tada stated there were two pieces to the request, one was to reduce the existing bond by \$6,000 for the street lights and a future request to allow him to take back his cash bond and replace it with a tri-party agreement.

Ms. Perkins asked if the tri-party agreement had to be reviewed by Town Counsel. Mr. Tada replied it was reviewed and approved by Town Counsel.

Mr. Tada confirmed that the amount of the bond estimate was for the installation of the lights themselves and not for the wiring.

Mr. Burke made a motion to approve the bond reduction request to \$132,865.74 subject to confirmation that the conduits, as shown on the plan, had been installed to the satisfaction of the consulting engineer. Mr. Wilson seconded the motion.

**VOTE: 5 – 0**

**MOTION CARRIED**

Mr. Widmayer returned to his seat as a voting member of the Planning Board.

### **Discussion – Municipal Vulnerability Preparedness (MVP) Grant**

Mr. Burke commented that he shared some material with the Sustainability Committee who are willing to support and participate in it. He said he would follow-up with Mr. Tada with regard to

putting together an application, pointing out the deadline to submit the application was May 3, 2019.

Mr. Burke indicated he would reach out to the Conservation Commission as well as the first responders in town and keep the Board updated.

### **Discussion – Regulation of Small Wireless Facilities (5G Wireless Network)**

Mr. Barringer stated that they had not yet received anything from the Massachusetts Municipal Lawyer's Association but was expecting them to write some draft regulations which they could use as a template for Groton's regulations.

### **Committee Updates**

- Master Plan Implementation Committee

Mr. Tada stated that the Master Plan Implementation Committee had met the previous evening and they were continuing their compilation of feedback and assessing whether goals that were laid out in the Master Plan had been achieved or were in process of being achieved or if there were no action on them. He said at their last meeting they discussed the open space and recreation portion of goals.

- Community Preservation Committee

Ms. Perkins reported the CPC had voted on the approval of the Housing Production Plan. She further reported they voted on the approval for some money for the library roof, but noted they did not have enough money to approve repairing the entire roof. Ms. Perkins said they also voted to give money towards the historic record storage and some money to repair Fitch's Bridge. She said the only item that did not get funded was refurbishing the track at the school.

- Complete Streets Committee

Mr. Barringer commented that the Complete Streets Committee had not yet met but would update the Board when they did.

### **General Business (Continued)**

- Housing Production Plan

Mr. Barringer indicated a scope of services and a memo of understanding were being negotiated between the Town and the MRPC to update the Housing Production Plan.

- ZBA Updates

Mr. Barringer commented there would be a Zoning Board Appeals public hearing on April 17, 2019, at 7:15 p.m. regarding the proposal which was pending for 240 Main Street.

Mr. Barringer noted that the Zoning Enforcement Officer sent a letter to the Bank of America regarding their ATM which was operating outside of the purview of a special permit and therefore, was against regulations. He said the letter kindly asked them to request a special permit to allow it to remain there.

- Approval of March 14, 2019, Meeting Minutes

Page 3 – “Mr. Barringer asked if they received a lighting plan. Mr. Tada replied they did.” was changed to “Mr. Barringer asked if the Planning Board received a lighting plan. Mr. Tada replied yes.” - Barringer

Ms. Perkins made a motion to approve the meeting minutes from March 14, 2019, as amended. Mr. Burke seconded the motion.

**VOTE: 5-0-1 (Abstained – Nilsson Ripps)  
MOTION CARRIED**

### **Planning Board Meeting Schedule**

2<sup>nd</sup> & 4<sup>th</sup> Thursday of the Month:

- April 11th
- April 25<sup>th</sup>
- April 29<sup>th</sup> – Spring Town Meeting

### **Adjournment**

Mr. Wilson made a motion to adjourn. Mr. Burke seconded the motion. The meeting was declared adjourned at 8:40 p.m.

Respectfully submitted,

Trish Gedziun  
Recording Secretary

*Approved 4/25/2019*