

## Minutes Meeting of 10/17/01- Peterborough Oil, Wallens

Members Present: Cindy Maxwell, Shaun Sullivan, Bob Cadle, Stuart Schulman  
Chase Duffy

The Chairman convened the Peterborough Oil hearing.

Att. Collins gave a brief history of the project, noting that he has been before the ZBA and PB many times regarding this site. He said that the site has 270 feet of frontage and the existing parcel is 39,632 sq. ft. He said that although the parcel is zoned R-A, it has been used as a gas station since 1955. He said that the existing site is problematic: the building is dated and ugly and the site design is bad. Vehicles waiting for gas can block the site distance and can even be waiting partially in Rt. 119. He said that the lighting is too bright for an R-A district and believes that the new plan is an improvement. He noted that the proposed building is smaller than what is currently on-site and smaller than buildings from earlier proposals. He said that the building has been re-situated to the north to block lights from abutters and more landscaping will be provided which will frame the building with evergreens. Peterborough Oil has purchased the abutting property to create an additional cutting buffer to the rear of the lot, as well as more acreage for the site. He said that the new 1.5 story wood-frame building will be a major aesthetic improvement. He said that the new canopy will be approximately the same size as the existing canopy and will have gables which are similar to the building. He said that there will be state-of-the-art double wall tanks and a surface water drainage system. The entrance/egresses will be clearly delineated, something which is currently missing.

Att. Collins noted the need for the Board to determine the extent of the non-conformity and whether the proposal is detrimental to the neighborhood, etc. He said that what was an acceptable site layout for 1955 is not acceptable for 2001. He said that the number of fuel positions will remain the same but the layout will make for better access. He said that it would be a stretch to say that the proposal is more detrimental to the neighborhood. Att. Collins also mentioned a joint meeting with the Planning Board, which is a legal impossibility. He suggested that the Board conduct a site walk. He noted that all improvements are outside of the wetlands buffer zone.

The Chairman asked whether setbacks, etc. were changing.

Att. Collins said that the existing building is canted and noted that all setback requirements will be met.

Kevin Leverone, project engineer, noted that the existing canopy has a setback of two feet and the new canopy will have a setback of 22 feet. The existing building has a setback of 22 feet and the new building will have a setback of 76 feet. The new plan provides three two pump stations and the old has two three pump stations.

Mrs. Duffy felt that there was not an improvement in traffic safety.

Att. Collins said that the gas station area will be pulled back 50 feet so that there is more separation from 119 and Old Ayer Rd.

Discussion ensued regarding sight lines, etc.

Att. Collins said that he will obtain an updated letter from the Police Chief.

The Chairman asked about the height of the new canopy.

Mr. Leverone said that because of the gable roof the new canopy will seem two to four feet taller than a comparable flat-roofed canopy, and will be approximately 73 feet five inches long and 25 feet 9 inches wide. The existing canopy is narrower than the proposed canopy, which about 20 feet longer. The existing building is 1690 sq. ft. and the new building will be 1680 sq. ft.

Mr. Cadle noted that the extension of the business was substantial for an R-A neighborhood.

Att. Collins said that this was not so because the same number of filling points would be there and the repair bays would no longer be used.

The Board felt that there was a substantial expansion of the retail operation.

Att. Collins said that there would still be some storage space in the new building. He said that the building and operation were in character with the neighborhood.

Mr. Cadle felt that the change was extensive.

Ms. Maxwell noted that much more of the building would be used for retail.

Att. Collins said that vehicles used to be repaired on-site and noted that this was not a substantial increase.

Mr. Cadle noted that just because an operation occurred in the past does not mean that an entirely new and different operation can replace that use in the future, particularly in a district zoned R-A.

Att. Collins said that there is no rational no answer. He said that if he lived next door to the station, he would be happy with the new proposal. He said that he will provide the ZBA with a letter regarding the non-conformity issue.

Discussion ensued regarding whether the new wetland buffer requirements were met.

Att. Collins said that the no cut zone was definite, as was the repositioning of the entrance/egress.

He said that the use of the other land was open for discussion.

Mrs. Duffy asked what the value of the house to the right of the property was given that so much land was being taken away.

Att. Collins said that it is already there and the owners will buy with an awareness of what will happen next door.

Ms. Maxwell asked about parking.

Att. Collins said that the dumpsters will be enclosed and there will be parking in the front. He said that currently runoff sheets onto Rt. 119. He said that his client will demonstrate to the PB that runoff will be contained. He said that there will be grates installed to collect water by the entrance/egresses onto Rt. 119 and that there will be a pre-treatment for the gas traps. The State will also be involved because of the frontage onto Rt. 119.

Mrs. Duffy asked where the runoff goes now.

Mr. Leverone said that most drains onto Rt. 119 and some runs to the rear of the property untreated. He said that the entire site will be regraded and curbing will be added to the paved area. He said that there will be no storm water draining into the street because there will be two catchbasins by the entrances. The catchbasins will be hydrolically tied to the water treatment system which handles oils, sand, salt, silt, etc. The technical name for the drain system is Bay Savers.

Of note: there is no overlay district.

An abutter noted concern regarding aesthetics. He said that the proposal was more intrusive to the neighborhood because of the increased activity. He said that currently there is space for four cars and thus there is a 50% increase in pump activity, as well as increased activity at the convenience store. He said that lighting, hours of operation were issues as well.

Att. Collins said that there are six nozzles there now.

The abutter said that six cars cannot fit there now at the same time.

Att. Collins said that lighting is an issue of which there is very little control currently. He said that the number of parking spaces could be reduced and the hours of operation were negotiable.

Paula Weinberg, abutter to the rear was concerned about the activity due to the larger convenience store. She said that there are currently nine lines marked out and noted that only 1/3 of the store was used for retail, with 2/3 empty garage space.

The Chairman asked about a business plan.

Att. Collins said that he will present figures from similar locations at the next meeting.

John Hynes, abutter, noted that the increased activity will be dangerous because of the heavy traffic on Rt. 119. He asked whether more ZBA approval would be required if a Dunkin Donuts ended up there.

Mr. Weinberg said that the no cut zone was good but felt that the operation would appear much bigger. He said that more business equals more traffic. He expressed concern regarding the lighting, the noise to the rear of the building because of compressors, etc. He said that in the 1950's there was much less traffic and the operation was small. He said that the potential damage to wetlands was scary and suggested that a best-case scenario would be no gas station at all. He noted that perhaps the Conservation Commission would shoot down the project.

Gerry Gingras, abutter on Old Ayer Road, noted that when the project was approved in the 1950's there were 200-300 cars between 6 and 10 and now there are approximately 3000 during that time. He said that there is a public safety issue here. He said that money is being spent to make more money. He suggested a traffic light there, or a police presence.

Erica S. said that the convenience store will generate more interest a commutor time. She felt that the master plan should address an already bad traffic area.

Discussion ensued regarding one way entrance/egresses.

Camilla Blackman said that this has never been a permitted use for an R/A area, but is grandfathered because the operation was there when zoning took effect. She felt that this use was a complete change from the grandfathered use, which was for gas sales and car repairs only. She said that a large convenience store was unacceptable.

The Chairman reiterated the need for a business plan.

Liz Strand noted that the neighborhood was tenuous at present and that such a large expansion would make the area feel like a strip mall.

Mrs. Duffy agreed.

Arthur Blackman said that Groton does not want strip malls. He said that no increase in activity is appropriate and that the station should be torn down. He said that an increase in business reduces all property values around the neighborhood.

Chris Murphy said that this was an increase in non-conformity that the ZBA cannot okay. He asked whether renovation of the existing building would trigger a full ZBA review.

Discussion ensued with no final answer being made.

A site walk was scheduled for 11/3/01 at 9:00 am.

The hearing was continued to 11/7/01 at 8:30 pm.

The Chairman convened the Wallens hearing and continued the hearing to 11/7/01 at 8:00 pm, at the applicants request. The motion was seconded and passed unanimously.

The meeting adjourned at 10:15 pm.