

BOARD OF SELECTMEN
APRIL 22, 2004
REGULAR SESSION MINUTES
“APPROVED”

The meeting was called to order at 6:30 p.m.

Present: Thomas D. Hartnett, Chair; George F. Dillon, Jr., Vice Chair; John L. Saball; Clerk; Peter S. Cunningham, Member; Administrative Officer Jean E. Kitchen and Maria Casey, Administrative Secretary.

*Absent: Virginia C. Wood, Member.

Mill Street Relocation/Discontinuance

Mr. Cunningham moved to open the hearing at 6:32 p.m. Seconded by Mr. Dillon. Unanimous vote. Mr. Cunningham read the legal notice as duly posted April 7, 2004, in the Lowell Sun and April 16, 2004, in the Groton Herald -- two successive weeks. Mr. Hartnett verified the notification of certified abutters as required by law, mailed to abutters “directly abutting the affected road in question.”

Mr. Hartnett recognized the Department Heads in attendance for either support or objection.

Highway Surveyor Tom Delaney was in attendance and supports the relocation/discontinuance as noted on the Plans (copy attached).

Police Chief Mulhern was in attendance and also supports the relocation/discontinuance as noted on the Plan and further added that this Plan would need the input of Mass Highway, as Route 119 is a state road.

Planning Board Member Josh Degen noted that the Planning Board hasn't taken a formal vote, however, noted that the applicant, Mr. Walker, had been before the Planning Board before with a plan and had withdrawn the plan without prejudice. He also noted that Planning Administrator Michelle Collette submitted a memo with all the back up and substantiating memos regarding this project.

*Virginia Wood arrived at 6:50 p.m.

Groton Electric Light Department Manager Steve Moulton was in attendance and also was in support of this project. He further noted that as of January 27th request of Fay, Spofford & Thorndike (FST) to remove an existing light pole and refeed Mill Street based on the recommendation. The cost to do the work is approximately \$11,453.

Water Department Superintendent Tom Orcutt was in attendance and noted that Mr. Walker has already met with them and has agreed to create a utility easement for water.

Sewer Commission Harlan Fitch was in attendance and noted that the applicant is required to have the requisite inspections and coordination through Pepperell.

Mr. Hartnett then continued with Abutter Recognition. Mr. Bruce Clements, 274 Boston Road stated that this plan seems to have a better alignment and questioned whether it is known what will be done with the land that is being discontinued?

Mary Durham, 210 Mill Street is a “near neighbor” concerned with the totality of this project. She stated that there are still many “not knows” and this is a concern. She stated her hope that this project receives due diligence with traffic studies, etc. She further stated that with the history of this area, she does not see a need or urgency to hurry this project through.

Planning Board member Carolyn Perkins inquired whether there is a summary of the final agreement on how this project is going to be managed and it's impact on Town's resources.

Mr. Hartnett replied that the Board of Selectmen (BOS) has Draft 4 of Memorandum of Understanding (Agreement) that Mr. Walker will be adhering to some of includes: \$100,000 cash for the future to build the traffic light; Mr. Walker will build the road; and \$10,000 for NEBS to relocate the driveway to the “White House” a/k/a Darling house to join Mill Street for which Mr. Hartnett and Dillon met with the NEBS Facility Vice President.

Harlan Fitch referenced his letter submitted for the hearing regarding turning lanes and retention basins.

Planning Administrator Michelle Collette noted that the design engineer is present and would perhaps be able to summarize the plan. She further noted that the present configuration of Mill Street today is extremely dangerous and this plan will make a significant improvement.

Engineer Mark Sleger of Land Tech Consultants noted that there is indeed storm water management to infiltrate the water back into the ground in the "island" section of the road. He stated that Mill Street is 22 feet wide. He had noted the relocation portion and the discontinued portion. The pavement width in and out of the complex is 43 feet wide with one lane in and one lane out with no turn delineations. He noted that Mass Highway is in favor of this design as proposed.

Carrie Kneeland, 13 Anthony Drive, submitted a letter of objection with the following summarized points: a) with the seven to eight cue line of cars being backed up on Mill Street, this will prevent residents of Anthony Drive from getting onto Mill Street; b) she questioned the retaining wall which should be at its height of 6 to 7 feet; c) the emergency entrance onto Anthony Drive in directly in front of her house per the recommendation of the Police and Fire Chief and the proposed entrances were supposed to be one on Mill Street and one on Main Street.

It was noted that the Fire Chief, who was not in attendance, submitted a memo regarding his support of this plan. Mr. Dillon concurred that the Fire Chief's memo is unclear.

Mr. Sleger noted that the entrance changes were made because they would not meet Planning Board Standards. There would be very little straight a way and then a sharp S-curve.

Mr. Degen clarified that the Planning Board did not hire FST however the ZBA did, and FST appeared before Planning Board to make recommendations. FST stated that either intersection plan would work. The Engineers must make their recommendations based on whichever proposal is before them at the time. He also added that the applicant (Mr. Walker) would have to do all of this noted \$600,000 worth of work anyway which is required. Mr. Degen stated that when the 40B project was before the Planning Board last year, they requested in excess of 10 waivers from subdivision regulations. He inquired if Mr. Walker would agree this evening to a reduction from 48 to 44 units, as the ZBA is not equipped to handle this "daunting process." And further that he'd like the "Agreement" to be revised to make the Planning Board part of the process, not as an advisory review.

Chief Mulhern stated that both of the engineering traffic consultants are two good reputable companies and he has worked with them both on other studies, as well as other projects. Chief Mulhern agrees with the Engineer's recommendations for this plan.

Mr. Dillon inquired how large the area in between the Mill Street proposed relocation and the discontinued road is. Mr. Sleger replied that it is 22,000 square feet, approximately ½ acre.

Attorney Douglas Deschenes spoke next. He represents Groton Residential Gardens and Ryan Development. The 40B project is on the north side and "Kelly's Lounge" land is going to be integrated onto the 40B project. The commercial building is some 4,000 square feet. Kelly's land parcel could be developed in some other fashion if they so choose. This plan has been reviewed by no less than four engineers including Jennifer Connolly, FST, LandTech and Mass Highway has reviewed and approved this. He further stated that this realignment, relocation wouldn't cost the Town anything. Regarding the traffic light study, the study has been completed and although the warrant proves that this road does not qualify for a traffic light, Mr. Walker has given the Town \$100,000 to build and install that light or to put the money to some future use that the Town deems necessary.

Mr. Hartnett inquired if Mr. Walker would consider reducing the number of units of units from 48 to 44 on the 40B proposal. Mr. Walker replied that it has been discussed in earnest and is on the table and he would give it consideration at the end of the hearing.

Mr. Stuart Schulman was in attendance and is the Chair of the Zoning Board of Appeals. He stated that part of the pro forma application is reviewing to see if the applicant could afford 44 units and make a profit and if so, they will recommend this; however they are making no commitment at this point.

Highway Surveyor Tom Delaney remarked that the traffic light project costs approximately \$1,000,000 not \$100,000 as previously stated and stated further that the Town will design the road but Mr. Walker is going to be responsible for building the road.

It was asked if Mr. Walker could make the road narrower versus wider. Mr. Sleger replied yes. It was additional discussed that the road could have the potential of 43 feet wide but keeping the pavement to 22 feet would be more advantageous.

Mr. Dillon asked Mr. Walker if he had received and reviewed "Draft 4" of the Agreement and would he be willing to sign it as it is. Mr. Walker replied yes.

Steve Moulton, speaking as a citizen, stated that even with a 43-foot road that would make it tough for truck drivers to make the swing

Planning Board Member Anna Eliot stated that the Planning Board does not have the findings and has no knowledge of what will be done with the island parcel.

Mr. Dillon stated that for the record a lot of the prior concerns have been addressed and incorporated into the "Agreement."

Mr. Saball stated that with the changes as proposed, it's important that we listen to the residents and how it's going to affect them. He has heard from numerous residents with numerous concerns such as truck traffic on Mill Street and with the changes how it will affect the stopping and starting of these trucks and the turning of these large vehicles, the dangerous S turns these trucks need to make at the other end of Mill Street. Mr. Saball agrees with that the T intersection is safer; however he would like the BOS to look at potentially diverting the truck traffic off Mill Street and felt that this would be the appropriate time to look at it.

Ms. Wood thanked the staff for putting together all of the documentation for this project. Ms. Wood further stated that her only concern is #6 on the Agreement, which states that "the final design of the commercial building shall be submitted to the Groton Planning Board for its advisory recommendation to the Zoning Board of Appeals prior to the issuance of any comprehensive permit." Ms. Wood stated her concern with the word "advisory." She inquired whether Mr. Walker would comply with the recommendations of the Planning Board or if he would consider it advisory.

Mr. Schulman assured Ms. Wood that the ZBA would be seeking and taking the advise of the Planning Board and incorporating that as part of the 40B project.

Mr. Cunningham stated that Mr. Saball had some good feedback regarding the trucks on Mill Street and echoes Michelle Collette's concern of this dangerous intersection as it presently is. Regarding Mr. Saball's comments, Mr. Cunningham felt that it is separate from the Mill Street Relocation/ Discontinuance; however he concurred that this issue needs to be reviewed. He further stated that this was a great opportunity for the Town to correct the road at no cost to the Town.

Mr. Cunningham moved to close the hearing at 7:46 p.m. Seconded by Ms. Wood. Unanimous vote.

Mr. Cunningham moved to approve the relocation of Mill Street by accepting as a Public Way the Parcel of Land shown as Parcel T ("Mill Street Relocation") on a Plan entitled "Definitive Subdivision Plan of Land, Mill Street, Groton, MA Prepared for: Ryan Development LLC", Scale: 1"=50' dated September 26, 2002, revised 11/7/02, 12/18/02, 2/4/03, 2/11/03 and 3/18/04, prepared for Land Tech Consultants, Inc. and further to discontinue as a Public Way those portions of Mill Street shown as Parcels Q, R, and S on said plan. Seconded by Ms. Wood. Unanimous vote.

Mr. Cunningham moved to sign the Development Agreement, Draft #4, dated April 22, 2004. Seconded by Mr. Dillon. Unanimous vote.

Ms. Wood moved to adjourn the meeting at 7:56p.m. Seconded by Mr. Dillon. Unanimous vote.

Approved: _____
John L. Saball, Clerk

Respectfully submitted,
Maria Casey,
Administrative Secretary

Date Approved: May 3, 2004

Attachments (1)
Definitive Subdivision Plan of Land a/k/a Mill Street Relocation/Discontinuance