

**GROTON PLANNING BOARD
JANUARY 12, 2006
MINUTES**

Chairman Clements called the meeting to order at 7:30 PM in the Town Hall

Members present: Clements, Barringer, Degen, Eliot, Lewis, Perkins and Wilson

PRE-SUBMISSION REVIEW – LAWRENCE ACADEMY

The Board met with architect Dan Quail of Ben Gary Associates and design engineer Gerard Buzanowski of Ducharme and Dillis for a pre-submission review of the proposed addition to the Ferguson Building at Lawrence Academy.

Mr. Quail said the new 12,000 sq ft addition will provide space for a new library and auditorium. He said his team presented architectural elevations and the lighting plans to the Historic Districts Commission (HDC). The HDC will hold a public hearing in a few weeks. A Notice of Intent will be submitted to the Conservation Commission. Mr. Quail requested that the Board waive the requirement for a traffic study because there will be no change in staff or student enrollment.

Member Wilson said there have been drainage problems from the rear of the abutting church property onto Route 40 in the area of the proposed addition. He asked what the proposed change in elevation would be. Mr. Quail said the elevation change would be around seven feet.

Member Lewis agreed that the applicant must be aware of existing runoff problems in this vicinity. Member Degen suggested that the applicant work with the church and the Highway Surveyor to solve the drainage problems.

The Board members said they would be willing to waive the traffic study as long as the Town's public safety officials agreed.

MINUTES

The Board voted to approve the minutes of December 8, 2005 as written and the minutes of December 15, 2005 as amended.

PUBLIC HEARING – REEDY MEADOW ESTATES

The Board continued the public hearing to consider the Reedy Meadow Estates special permits and definitive plan. Attorney Robert Collins represented applicant John Lorden at the hearing.

Mr. Collins said the issues with the Natural Heritage and Endangered Species Program (NHESP) have been resolved. He submitted a draft conservation restriction required by NHESP. He said the applicant would be requesting a waiver of §346-9(C)1 and 346-10(A)3 to allow a single access road serving the ten units.

Member Eliot asked who would own the open space. Mr. Collins said the Lordens or the Homeowners Association will own the land and the Town will hold the conservation restriction. The Town cannot own the fee and hold the conservation restriction required by NHESP.

Chairman Clements read the letter dated December 15, 2005 from NHESP and the comments from the Conservation Commission dated January 11, 2006.

Member Degen requested that the applicant submit a written request for waivers of the subdivision regulations along with the reasons for the waivers that are being requested. Mr. Collins agreed.

Planning Administrator Michelle Collette said JNEI has not reviewed the latest revisions to the plan yet.

Mr. Collins requested that the Board extend the deadline and continue the public hearing.

The Board voted unanimously to extend the deadline to February 28, 2006 as requested by the applicant.

The Board voted unanimously to continue the public hearings on February 16, 2006 at 7:30 PM.

MILL RUN PLAZA – PARKING WAIVER REQUESTS

(Member Wilson left the meeting and did not participate.)

The Board received letters requesting waivers for parking at Mill Run Plaza including a letter dated January 9, 2006 from Chella Jeganathan, a letter dated January 11, 2006 from Attorney Robert Collins on behalf of Ryan Development, and a letter dated January 12, 2006 from Attorney Robert Casey on behalf of Churchill Properties. Many Mill Run unit owners were in attendance.

Mr. Collins stated that the parking by-law is very generous in the number of parking spaces required, but it allows the Planning Board to waive the required number of spaces. He said the Nashoba Valley Medical Office leases space from Ryan Development and does not require 40 spaces as calculated in the by-law.

Member Degen said he is not comfortable granting any waivers at this time.

Mr. Casey said Mr. Churchill purchased the unit with a guarantee that four parking spaces were included.

Mr. Collins said these two unit owners (Jeganathan and Churchill) did not create the problem and should not be inconvenienced.

Member Eliot said the Board should consider the waivers as a site plan review modification for the overall site. Member Perkins agreed.

Member Degen added that Ryan Development is not in compliance with its site plan approval because the Board does not have the performance bond required in the conditions. Mr. Collins agreed that the drainage issues have not been resolved yet.

Member Lewis said the Board must look at the site as a whole and not consider the waivers in a piecemeal fashion.

Mr. Collins said the Board could modify the site plan on its own motion. Chairman Clements stated that the applicant should submit a request to modify the site plan. Planning Administrator Michelle Collette asked if Mr. Collins stated that the Board can require modification of the site plan. Mr. Collins said, "yes," under Condition #17 of the site plan approval.

Prospective property manager Scott Viscarello said there are two owners who are aggrieved and cannot get building permits – Jeganathan with 1350 square feet and Churchill with 1000 square feet. He asked the Board to consider their circumstances.

Mr. Viscarello said he attended the Housing Appeals Committee hearing on the Groton Residential Gardens modification. The HAC is pushing the parties toward a negotiated settlement.

Member Degen said Retention Basin #3 is under the jurisdiction of the Planning Board because it is part of the approved Mill Run Plaza site plan.

The motion was made by Degen to require modification of the site plan to address all outstanding issues as required in Condition #17 of the Site Plan Approval and that the Board review all applicable issues including drainage, landscaping, parking, lighting and the performance bond at its regular meeting on January 26, 2006. ***The motion was seconded and passed unanimously.***

The Board stated that it would review the requested parking waivers at the January 26, 2006 meeting as part of the site plan review modification.

The motion was made by Degen to request that Town Counsel review the letter to Ryan Development regarding the site plan review modification before it is sent. ***The motion was seconded and passed unanimously.***

Roger Goscombe of Century 21 said other unit owners are willing to give up parking spaces so Chella Jeganathan can get a building permit. Rick Colangelo of Remax said the building permit will be at his own risk if he cannot get an occupancy permit.

Elizabeth Holwich of Century 21 said parking spaces were allocated at a ratio of one space for every 250 sq ft floor area. Member Perkins said that allocation is not in compliance with the parking requirement in the Zoning By-law.

Member Barringer stated that this situation is not the Planning Board's fault. It is a contractual issue between the developer and the unit owners. He read from the Master Deed and condominium association documents that are on record at the Registry of Deeds.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator