

**GROTON PLANNING BOARD
OCTOBER 18, 2007
MINUTES**

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

Members present: Capes, Eliot, Giger, Hess, Perkins and Wilson

Member absent: Barringer

PUBLIC HEARING – 797 BOSTON ROAD CONCEPT PLAN

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the concept plan entitled, “Conceptual Commercial Site Development Plan; Tax Map 133, Lot 49; 797 Boston Road; Groton, Massachusetts”, prepared by Polaris Engineering Corporation, dated September 27, 2007. The proposed concept plan is located on Assessors Lot 133-49, on the southeasterly side of Boston Road and Forge Village Road.

Vice Chairman Wilson called the public hearing to order. Clerk Giger read the notice posted with the Town Clerk on October 2, 2007 and published in the October 5 and 12, 2007 issues of *The Groton Herald*. Applicants Donald Van Dyne and James Woods were in attendance.

Member Giger read a written disclosure statement regarding his very limited participation in the Four Corners Neighborhood Association.

Vice Chairman Wilson read comments from the Board of Health and the Board of Assessors. He read the letter dated October 17, 2007 from the applicant’s attorney George Hall of Anderson & Kreiger and the e-mail dated October 18, 2007 from Town Counsel David Doneski.

Mr. Van Dyne said this public hearing is only to consider the concept plan since the Planning Board closed the public hearing on the rezoning petition. Mr. Van Dyne said his attorney states that the concept plan is only a “planning tool” rather than a requirement.

Member Giger disagreed and stated that §218-18 states that a concept plan must be submitted for the Planning Board to make a positive recommendation to Town Meeting on the proposed rezoning. He stated that he believes the submission is not complete based upon the requirements of §218-18E Submittal requirements.

Mr. Van Dyne handed out copies of power point slides. He said the concept plan is an evolving plan. The intended use of the site is for retail, restaurant and professional offices. The benefits to the Town include jobs for local residents and increased tax revenue. He asked the Board to make a favorable recommendation to Town Meeting, noting that a site plan must be submitted to the Planning Board at a later date.

Member Capes cited §218-18 Major Projects, and asked specifically about employment opportunities. Mr. Van Dyne said there would be offices on the second floor that could be used as office space for current home occupations.

Member Perkins said previously other applicants submitted concepts plans to the Planning Board. Those plans were not vague outlines of what could be done on a site – they were actual plans showing what the developer planned to build. The Board must understand the basic proposal to evaluate the impact on the Town and the neighborhood. She said an underground parking facility is not reasonable because the site is in the Water Resource Protection District. She said eliminating the underground parking will reduce the number of available parking spaces.

Member Hess said he did not see this concept plan as “incomplete.” Member Hess said there are two different conversations: 1) completeness of the submission; and 2) the quality of the concept plan. He said this parcel may be rezoned for commercial use some day. He said the proposed plan is not “pedestrian friendly,” as stated by the applicant. He recommended that the applicant work with a design professional to create a pedestrian friendly plan as recommended by Dodson Associates. He said the applicant and design team should work with the Planning Board to come up with a better plan that meets the needs of the Town and the neighborhood.

Member Giger read the submission requirements in 218-18E. He stated that many items have not been addressed by the applicant.

Member Eliot said with previous submissions, the applicant has worked with the Board in advance of the submission rather than submitting a plan at the eleventh hour. Peer review is an important part of the process. The concept plan should meet the design criteria and intent of the zoning by-law. She said the plan submitted by the applicants is not something the voters can approve because it does not comply with the Zoning By-law. She thanked the Board of Assessors for sending comments to the Planning Board.

Vice Chairman Wilson said the Board must consider the impact on the abutting residential property owners.

Julie Radwin of Laurel Lane said this plan is not a concept plan. The applicant must have a firm plan showing what they plan to do. She asked if the concept plan is binding. The Board responded that any significant change in the concept plan must be approved by Town Meeting. §218-18 states:

“A special permit for a major project shall be approved only if the Planning Board determines that the proposal is consistent with the concept plan which was approved by a Town Meeting vote.”

Linda Diccio asked if the concept plan could be presented without any weight or bearing.

Julie Radwin said the concept plan does not meet the Planning Board’s submission requirements.

Michael Aha of Boston Road said the plan means nothing since drainage and the number of parking spaces has not been addressed.

Mr. Van Dyne said the concept plan is drawn for the “eyes of a six-year old.” It shows what could be done at the site, not what will be done. He requested that the Planning Board consider the merits of rezoning this site.

Member Hess said a concept plan should not be a plan as viewed by a six-year old. It should show intent and purpose. The concept plan is really critical and important.

Mr. Van Dyne said he realizes that the concept plan will change. He submitted a plan that could be built without waivers or variances. Vice Chairman Wilson said the concept plan should show what the applicant intends to build on the site. Member Eliot added that the voters must know what they are approving.

Member Capes said the concept and analysis of consequences is linked. The logic used to support the rezoning is based upon the concept plan.

The Board voted unanimously to close the public hearing.

SIGN BY-LAW

The Board met with Jason Kauppi, Chair of the Sign Committee, to discuss amending the Sign By-Law. Mr. Kauppi said the Selectmen and Sign Committee have discussed moving the Sign By-Law into the Zoning By-law. At the present time, the Sign By-law is part of the Town's general by-laws so there are enforcement problems. If the by-law is part of zoning, the Building Inspector can enforce the by-law. He asked the Board to consider such developing and sponsoring an amendment.

Vice Chairman Wilson asked if the Sign By-law needs other revisions. Mr. Kauppi said, "yes," but the Sign Committee will work with the Board on the proposed amendments.

Board members agreed the proposed change is worth exploring. The Board will invite the Selectmen, the Building Inspector, the Historic Districts Commission, and the Sign Committee to a meeting for a discussion.

REPORTS TO THE SPECIAL TOWN MEETING

Article 15 - Station Avenue Overlay District. The Board will ask traffic engineer Gary Hebert to attend the Town Meeting to answer questions relative to traffic. Member Hess said the traffic flow diagram should be included in the handout with the draft design guidelines. The Board agreed. The motion was made by Perkins to recommend that the Town adopt the Station Avenue Overlay District. *The motion was seconded and passed unanimously.*

Chairman Barringer will present the Planning Board report.

Article 16 – Chapter 43D. The motion was made by Hess to recommend adoption of Chapter 43D Expedited Local Permitting. *The motion was seconded and passed unanimously.*

Member Capes will present the Planning Board report.

Article 27 - Citizens Petition to Rezone 797 Boston Road. The motion was made by Perkins to recommend that Town Meeting NOT approve the proposed rezoning for the following reasons:

1. **Lack of consistency with the Comprehensive Master Plan** - The proposal is not consistent with the goals and objectives outlined in the revisions to the Master Plan entitled, "Groton 2020 Update, Planning Directions," adopted in 2002.
2. **Insufficient information** – The Planning Board determined that the concept plan submitted by the applicant did not contain the information required in Chapter 218 Zoning, Section 218-18E. There was little or no information on traffic, drainage, the Water Resource Protection District, or impact on the neighborhood.
3. **Concept plan** – At the public hearing on October 18, 2007, the applicant stated that he did not intend to develop the parcel as shown on the concept plan. Instead, he submitted a concept plan demonstrating what could be constructed "by right" without variances or waivers. Therefore, the voters do not have sufficient information to make a decision on the proposed rezoning.
4. **Lack of harmonious development** – The Board determined that the proposed rezoning does not promote harmonious development and will have a significant negative impact on abutting residential properties.

The motion was seconded and passed unanimously.

Member Perkins will present the Planning Board report.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Town Planner