

**Planning Board
Minutes of Meeting
January 25, 2007**

Minutes Approved April 12, 2007

Members Present: Janet LaVigne, Chairman; and Steve Wheaton, and Richard Dennis Jr., Members

Members Absent: Mark Montanari, Vice Chairman; and Gregg Champney, Clerk;

The meeting was called to order at 7:30 p.m.

Board Business: The Board members noted that the Dover Saddlery site appeared to have some parking problems, with vehicles parking on curbs and in handicap spaces. Mr. Wheaton noted that they were a good business to have in Town, and did improve the site, but parking appears to be an issue. Mrs. Toohill noted that the last groundwater testing showed elevated nitrate levels. Mrs. LaVigne asked that this site be red flagged and the Water Department notified.

Mrs. LaVigne asked for any available water quality reports for the Monarch Drive area. Mrs. Toohill noted that nitrate levels at the Stone Yard also were elevated. Mrs. LaVigne asked that the Water Department be asked for advice.

Bills and payroll were approved for payment.

Richard Way Completion: Walter Eriksen was present for this discussion. Mrs. LaVigne asked when all items would be complete. Mr. Eriksen stated that he just learned that the easement is satisfactory to the Town; he will make changes to the as built plan as requested; a couple issues for the Water Department needs will be addressed then we will be done. Mrs. LaVigne asked

Mr. Clyde stated that the Highway department needs access to the manhole; there should not be loam over it. Mr. Eriksen stated that they would raise it with a row of bricks. Mrs. LaVigne asked that the health of the trees be verified. Mr. Clyde stated that they were alive the last two years and could be checked again prior to Town Meeting. Mr. Eriksen asked about the \$805 bill to the Highway Department. Mr. Clyde stated that the Highway Department had to repair a drain that was damaged when the developer put in the water main. Mr. Wheaton made a motion that the developer would have to pay the \$805 owed to the Highway Department for the repair of the drain. Mr. Dennis seconded this motion and the Board voted 3 to 0 in favor of this motion.

The discussion turned to if a second bench is required in the cul-de-sac area. Mrs. LaVigne stated that it looks to her that the plans call for two benches; she asked that the original plans be reviewed to verify if this is the case. Mr. Eriksen stated that he was aware that he would have to change the as-built plan to reflect the change in the wording for the easement. Mr. Clyde stated that he did not know if everything requested by the Light and Water Department was complete or not. Mr. Wheaton asked about plowing. Mr. Clyde stated that the Town does not plow Richard Way. Mrs. LaVigne stated that plowing had been a concern with the residents and noted that the board would support getting Richard Way accepted at Town Meeting if all the construction details were complete.

Apple D'Or Completion: Daryl Baker of Grist Mill Road stated that they had spoken with the Selectmen on Monday night; he hears there is an agreement or settlement relative to the completion of the road items. He asked what the scope of work remaining is; what do the residents have to do; what is next; what is happening.

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Mr. Clyde stated that he is working on site with OHC; the subdrain still needs finish work, but is substantially complete, so this should take care of the water down the road. He stated that the Water Department had narrowed their list to about 4 items; there is a question regarding 2 water services at the beginning of the road; the Highway Department also has a list of items that are not complete. Mr. Clyde stated that three different attorneys are working on this to try and get it resolved. Mrs. LaVigne stated that our hands are still tied and we are trying to work through this. Mr. Clyde stated that the Town still has not seen the revised as-built plans or easement documents; the drain has a temporary patch and they will come back and do some loaming in the spring.

Mr. Baker asked where this leads at this point; who is the source of information and closure of the site issues. Mr. Wheaton stated that the work will have to be done or the Board will not recommend it be accepted at Town Meeting. He stated that the idea is to have the Town take care of the plowing and the last construction items with the balance of funds remaining. Mr. Wheaton stated that there have been numerous inspections, so he would not expect any big surprises to come up. He recommended that the residents check back with the Board at the next meeting.

Steve Wojtaskzek of Grist Mill Road read from a prepared statement expressing disappointment in the situation. Mr. Clyde took exception to these remarks. Mrs. LaVigne stated that no response is necessary and thanked Mr. Clyde for all his hard work on this project. Paul Avella of Grist Mill Road asked for a single-source document regarding the project. Mr. Wheaton stated that the Board does not have that; an answer will be available as soon as we have a settlement.

Site Plan Review – 592 King Street – Acton Medical – Joseph Berman of Acton Medical stated that present plans are to take the existing building at 592 King Street, which is a medical facility for 2 physicians. They would demolish the existing building and build a new one to accommodate up to 6 physicians and possible other procedures. David Manugian of Ambient Engineering stated that this is a Site Plan Review, and provided an overview of the project. He stated that he did come before the Board last fall informally and he believes they have incorporated all the requests of the Board. He stated that the current access is off both King Street and Shea Street. The proposed development plans call for putting the building at the front of the site with most of the parking at the rear to minimize the traffic entering the parking lot from King Street. He stated that all patient parking would be off the Shay Street entrance. He stated that they got variances for the building side setback and for parking setback; plantings along the street and moving the parking to the rear would reduce the visibility of the parking. He stated that topographic changes are needed to meet septic requirements; they would maintain existing grades at the front of the site. He stated that they would update the drainage as well. Mr. Dennis asked for the vote of the Appeals Board. Mr. Manugian stated that he believes it was unanimous.

Mr. Manugian provided an overview of the proposed drainage system; it is broken into two areas; the parking has curbing. Runoff from one area runs to the wetland with no treatment; runoff from the back of the site would be collected, treated, and directed through water quality structures. He stated that roof runoff would be recharged on site and the soils had very good perc rates. Mrs. LaVigne asked about adding a rain garden in the front; she expressed concern with the runoff routed directly to the wetlands. Mr. Manugian stated that they may be able to re-grade an area for that. The Board asked that the drainage be sent to Dr. Chiang for review once those changes were made. Mr. Wheaton stated that the main entrance off Shay Street would be a big

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improvement over the existing site. Mr. Dennis asked about the number of parking spaces. Mr. Berman stated that the proposed number was sufficient for their requirements. The Board began reviewing the checklist, noting that all utilities would need to be shown. Mrs. LaVigne asked that the sanitary sewer and storm drain information be added to the overall site plan for one Site Plan that shows all proposed improvements.

Mr. Manugian stated that he met with the Fire Department; he talked to the Fire Chief who expressed no concerns. Mr. Dennis asked where the main entrance to the building was. Mr. Manugian pointed it out. Mr. Wheaton asked about deliveries. Mr. Manugian stated that they would usually be by box trucks, noting there was a slight overhang. Mrs. LaVigne asked about the location of the dumpster, noting it should either be on a separate pad or marked on the pavement. The Board continued reviewing the checklist. Mrs. LaVigne asked about a water flow test. Mr. Manugian stated that he met with Don Callahan of the Water Department who indicated that no test was needed as there was a recent nearby test and he would provide a statement to the Board to that effect. Mr. Manugian noted that they would be meeting with the Conservation Commission regarding wetlands.

Mr. Manugian stated that he would make the recommended changes to the plans and would be ready for another meeting regarding this site in a month. Mrs. LaVigne asked that this Site Plan Review be continued at the February 22 meeting.

Public Hearing – Wireless Telecommunications Special Permit – 678 Great Road/Spectacle Pond Site – Verizon Wireless

Site Plan Review - 678 Great Road/Spectacle Pond Site – Verizon Wireless

Mrs. Toohill noted that the applicant had requested that the public hearing be continued to the meeting of February 1. Mrs. LaVigne asked if any information regarding the number of sites that have been approved but not constructed could be provided. Mr. Wheaton made a motion to continue the Public Hearing for 678 Great Road to Thursday, February 1 at 8:30 p.m. Mr. Dennis seconded this motion and the Board voted 3 to 0 in favor of this motion.

Continued Preliminary Subdivision – “Littleton Ridge” – Harvard Road – Mrs. LaVigne noted that a request to withdraw the application for a Preliminary Subdivision without prejudice had been submitted for this site. Mr. Wheaton made a motion to allow the Preliminary Subdivision application to be withdrawn without prejudice. Mr. Dennis seconded this motion and the board vote 3 to 0 in favor of this motion.

Informal Discussion – Monarch Drive – 40R Potential – Fred Daly stated that he owns the building and land on Monarch Drive as well as several other office buildings in the area. He stated that he met with the Board looking at the possibility of a retail development; he said there was difficulty trying to lease buildings in the area because it is almost like a black hole. He stated that a complaint he is getting is there is no housing for a lot of the engineers; they look for upscale rental housing close to the facility. He stated that there is no place to take people to eat; no place to even buy a loaf of bread. He stated that the buildings are assessed at 45 to 55 dollars per square foot. He stated that additional revenue could be brought in for the Town. He stated his building is 103,000 square feet and was permitted in the 1980s. He stated that it does not abut any residential uses, and it is extremely isolated.

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Bill Pezzoni stated that they feel that there would be a significant increase in tax revenue with a 40R development at this site; he feels something like this would be a lot better. He stated that they are proposing a 240-unit 40R project made up of 1 and 2-bedroom apartment units; 60 percent would be 2-bedroom units plus a 60,000 square foot addition to the existing office building and a small 7,000 square foot retail development to service tenants of the building; a small convenience store and ATM machine and daycare.

Mr. Pezzoni stated that the buildings would be 46 feet tall and would have little impact, stating that they could not be seen from Route 495, as they are well below the tree line. He stated it would be upscale buildings with a clubhouse pool area that is really appealing to young engineers, even elderly people. He stated that they would conduct a fiscal impact study that would show the impact of this site from a fiscal standpoint; he feels that there would be minimal impacts on the school system. He stated that they met with the Selectmen and would meet with the School Board. He stated that the Town would get a benefit from the State of a million dollars. He stated that they would be working through the 40R process and that the affordable units would count.

Mr. Pezzoni stated that the emergency access is 710 feet from Taylor Road that would allow for loop access. He stated that he doesn't think this is going to be an issue. He stated that he would provide a traffic study for the board to look at and he would love to be able to go to Town Meeting in the spring. Mr. Wheaton asked why the rush. Mr. Daly stated that he is trying to fast-track this so they can go before the Town and get the site rezoned for a 40R.

Mr. Wheaton stated that there is only one way in and one way out. Mr. Daly stated that the road is fairly wide and the number of people will not be much greater than with the 2 buildings combined; he does not think that is really an issue. Mr. Wheaton stated that is a lot of activity for only one access and recommended working with the Fire Department early on.

Bill Pezzoni stated that he met with the Police chief and we all agree that we could turn the road into a boulevard; there is room for some modification if necessary; that is more of a definitive stage. He stated that the Selectmen seem very enthusiastic to get this to spring town meeting if at all possible. He stated they would be back in front of the Planning Board to address the definitive issues.

Mrs. LaVigne asked about wetlands at the site. Mr. Daly stated that wetlands are depicted on the plans and the final delineation is not done yet; they will work around the wetlands with less than 5,000 square feet of filling. Mr. Pezzoni stated that this is an aquifer district so you have a lot of control; once we feel the Town is behind this we will go to conservation and plans would come at that point. The Board provided the Natural Heritage Endangered Species map. Mr. Daly indicated that he had not seen this map. Mrs. LaVigne stated that their fast track may be too fast for this site, noting that apartments are not allowed. Mr. Wheaton noted that there are apartments and condos right down the street in Boxborough and Acton, a few miles drive from the site. Mr. Pezzoni stated that these apartments would be upscale with a fitness area and pool.

Mr. Pezzoni stated that there would be nine apartment buildings with 24 to 30 apartments per building; there would be a 50,000 square foot addition to the existing 103,000 square foot building and the additional parking needed for that. He stated that all parking would meet Town codes. He stated that it was a straight septic system before and they would meet all those requirements.

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Mrs. LaVigne asked what the impervious area would be. Mr. Pezzoni stated that he did not know that yet, but the site is 47 acres. Mr. Wheaton stated that he saw the presentation to the Selectmen and asked what the benefit of using the 40R process would be to the Town.

Mr. Pezzoni stated that the Selectmen would submit the application to the State; the State approves a site with an eligibility letter. Then we take it to Town meeting where the district is created. Once the district is created, the Town gets a check, based on 240 units and every building permit gets \$3000 if we pull all the building permits. He stated it still has to go through town board process; it is not like the 40B; it doesn't take away your ability to scrutinize. We would meet the Board of Health Town regulations and the Aquifer District process. He stated that it is to create workforce housing and 20 percent would be affordable as well, so that would put you way over what you need. Mr. Pezzoni. He stated that the idea is to create a mix of apartment housing near commercial and industrial sites and transportation; the train is 6 to 7 tenths of a mile away and this site is at the interchange of Route 2 and 495. Mr. Wheaton noted that there is a lot of office space available on the leasing market. Mr. Dennis asked why they proposed an addition to the existing building. Mr. Daly stated that any commercial space would be offered to a tenant and would be a plus to the Town.

Mr. Pezzoni stated that this is an obvious advantage to the Town when you see the fiscal analysis; it is a 30 million dollar project and taking into account no negatives for the school, it would build up the commercial base.

Mrs. LaVigne stated that she does have concerns; it looks like a nice way to squeeze in a 40B; she expressed concern with the impact to the schools; 46-foot tall buildings are higher than the all-volunteer Fire Department can take care of. She stated that clearly she was not happy with the access and a second road in is needed. Mrs. LaVigne expressed concern with the size of the project.

Mr. Pezzoni stated that the numbers will show that the financial impact is going to be positive. He stated that they need 240 units to try and create a self-contained community. Mr. Dennis asked how old the 40R law is. Mr. Pezzoni stated it is 4 years and there are a dozen approved projects state wide. Kingston has 1,000 units at a train station. Mr. Dennis asked if there were any complete yet. Mr. Pezzoni stated that some are populated and he would find those locations. Mr. Dennis stated this is a lot for the Board to think about, noting that it is only an informal discussion but he is going to keep an open mind, since he is not keen on empty buildings and redevelopment of an existing site is a good idea.

Mr. Wheaton stated that he knows it would help Mr. Daly lease his buildings; the safety issue is huge; he asked the developer to look for another way in and out.

Steve Sussman stated that he looked at the State web site regarding 40R, and it is called Smart Growth; a factor that drives this is combined commercial, living and transportation. Mr. Sussman asked if this site qualifies, being so remote from any services. Mr. Pezzoni stated preliminary discussions with the State went well, they like that it is within 7tenths of a mile to the train and it meets a lot of their criteria. Mr. Pezzoni stated that he knows there is a lot of work between now and Town Meeting, with neighborhood meetings. The discussion of the site continued.

David Newton of 19 Oak Ridge Road asked what principals of the Master Plan did this particular Smart Growth District follow; he feels this is more of a project, not a plan. He asked that since

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the Town has to be the official applicant, who is going to be at the site visit. Mr. Pezzoni stated that someone from the Selectmen's office would be. Mr. Newton asked if only this lot would be in the district. Mr. Pezzoni stated that the State calls it a district.

Peter Cassinari asked what the chronology would be. Mr. Pezzoni stated that he met with the Selectmen, then Town Meeting then would go back to the Boards for permitting; he would be talking to the Board of Health soon on a preliminary basis. He stated that support from the boards at Town Meeting would be important, but what he cannot afford is to do the definitive design for the site.

Mr. Wheaton stated that there are some good ideas being proposed, but this is a tough sit; there are other areas in walking distance of the center that might work, but this is completely opposite of the Smart Growth idea; he sees this as a development.

Bylaw Revision Discussion – Retail Use – Mrs. LaVigne noted that this discussion is a follow-up of the ideas raised by the residents on New Estate Road to address large box retail uses. She referred to the bylaws Groton has in place, noting that she likes the aspect of town meeting approval being required. She referred to the existing Major Commercial/Industrial Use Special Permit process, noting that the Town has tight control on developments over 30,000 square feet. If a developer has an adequate amount of land to carry a large development, we can look at the impacts. Mr. Wheaton stated that he would like to see a maximum size set with anything above that needing two thirds town meeting approval. Mrs. LaVigne stated that the problem with simply setting a maximum is that all that is needed is a variance from the Appeals Board; going to Town Meeting would allow the residents to decide what they want.

Mr. Dennis asked if the current special permit process protected the Town. Mrs. LaVigne stated that it gives the Town some flexibility in looking at projects and seeing what is in the best interest of the Town. The Board asked for information on the sizes of various retail uses for the next discussion of this issue.

The meeting adjourned.

Signed,

Gregg S. Champney, Clerk