

**Town of Groton**

**Zoning Board of Appeals**

173 Main Street

Groton, Massachusetts 01450

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June 7, 2023 - 6:30 PM - Second Floor Meeting Room

**Members Present and Voting for Public Hearing**

Bruce Easom, Chairman

Jay Prager, Full Member

Dan McLaughlin, Clerk, Full Member

Jack Petropoulos, Full Member

**Other Members in Attendance**

Russ Harris, Associate Member

Veronica O’Donnell, Associate Member

**Others Present**

John Amaral, Applicant

Leslie French, Applicant

Greg Roy, Civil Engineer

Rob Anctil

Chris Alphen

Jared Gentilucci, Nitsch Engineering Peer Reviewer

Members of the public

**The meeting was called to order at 6:45 PM by Chairman Easom and stated that the meeting was being recorded for later broad cast. There will be video and audio for viewing.**

**Chairman Easom read aloud the agenda for this meeting.**

Chairman Easom wanted to bring a few things to attention, including a comment from the Fire Chief, Steele McCurdy, comments from Nitsch on their peer review and additional comments from the Sustainability Commission and from the Invasive Species Committee. The applicant and their team believe they have seen them all, and also sent in a response to the Invasive Species Committee. Chairman Easom read the comment from the Fire Chief into the record, which regarded the site plans for this project and their approval of them. They did calculations on vehicle access and it was determined that they would be able to access all necessary turns. All in all, the Fire Chief approved of these plans based on fire-fighting purposes. It was agreed that there were no outstanding complications from the Fire Department regarding fire-fighting standpoints.

**This is Thomas Peisel’s first missed meeting.**

**Meeting Minutes**

**500 MG LLC - 500 Main St, The Groton Farms #2-23**

**Chairman Easom opened the public hearing. This is the fifth hearing in the process for this comprehensive permit.**

**John Amaral, the applicant, began this presentation with his Civil team, Greg Roy, with Dillis & Roy Civil Design Group:**

Grey Roy began the response to Nitsch’s peer review. The letter Mr. Roy was reading from will be sent in the coming days once it is finalized.

The first section that Mr. Roy focused on was the Zoning section of the review. First, he explained the waivers that they would be requesting. This included Chapter 196 (Signs), Chapter 215 (Wetlands) and Chapter 344 (Article III, Wetlands Protection Regulations). These were clarifications on specifics on what in Chapter 96 they were requesting waivers on. Mr. Roy went on to explain that they will ask for a “blanket” waiver for Chapter 215, relative to wetlands, and they will identify each different section of this, as well as Chapter 344, Wetlands Protection Regulations. This will all be explained in greater detail in a letter to come once it gets the approval through their team. Mr. Roy then explained further explanation on items that they planned on completing, where exceptions won’t be accepted. He explained that one of these was a regulation on a stipulation on depth of gravel below the sidewalks that they are proposing. These were originally proposed as six inches and they require eight inches, so they intend to revise the plan to meet this requirement. Another was pertaining to adding details to the plan, showing whether or not streets in the vicinity will be private or public and they also plan to add these to the plan. They will also be revising their plan to provide a cut fill analysis. In regards to this, Mr. Roy wanted to make note that the site is a net-import of material, so there is no exporting of material. Another section they will include in their plans will be adding in when the lights on the site will be in operation. Additionally, the plans will be revised to include the labels for the use of two infiltration basins during construction for sediment and erosion control. However, they do not intend to use the wet basin for erosion control, so they will be doing more revision to add more erosion control features on their plans, which are to be determined at this moment in time.

Chairman Easom asked if that when they create these basins, will they be excavating them to a depth of 12in above the final depth or will they be taking out 12in of additional material and Mr. Roy answered this by explaining that they would stipulate that they would be under-excavated, so they would not be excavated to the final elevation until after construction.

Mr. Roy finally went on to explain that they will be including an erosion control barrier and construction entrance details on their plans.

Greg Roy continued his presentation with his response to Nitsch’s Stormwater review from May 31st, 2023. Applicant John Amaral said that they don’t necessarily have all of the details at this moment, but him and his team appreciate being able to present what they have gotten so far. However, for the next meeting there will be much more information where most of this information presented at this meeting will be explained in greater detail. Along with this, the plan should be updated by this point as well. Mr. Roy mentioned that the first two bullet points in the Stormwater review was regarding stormwater management standards and regulations. The first was relating to where you can or cannot propose an infiltrative stormwater management BMP. The stormwater regulations stipulate that recharge infiltration rates for recharge systems must be less than 2.4in per hour, which is atypical. Because they have rates in excess of this, they will be requesting a waiver. The next section Mr. Roy brought up was how that at least 80% of the TSS must be removed prior to discharge to an infiltration structure if the discharged is within an area with rapid infiltration rate greater than 2.4in per hour. The state standard for this is 44%, which they do meet. In order get to an 80% TSS removal prior to recharge, this would require excess stormwater structures that are more work to maintain and operate. In this case, as mentioned before, even if they did nothing, it would still improve the site because they are reducing the impervious area by over an acre, so they are proposing to use the state standard of 44% TSS removal prior to recharge. Mr. Roy did mention that they will get the 80% TSS when you look at off-site runoff. (TSS = Total Suspended Solids) This will be another waiver request they will be requesting.

Mr. Roy went on to the section that related to the stormwater infiltration area designs and how these require a groundwater mounding analysis and they will be doing this and providing it. Mr. Roy explained that another waiver that they will be requesting will be for the curve number volumes, which are related to land cover. This is a waiver they often request, even on subdivision projects. These curve numbers allow you to understand the good, fair and poor conditions of the land. An additional waiver will also be the type of piping that is used. The regulations require that the pipes are twelve inches in diameter. In relation to this, they plan to use a HDPE pipe. He noted that this will be a privately owned project and they have found the HDPE pipe now-a-days is fairly common and durable to use in the long term. Member Prager wanted clarification about the CN values and how it would affect the stormwater runoff. Mr. Roy didn’t have an exact answer yet but believed that regulation required that you essentially switch the way a site is modelled and it assumes that there is a degradation of the areas post construction and this will be a site that is well managed so it should be a conservative result for this. They are reducing the amount of run-off significantly (compared to the existing site) and even being modeled this way, it should be an improvement. Mr. Prager asked about the landscaping crew and if there was a bylaw to ensure this would be a part of the conditions of their approval to make sure it continues to be maintained. John Amaral mentioned that since this is a rental project, it will be geared toward maintaining high occupancy rather than an ownership property where they are reliant on individual owners. Being a rental property, the goal is to maintain the landscaping and common areas to encourage renters to stay or rent from them. Mr. Prager further asked if the conditions were to become poor, what would this impact be. Mr. Roy said that they will run this analysis, but does not think this will become an issue. Mr. Roy went on to say that one of the discussions with the abutters have been about off-site runoff and making sure there was not a big impact with this. Mr. Alphen also mentioned that these would be the sort of conditions on if and when this gets approved, and if there is ever a violation, they are in violation of the decision and the Building Commissioner would then step in to oversee this.

Greg Roy continued his presentation with general comments on Nitsch’s responses. This included minor things that were accidentally overlooked when submitting their application, such as checking off some boxes on the checklist for certain items that should or should not actually be checked off. Another item that was included in this was a SWPPP, which is a Stormwater Pollution Prevention Plan, and this will be prepared following approval (and prior to construction) and it will be submitted for review. The plans will also be revised to include the grading for the sediment forebays, which will include their overflow elevations. Calculations will also be added to the plans that will include the forebay sizing and volumes.

Finally, a couple general comments that Dillis and Roy had in regards to Nitsch’s review was how Nitsch recommended that the drain pipes be a minimum or .5%, since some of the proposed pipes were less than .5%. Mr. Roy explained that several pipes were 12 inches in diameter and that these would be less than .5%. It is not possible to get these at the minimum .5% because the flushing velocity on a 12 inch pipe need to be 3 feet per second, and a 12 inch pipes equal a 1/2% slope. They will adjust these to half a percent slope. There is one 24-inch pipe that runs from the proposed wet basin to the existing pipe to the parking lot, and it also needs to be at a lesser slope. Other than these, the rest will be at the minimum slope. Chairman Easom asked if this velocity was based on half-filled or filled pipe and Mr. Roy said it was 80% full. Lastly, there was a recommendation for the pool of water, and that there should be a fence for safety concerns. Dills and Roy will be revising the plans to propose a wide bench above the permanent pool of water to remove the necessity of fencing around the permitter of the basin. This will be designed like this because they are planning for this wet basin to be a water feature on the site since it is located near the rest of the amenities. While it is at a minimum slope, they are dedicated to ensuring it is a safe site. Chairman Easom asked if they plan to keep these free of cattails and it was agreed that this was the intention. Mr. Amaral said that their plan was to have all of these comments addressed in greater detail, to be sent to those necessary. It was requested that the peer reviewers and the applicants work off of one document so that it would be easier to see the responses in one location, with the letter just getting added on to as things are discussed and agreed upon. The applicants and peer reviewer agreed that they would work together to accomplish this.

**Discussion:**

**Chairman Easom opened the floor for Nitsch Engineer Jared** **Gentilucci and the Board to provide any comments and questions.**

Mr. Gentilucci wanted to comment that the CN values per the stormwater bylaw, good versus poor, the bylaw requires you to use the poor values and it is also required for both the existing site and the proposed site. So, going back to the question of seeing an impact on these CN values, he also agrees there should not be a huge impact. In regards from now to poor, because there is such a large reduction in impervious area, either way the system should function much better than it does today, with much less runoff from the site and lower peak rates and recharge. For comments on the larger pipes, it will be fine as long as they meet the minimum velocity. Lastly, he wanted to mention that the fencing for the wet basin was more of a recommendation as well.

Associate Member O’Donnell asked if the wet basin water feature would be designed to not turn into a wetland and if there was a plan on how they plan to maintain it to avoid this. Mr. Roy did put an O&M Plan on the record, which addresses not only this but also the other similar areas on the site.

**Chairman Easom opened the floor for public comment:**

Michelle Collette mentioned that it is required, as of May 15th, that cut and fill should be tested on any hazardous material or contaminated that might be contained in the fill and making sure that it comes from a clean source and that it is tested and submitted to the ZBA. Ms. Collette also said that the Stormwater Committee met the previous night and they agreed with Nitsch Engineers recommendations. They did have a couple of exceptions, however, and one of those has already been addressed, which was the checklist that should say it is a “redevelopment”. The other comment in regards to Nitsch’s review was in regards to TSS removal, stating that it is important when it comes to water quality. The request from the committee was that the ZBA not request the waiver for this, mentioning that the 80% TSS removal is there for the purpose of water quality and functionality, which could eventually help or damage the system depending on the amount of certain TSS. Michelle Collette also mentioned that dust control is also essential, noting that it could cause a multitude of public and safety concerns. She also mentioned that the O&M Plan is a critical document to ensure long term maintenance of the stormwater system. Ms. Collette further went on to explain that if the applicants did get a stormwater permit, that they should send reports every two weeks detailing construction activity. One final recommendation that Michelle Collette had was to ensure that the wet basin water feature is well-protected to prevent any accidents. Mr. Anctil asked if she agreed with the proposal for the redevelopment project and it was voted within the committee that it was agreed upon with them that is was what the ZBA agreed upon. Mr. Amaral wanted to make it clear that while this will be a “redevelopment” project, they will not be relying on the redevelopment standards and they will be treating this as a new development and using those standards.

Chariman Easom asked about the 80% TSS that Ms. Collette brought up and how there was uncertainty on how much is actually necessary. Mr. Amaral said that him and his team will need to review this letter in greater detail, but said that they are meeting state requirements. The initial reaction is that they intend to keep this in their plan as designed, as it does meet state standards and it is effective. Mr. Roy said that the state standard was that they meet 44% TSS removal reduction prior to infiltration in rapidly occurring soil or when in a critical area. The Memo from Ms. Collette is on the ZBA webpage. Mr. Amaral continued on to explain that they agree with the testing of any soil, so this will be one of the practices that they agree on.

Member Petropoulos asked what the intention for the retention basin was and Mr. Roy answered this by explaining that they intended to design this with side walls and having those above and below the water level so that it is safe. Mr. Amaral did note that they will take in to consideration public comments and concerns about this as well, since they do want to ensure the site is safe for everyone.

Member McLaughlin asked about the follow up on the O&M Plans and Ms. Collette explained that this is an enforcement of the conditions of the permit and applies to all interested successors and all successors in control. This will be enforced by the building commissioner and if there was a condition not being followed from a certain Board, such as a condition from the Stormwater Committee, that Board would then be the enforcer.

Chris Alphen asked for the Board’s permission to send the applicants a draft of proposed conditions that they might agree on and the applicants agreed.

John Amaral mentioned that the Traffic Engineer, Ken Cram, will have his responses sent by the following week.

Chairman Easom brought up that the public hearing process of this application was approaching the end and wanted to let the public know that if they had any comments regarding this project, to get anything they want to say to the ZBA soon before the public hearing process closes. This will have to be brought to the meeting and said at the meeting, or it should be sent through email. A note should be put in the Groton Herald to notify the public about this as well.

Member Petropoulos mentioned that the ZBA webpage is a good location to find any information regarding this project and to use this resource as they need to.

Mr. Amaral said that they have neighbors that usually attend the meetings and that they have had separate meetings with, and will continue to have meetings with, regarding certain concerns, such as trespassers. Due to this, Mr. Amaral asked that, in order to discuss further solutions with these neighbors and to have more response from peer reviewers, for the next meeting to be held on June 28th.

There was brief discussion about the next meeting date and it was agreed upon with the Zoning Board of Appeal members and the applicants that June 28th, 2023 would be a reasonable time for this.

***Member Prager made a motion to continue this public hearing to the 28th of June, 2023. Member Petropoulos seconded this motion and it was carried unanimously via roll call vote.***

Member Prager asked what was left in the public hearing process to go over and if there was any major topics to still go over. Mr. Amaral answered this by explaining that he believes the important focus would now be on getting the final agreement on the traffic, civil and zoning peer reviews and then getting into the waivers and getting an agreement on those. In relation to this, Mr. Alphen asked if there were any letters from the sewer and water departments and while they haven’t received one yet, the applicants have been in constant communication via meetings with these departments and the hope is that they will have an agreement soon with both of them. They have also been in communication with the town about a grant regarding a new water line running up Taylor Street through this project to provide the looped system. They will also be providing capital contribution towards this as well. Mr. Alphen also asked if there was a recent letter from the Conservation Commission and Mr. Easom said that an updated one has not been sent but in their only letter, the Conservation Commission did not have anything note-worthy of concern. Another comment Mr. Alphen recommended is that the ZBA may want to consider drafting a decision while the public hearing portion of this 40B Application is still open. This will allow them to discussion the potential conditions while the public hearing is still open so that input from the public can be considered. Mr. Alphen said that he will typically do the first draft of this decision and then it will be sent to Town staff and peer reviewers and then finally to the applicant’s attorneys for comments.

**General Business**

**Approval of Minutes from May 17th, 2023**

*The Chair will entertain a motion to approve the meeting minutes from May 17th, 2023 as amended. Member Petropoulos made a motion to approve the meeting minutes from the 17th of May 2023 as amended. Member McLaughlin seconded this motion and it was carried unanimously.*

MemberPetropoulosasked Nitch Engineer Jared Gentilucci about the capacity of the pump station and Mr. Gentilucci said that he got some information on this, which included that the improvements to the pump station were not contingent on this project, so they were likely to happen anyway. Performing his own calculations based on capacity of the pump station and the proposed system, there is a slight increase in capacity and the added flow is about 5% of the pump stations pump capacity, so the upgrade is about $13,000 (from about $250,000).

**Member Prager made a motion to adjourn. Member Petropoulosseconded the motion and it was carried unanimously via roll call vote.**

A motion to adjourn at 8:15 PM