

**PLANNING BOARD
MARCH 24, 2011
MINUTES**

Chairman Capes called the meeting to order at 7:30 PM.

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

PUBLIC HEARING – PROPOSED ZONING AMENDMENTS

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the following proposed zoning amendments:

ARTICLE. To see if the town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton by amending Section 218-30 Water Resource Protection Overlay Districts, subsection 218-30C Establishment of Districts by striking out:

- C. The Water Resource Protection Districts are herein established as overlay districts. The Water Resource Protection Districts are described on a map with district boundary lines prepared by Applied Geographics, Inc. entitled "Water Resource Protection Districts, Town of Groton," dated February 21, 2008. All maps are hereby made a part of this Zoning By-Law and are on file in the office of the Town Clerk.

And by inserting in its place:

- C. The Water Resource Protection Districts are herein established as overlay districts. The Water Resource Protection Districts are described on a map with district boundary lines prepared by Applied Geographics, Inc. entitled "Water Resource Protection Districts, Town of Groton," dated March 1, 2011. All maps are hereby made a part of this Zoning By-Law and are on file in the office of the Town Clerk.

ARTICLE . To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218, Zoning, as follows:

1. Amend Article V Special Regulations by replacing the existing Station Avenue Overlay District with a new overlay district as described on a map with district boundary lines prepared by Applied Geographics, Inc. entitled "Town Center Overlay District, Town of Groton, Massachusetts" dated March 1, 2011, and accompanying text entitled, "Chapter 218 Zoning, Section 218-30.2 Town Center Overlay District." A copy of the map and text of the proposed "Town Center Overlay District" being on file in the office of the Town Clerk.
2. Amend Article II Use Districts, §218-8 Classes of districts by replacing "(5) Station Avenue Overlay District" in Paragraph E. Overlay districts with "(5) Town Center Overlay District."
3. Amend Article II Use Districts, §218-9 Location of districts by amending the Town of Groton Zoning Map by replacing the Station Avenue Overlay District with new district boundary lines prepared by Applied Geographics, Inc. entitled "Town Center Overlay District, Town of Groton, Massachusetts" dated March 1, 2011.

4. Amend Article III Use Regulations, §218-12 Intention of districts by replacing Paragraph I with a new paragraph to read as follows:

TCOD – The Town Center Overlay District is intended to promote a socially and economically vibrant town center by enabling development, by special permit, of a mixture of civic, residential and commercial uses consistent with the Town’s Comprehensive Plan and the Design Guidelines for the District.

5. Amend Article III Use Regulations, §218- 13 Schedule of Use Regulations by replacing note no. 10 with the following note no. 10 applicable to the R-A, R-B, B-1and P Districts:

¹⁰ For additional uses which may be permitted in those portions of the R-A, R-B, B-1and P Districts which underlie the Town Center Overlay District, see §218-30.2.

6. Amend Article IV Intensity Regulations, §218-20 Schedule of Intensity Regulations, by replacing note 5 applicable to the R-A, R-B, B-1 and P Districts and by adding a new note:

⁵ For Dimensions applicable to Town Center Overlay District Developments, see §218-30.2.

7. Amend Article IV Intensity Regulations, §218-22 General Provisions, Paragraph E Density, by changing the phrase “except as provided in §218-26F(2), Cluster development, §218-27, Multifamily use, or §218-30.2 Station Avenue Overlay District” to read:

“except as provided in §218-26F(2), Cluster development, §218-27, Multifamily use, or §218-30.2 Town Center Overlay District.”

8. Amend Article IV Intensity Regulations, §218-22 General Provisions, Paragraph H Modification of front building setback, by replacing the phrase at the beginning of the first sentence with the new phrase:

“Except as may be permitted pursuant to §21-30.2 Town Center Overlay District,”

9. Amend Article V Special Regulations, §218-26.1 Major residential development, Paragraph C Special permit required, by replacing the phrase at the beginning of the first sentence with the phrase

“Except for a Town Center Overlay District Development under §218-30.2,”

Chairman Capes called the public hearing to order. Member Perkins read the notice published in the March 4 and 11, 2011 issues of *The Groton Herald*.

Water Resource Protection Districts – Superintendent Thomas Orcutt informed the Board that the Department of Environmental Protection (DEP) is requiring the proposed change to the Water Resource Protection Districts map to modify Zone II of the Shattuck Well as shown on the map.

Town Center Overlay District - The Board considered the proposed amendment to the "Station Avenue Overlay District" to incorporate property located at 134 Main Street and to be renamed the "Town Center Overlay District." Additional changes to Section 218-30.2 are shown in italics in the text. The proposed changes include:

- The ability of the Planning Board to grant a waiver to allow units with more than 2000 square feet gross floor area and up to three bedrooms.
- The appointment of two alternate members to the Design Review Committee to act in the event of an absence or conflict of a regular member.

Developer Robert France of Mount Laurel Development, design engineer Bruce Ringwall of GPR, Inc.; architects Brent Mangel, Steve Wychorski, and Sarah Cormier of Mangel Associates; and financial consultant David Valletta presented the plans for 134 Main Street. Selectman Peter Cunningham and Town Manager Mark Haddad were also present.

Mr. Ringwall described the proposed project on 4.2 acres with an existing historic building located in the Historic District on Main Street. The site contains a meadow, wetlands, and views of Gibbet Hill. The proposed mixed use plan includes retail or commercial use on the first floor of the existing building with residential units on the second floor. The developer plans to construct a total of 18 residential units with single-family, two- and three-family structures. Some work will be done in the 100 ft buffer zone. Low Impact Development (LID) techniques will be used for stormwater management.

Architect Steve Wychorski described the historic plan and proposed addition to the existing structure. The building will be renovated in accordance with the requirements of the Historic Districts Commission. Two existing buildings at the rear of the site will be demolished. The architectural style of the new residential units will be in context with architectural styles in Groton. The residential units will vary in size from 1600 to 2500 SF. The massing will be low so the views from Main Street will not be obstructed.

Mr. France said three affordable units would be constructed which exceeds the 15% required in the Town Center Overlay District.

Member Barringer asked where the affordable units would be located. Mr. France said that the location of the affordable units would be determined at a later date based upon market demand.

Member Barringer asked if the residential units would be rented or sold. Mr. France said the residential units would be sold.

Member Giger asked about the Historic Districts Commission review. Mr. Mangel said the HDC will review the project on the entire site.

Member Parent asked about parking and the barn-like structure for cars. Mr. Wychorski said the parking in the barn is for additional cars. Garages will be provided with the new townhouse units.

Member Burke asked about retail/office use of the existing building. Mr. Ringwall said they could not meet parking requirements for retail and office use.

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Member Burke said the affordable units must be distributed throughout the site. Mr. Wychorski said, "yes," they would be.

Member Giger asked about access to the site. Mr. Ringwall said the access road would be relocated to the westerly side of the building.

Member Barringer asked about the length of the access road. Mr. Ringwall said it would be 450 to 500 ft long and constructed to subdivision regulation standards to provide access for emergency vehicles.

Member Barringer asked about lighting. Mr. Ringwall said all lighting fixtures would be in character with the Historic District requirements.

Member Wilson asked about pedestrian circulation. Mr. Ringwall said the sidewalk would be on the side of the access road. Chairman Capes asked about the percent of impervious surface. Mr. Ringwall said he did not know at this time, but LID techniques would be used to recharge stormwater on the site.

George Wheatley, 16 West Main Street, said he is a member of the Historical Commission and believes the proposed use is not the best use of this property. He stated that there are still 11 vacant units at Groton Residential Gardens. Autumn Woods in Ayer has four units for sale, and there are 21 houses for sale in Groton for less than \$380,000.

Mr. France responded that the population of Massachusetts is declining because there is not enough affordable housing. Older people are staying and younger people are leaving. The site could be developed with a 40B Comprehensive Permit. The proposed plan is an opportunity for the Town to embrace a new community and offer an alternative to existing residents who would like to stay in Groton. The landmark historic building will be restored and the views of Gibbet Hill will be preserved. Pedestrian access will be provided from Main Street to the proposed gazebo in the open meadow with views of Gibbet Hill.

Abutter Michael O'Neil, 140 Main Street, asked where parking would be located. Mr. Ringwall said a parking lot with 20 spaces would be constructed for the existing building. Mr. France added that they will allocate spaces for retail and residential use with additional parking for the public. One- or two-car garages will be constructed for each residential unit. The number of parking spaces complies with the requirements of the Zoning By-law.

Abutter George Pergantis, Groton Inn at 128 Main Street, stated that he has worked hard to keep the Groton Inn alive. He would like the opportunity to do something similar with his property.

Abutter William Grinnell, 154 Main Street, asked how the Board decided which property to include in the Town Center Overlay District. Chairman Capes responded that the project was presented to the Planning Board as a part of the Affordable Housing Trust's application to the Community Preservation Committee to provide affordable housing that would benefit the Town.

Town Manager Mark Haddad said the Affordable Housing Trust is working with the North Middlesex Savings Bank. The bank foreclosed on the property in May 2010 and presently owns the property. The Affordable Housing Trust will invest \$400,000 in the project if Town Meeting approves the application

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for CPC funding. The Town met with several abutters to the site to see if they were interested in having their properties included in the Overlay District. The abutters were not interested.

Member Burke said landowners who are interested in rezoning their property would have to go through the same process, i.e. submitting a rezoning petition to the Town, Planning Board public hearing, and vote at Town Meeting. It is too late for other properties to be added to the warrant for the 2011 Spring Town Meeting.

Abutter Karen Corey, 150 Main Street, said she attended a meeting with Town Manager Mark Haddad and Town Planner Michelle Collette regarding the inclusion of her property in the Town Center Overlay District. She asked why other landowners were not included in this discussion. She asked why the Town is acting so quickly.

Member Burke said State Statute (Chapter 40A) requires that the Planning Board hold a public hearing on any zoning amendment or rezoning. Any outreach to landowners that the Town may have done in advance was extra activity.

Mr. Haddad responded that the Town reached out to the landowners (140, 142 & 150 Main Street) who would be the most impacted by the proposed rezoning to see if they would like to have their properties included. Mr. France added that he plans to hold an open house at 134 Main Street and invite all the abutters to inform them about the project.

Member Barringer asked about the area of wetlands buffer to be impacted. Mr. Ringwall said less than one acre will be disturbed within the 100 ft buffer. There will be no disturbance within the 50 ft buffer.

Karen Corey asked if there would be two or three affordable units. Mr. France said the project must go through the public hearing process with the Planning Board, Conservation Commission, Historic Districts Commission, etc. The goal is to have three affordable units.

Mrs. Corey said 15% is required in the by-law. Member Perkins said that is correct.

Mrs. Corey asked about public access to the gazebo. Mr. France said the Planning Board has the authority to put conditions on the special permit. Such conditions will be included in the condominium documents. Member Giger asked whether the Homeowners Association would have the ability to modify those documents in the future. Mr. France said the homeowners cannot change the special permit conditions.

Member Burke said the covenants can be modified by the Homeowners Association. However, the zoning process is very rigorous. The special permit cannot be amended or overturned by the homeowners. Only the Planning Board can modify the special permit after hold a public hearing with notice to all parties in interest.

Mr. Pergantis asked about sewer capacity for the proposed project. He asked what would happen to him if he needs more capacity in the future. The Board advised Mr. Pergantis to meet with the Sewer Commission to discuss the matter.

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Abutter Charles Grinnell, 154 Main Street, asked about the permitting process. Chairman Capes explained that the zoning amendment is the first step in the process. If Town Meeting approves the proposed amendment, the Planning Board will consider the special permit application, the Conservation Commission will consider the Notice of Intent, the Historic Districts Commission will review the architectural design, etc.

Member Perkins added that each Board will look at the specific details of the project once the applications have been submitted.

Abutter Robert Smith, 142 Main Street, said this is one of the prettiest parcels in Town with the view of Gibbet Hill. He said it is very important to control traffic and parking and to have green space such as a park.

Mr. Grinnell asked about the benefits and detriments of the project. He stated that he supports the project. He asked about the affordable housing requirements.

Member Perkins said the by-law requires that 15% of the units must be affordable. Many Comprehensive Permit plans have been submitted under Chapter 40B which require that 25% of the units must be affordable.

Selectman Peter Cunningham said the Town has had many negative experiences with Chapter 40B site plans and density. The Town is taking a pro-active approach by creating affordable housing with this project.

The Board voted unanimously to continue the public hearing on April 7, 2011 at 8:30 PM.

SITE PLAN REVIEW – REGIONAL RECYCLING BUILDING

The Board considered the application for site plan approval submitted by DPW director Tom Delaney to construct a regional recycling facility at the transfer station on Cow Pond Brook Road. The construction will be funded by a grant for the Department of Environmental Protection (DEP). The structure will be 50' x 65' with a 20' ceiling in the center. The bailer will be located inside the building. The only lights will be near the bailer. No other lighting is required.

Chairman Capes asked about access for trucks. Mr. Delaney said trucks would use the main entrance behind the transfer station checkers and will be separate from the access for residents.

Chairman Capes asked about the schedule. Mr. Delaney said trucks will come on an as-needed basis. Dunstable will deliver approximately six loads per month.

The motion was made by Barringer, seconded by Perkins, to approve the Level I site plan submitted by the Town of Groton Department of Public Works (DPW) for a Regional Recycling Center, at 600 Cow Pond Brook Road, as described in the plans and letter dated March 9, 2011 from DPW Director Robert T. Delaney, Jr. The motion passed unanimously.

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ACADEMY HILL DRAINAGE PROBLEMS

The Board received a report dated March 16, 2011 from Nitsch Engineering and a letter dated March 23, 2011 from the Conservation Commission regarding recent drainage problems at the Academy Hill subdivision in the area of the box culvert on Cherry Tree Lane.

Board members expressed frustration about the lack of cooperation from the developer. Members said if the problems are not corrected now, the Board may have to call the plan in for modification.

The motion was made by Burke, seconded by Barringer, to request that the Academy Hill developer attend the Board's meeting on March 31, 2011 because the Board will discuss the possibility of modifying the Academy Hill definitive plan to resolve drainage problems.

The motion was made by Giger, seconded by Barringer, to amend the main motion by adding that the Board will also discuss not signing off on any building permits at the March 31, 2011 meeting.

The motion to amend passed unanimously. The main motion passed unanimously.

Meeting adjourned at 10 PM

Respectfully submitted,

Michelle Collette
Land use Director/Town Planner