

**GROTON PLANNING BOARD
SEPTEMBER 24, 2009
MINUTES**

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

Members present: Capes, Barringer, Burke, Giger, Hess, Perkins, and Wilson

Members absent:

PUBLIC HEARING – SPECIAL PERMIT, 536 MAIN STREET

Chairman Capes called the continuation of the public hearing to order. Developer Steve Gillis was present.

Mr. Gillis said he is requesting a renewal of the Site Plan Review special permit granted by the Planning Board in 2007 for a professional office building at 536 Main Street. Mr. Gillis said he hopes to be able to sell the commercial property in the near future.

The Board asked if there are any changes to the plan. Mr. Gillis said there are no changes.

The Board voted unanimously to close the public hearing.

The motion was made by Giger, seconded by Burke, to renew Special Permit 2007-05 to March 7, 2011. The following findings, waivers and conditions contained in SP 2007-05 remain in full force and effect:

Findings:

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law § 218-25 and 218-32.1:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by constructing a new building for business use in a location rezoned to Business (B-1) at the 2005 Annual Town Meeting. The proposed plan is consistent with the concept plan presented at the Town Meeting.
2. **Traffic flow and safety:** The Planning Board reviewed the traffic study, prepared by Conley Associates, dated January 25, 2007. The Planning Board also received peer review reports from its consulting traffic engineer, Fay, Spofford & Thorndike (FST), regarding the traffic impact of the proposed plan. The FST reports determined that the traffic flow and safety issues were addressed satisfactorily by the applicant. The Massachusetts Highway Department issued an access permit for the new curb cut.
3. **Adequacy of utilities:** The proposed development will be served by Town water and Town sewer. The Sewer Commissioners determined that there is adequate sewer capacity to serve the project.
4. **Neighborhood character:** The project is located on land zoned Business (B-1) located at an area with similar business uses. The character of the neighborhood will be maintained because the proposal specifies architectural design, landscaping, and lighting consistent with the surrounding neighborhood. The plan creates an opportunity for new businesses to locate in the Business District.

5. **Impacts on the environment:** The stormwater management system will adequately treat stormwater runoff. There is no work proposed within the 100-ft buffer zone of wetlands. The applicant submitted an Environmental Notification Form under the Massachusetts Environmental Policy Act (MEPA). The Secretary of Environmental Affairs determined that an Environmental Impact Report is not required. The Earth Removal Advisory Committee granted a Stormwater Management permit for this site.
6. **Fiscal impact on the Town:** The proposed development will have a positive fiscal impact on the Town because the assessed value of the property and tax revenue will increase. Additionally, the proposed development will appropriately utilize the site and create job opportunities. It will also offer leasable office and retail space to attract businesses to the area. This is a fiscal benefit to the Town of Groton and the local population.

Waivers:

The Board voted to grant the following waivers as requested by the applicant:

1. **§ 218-23 Off Street Parking and Loading:** The Board determined that a reduction of required number of parking spaces under section 218-23.B would be allowed for the 9890 SF building. The by-law requires a total of 57 parking spaces for Option B as shown on the title sheet of the site plan. The Board hereby waives eight (8) parking spaces and approves a total of 49 parking spaces as shown on the site plan.
2. **§ 218-23C.3** to allow one access point to the site in the location approved by the Massachusetts Highway Department.
3. **25.G.2.b** to allow submission of a locus plan showing features within 100 ft.
4. **§ 218-25.G.2.b** to allow submission of a site plan at a scale of 1"=20 ft.
5. **§ 218-25.G.2.c** to allow submission of a plan showing one foot contours.
6. **§381-40C(1)** to allow calculation of the 100-year storm event to be based upon 7 inches of rainfall in 24 hours.

Conditions:

1. The site plan shows a total of 49 parking spaces. The uses at the site shall be consistent with "Parking Computations: Options 1 and 2," shown on the title sheet of the site plan.
2. As offered by the applicant, there shall be no restaurants, take out restaurants, convenience stores at the site because there is not sufficient parking to support such uses.
3. There shall be no medical, dental or other health office at the site because there is not sufficient parking to support such uses.
4. The drainage system shall be constructed and function in compliance with the "Massachusetts Department of Environmental Protection - Stormwater Management, Volume One: Stormwater Policy Handbook, and Volume Two: Stormwater Technical Handbook," dated March 1997.

5. The stormwater management system shall be maintained in accordance with the approved Stormwater System Operation and Maintenance Plan, prepared by GPR, Inc., dated December 2006.
6. Snow banks and stockpiles shall not exceed a height of three (3) feet at any time. Snow in excess of three feet in height shall be removed from the site within 72 hours. Snow shall not be plowed onto abutting properties.
7. Vegetative screening shall be used to minimize headlight glare onto public ways as required in Section 218-25G(1)(g).
8. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h). From one hour after closing until dawn, only 25% of the pole-mounted fixtures throughout the site shall be allowed on. Changes in the lighting schedule shall not be permitted without prior approval of the Planning Board.
9. In accordance with Section 218-25I, the applicant shall post a performance bond for construction of the drainage system. The amount of the bond shall be determined by the Planning Board based upon an estimate from its consulting engineer. The form of surety shall be acceptable to the Board. The bond shall be posted prior to the issuance of an occupancy permit. The Board shall hold the bond for a period of one year from the date of the occupancy permit to ensure that the drainage system is functioning properly.
10. Parking for the disabled and access to the buildings shall comply with the requirements of the Architectural Access Board Regulations, 521 CMR, and the Americans with Disabilities Act.
11. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
12. The installation of the public sewer system shall conform to the specifications of the Groton Sewer Department.
13. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton.
14. The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions.
15. Three copies of the final site plan approved by the Planning Board shall be submitted to the Board for endorsement as required in Section 218-25G(3).
16. All outstanding engineering invoices must be paid in full prior to issuance of a building permit.
17. No permanent occupancy permits shall be issued until the Planning Board receives an As-Built Plan prepared by a Professional Land Surveyor along with certification from a Registered Professional Engineer that all construction (including utilities) has been done in accordance with the approved site plan.

18. The Planning Board shall review the project one year after the granting of the first occupancy permit to assure compliance with the special permit and to determine if any reasonable modifications are warranted.
19. This special permit shall not be in effect until certified copies of the special permit decision is recorded at the Middlesex South Registry of Deeds as required in GL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording is submitted to the Planning Board by the applicant.
20. This special permit shall lapse in 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. The recording of the special permit shall constitute commencement of substantial use.

The motion passed unanimously.

ZBA PUBLIC HEARING – AL PRIME APPEAL

The Zoning Board of Appeals will hold a public hearing on September 30, 2009 to consider an appeal of the building permit issued to the AL Prime gas station on Boston Road. On May 28, 2008, the Supreme Judicial Court upheld the Planning Board's special permit granted in 2003 allowing the installation of new fuel tanks in the Water Resource Protection District. The abutters appealed the issuance of a building permit. Member Barringer, liaison to the ZBA, will attend the public hearing.

COMPREHENSIVE MASTER PLAN STRATEGY

The Board discussed its meeting with the Board of Selectmen on September 21, 2009. Three members also attended the Finance Committee meeting on September 22, 2009.

The Board discussed how it would present its case to Town Meeting on October 19, 2009. The Board will ask for additional information from Communities Opportunities Group on why it is not advisable to do the project in three phases, how much involvement and work is provided by volunteers, and what areas of expertise are needed to complete the plan.

PRE-SUBMISSION REVIEW

Kristen O'Brien met with the Board to discuss her plans to establish a business called "Doggie Depot" at 382 West Main Street. Ms. O'Brien said she would like to purchase the property and use it for boarding dogs as well as for dog day care. The property is zoned B-1 and has nine existing parking spaces. A portion of the yard would be fenced for outside runs for the dogs. There will be no changes to the footprint of the building.

Members of the Board expressed that the proposed change of use may result in noise and other impact on abutters. Such issues could be addressed by a Level I site plan.

The motion was made Burke, seconded by Barringer to require a Level I site plan for the proposed Doggie Depot at 382 West Main Street. ***The motion passed unanimously.***

ACADEMY HILL AFFORDABLE UNITS

The Board met with developer Bruce Wheeler and Attorney Louis Levine to discuss the affordable units at the Academy Hill subdivision. In January 2008, the applicant agreed that two of the affordable units would be ready for occupancy by October 31, 2009.

Attorney Levine said they received a permit from the Board of Health for the community sewage disposal system in 2007. The permit is good for three years. However, the Board of Health will not sign off on the building permit application for the affordable units located on Lot B1. The Board of Health has concerns that the sewage disposal system serves units on Lots B and B-1 that are separated by the subdivision road. Attorney Levine said the road issue would be addressed by granting an easement to cross the road. He requested that the Board extend the October 31, 2009 deadline and that the Planning Board assist with the Board of Health, if possible.

Member Perkins asked how many houses have been constructed to date. Mr. Wheeler said between 11 and 13 homes have been started.

Member Giger noted that all the units on Lots B and B-1 are condominiums and will be part of a homeowners association. The easement under the subdivision road will connect units with the sewage disposal system on the other side of the road. Attorney Levine said that is correct and the easement will be granted before the Town accepts the road as a public way.

Member Burke asked if the sewage disposal system has a pump chamber system. Attorney Levine said, "yes," and reiterated that the system was approved by the Board of Health in 2007. Member Burke said the applicant must resolve the issue with the Board of Health.

Member Barringer said the Board cannot compel the applicant to construct the units without the approval of the Board of Health. Other Board members agreed.

Member Perkins asked what time frame is needed for construction. Mr. Wheeler said about six months.

Member Giger suggested that the Board not act on the request at the present time, but rather extend the deadline for 30 days to give the applicant the opportunity to resolve matters with the Board of Health.

The motion was made by Barringer, seconded by Burke, to send a note to the Board of Health explaining the Planning Board's interest in moving forward with the construction of the affordable units at the Academy Hill subdivision. ***The motion passed unanimously.***

COMPREHENSIVE MASTER PLAN

The Board discussed its strategy to request funding for the Comprehensive Master Plan at Town Meeting. Selectman Anna Eliot said Selectman Degen suggests that the Board request funds over a three year time period instead of asking for \$70,000 this fall and \$30,000 in the spring. The Board explained why such an approach would be inefficient and not cost effective. The Board will ask Community Opportunities Group for its opinion on the suggestion.

Chairman Capes said the Board should address four questions: 1) Why update the plan; 2) why now; 3) why use a team of consultants; and 4) why it should not be done with a piecemeal approach.

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Member Barringer said the Board should highlight changes that have taken place in the past ten years.

Member Giger said the Board should stress the importance of public facilitation by an objective, outside consultant with experience in facilitating such forums.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Town Planner