

**PLANNING BOARD
FEBRUARY 23, 2012
MINUTES**

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

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

Members absent: Barringer and Wilson¹

PUBLIC HEARING – SPECIAL PERMIT, GERALD & JOAN CROTEAU

The Board held the continuation of the public hearing to consider the special permit application for Flexible Development submitted by Gerald and Joan Croteau to create seven new units off North Street. Attorney Robert Collins and design engineer Stan Dillis were present.

Attorney Collins submitted a fiscal impact report as requested by the Board.

There were no other outstanding issues or questions.

The Board voted unanimously to close the public hearing.

The motion was made by Giger, seconded by Parent, to grant a special permit to Gerald and Joan Croteau to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development to create seven (7) units as shown on the plan entitled, “Bluestone Drive Condominium Site Plan, Groton, Massachusetts,” prepared by Ducharme & Dillis Civil Design Group, dated June 20, 2011, with revisions through December 26, 2011, with the following findings and conditions:

Findings:

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

1. **Social, economic and community needs:** The proposed Flexible Development plan with seven (7) new units results in less disturbance to the neighborhood than the existing non-conforming business operation at the site. The proposed development includes four modestly-sized, three-bedroom single family units and one triplex. As offered by the applicant, one of the units in the triplex will be affordable as defined in Section 218-26B even though an affordable unit is not required because there are fewer than 10 units in the proposed development.
2. **Traffic flow and safety:** The proposed development plan includes one access road, “Bluestone Drive,” rather than multiple driveway cuts that may have resulted from the creation of hammerhead lots or conventional Approval Not Required (ANR) lots.

¹ Member Wilson participated remotely in the special permit decision for Gerald and Joan Croteau.

3. **Adequacy of utilities:** Utilities will be provided with two shared on-site sewage disposal systems and private wells.
4. **Neighborhood character:** The neighborhood character will be not be negatively impacted by the proposed "New England" style residential development. The proposed residential use will replace the existing non-conforming business use and will be more compatible with the surrounding neighborhood.
5. **Impacts on the environment:** The proposed plan preserves 7.55 acres (Parcel B) with a permanent conservation or agricultural restriction. This area contains a perennial stream, a 200-ft riparian zone, bordering vegetated wetlands, and 6.63 acres of uplands.
6. **Fiscal impact on the Town:** The fiscal impact analysis submitted by the applicant shows a higher cost to the municipality with the proposed development. However, the proposed development may result in fewer children being enrolled in the school district given the modest size of the units.
7. **Consistency with the Master Plan:** The proposed plan better meets the goals of the Comprehensive Master Plan by protecting environmentally significant open space and by providing modest-sized housing including, an affordable unit for either sale or rent.

Conditions

1. A site plan shall be submitted to the Planning Board as required in Section 218-25 Site Plan review prior to commencement of any construction or site alteration.
2. As offered by the applicant, one of the dwelling units in the triplex shall be reserved in perpetuity for sale or rent to households earning no more than eighty percent (80%) of the median household income for the Lowell PMSA, or applicable PSMA in the event of a change. Prior to issuance of any certificate of occupancy, the applicant shall enter into a Monitoring Agreement, approved as to form by Town Counsel. Such agreement shall be consistent with the conditions of this Special Permit. The Planning Board shall notify the Building Commissioner, in writing, of such approval and provide a copy of the Agreement. All costs associated with the monitoring shall be borne by the applicant and, after the first round of sales, by the sellers of the affordable unit. The monitoring agent shall be the Town of Groton's Housing Coordinator.

3. Chapter 119, Building Numbering states:

Any prospective subdivider shall show the proposed building numbering system on the definitive subdivision plan or Approval Not Required (ANR) plan. Endorsement of said plan by the Planning Board shall constitute the assignment of building numbers to the lots shown on the plan. The

building numbering shall follow the numbering system as provided in any regulations promulgated pursuant to this Chapter.

The applicant shall show the assigned building numbers on the Approval Not Required plan and site plan prior to the endorsement of said plans.

4. Chapter 258 Street Naming and Building Numbering states:

Selection of street names: To prevent duplication of street names or the use of similar sounding street names, all street names used in Groton must be approved, in advance, by the Town Manager. The Town Manager will collaborate with the Fire Chief, the Building Commissioner, and the E-9-1-1 Database Liaison prior to approving a new street name. The Town Manager may solicit and consider, but need not use, street name suggestions from developers and residents.

The name of the access road is "Bluestone Drive." The road name cannot be changed unless the change is approved by the Town Manager because changing the name may result in confusion for dispatching emergency vehicles to the site. The street sign shall be installed prior to the issuance of any building permits.

5. The applicant may explore alternative methods of fire protection of the homes located within the proposed development. Should the Fire Chief approve in writing such an alternative, such as interior sprinkler systems in the units, the applicant shall provide the Planning Board and Building Commissioner with a copy of the Fire Chief's approval of the alternative method of fire protection.
6. The proposed open space, Parcel B as shown on the plan, shall be reclaimed and properly stabilized prior to issuance of any building permits. All remaining materials left from the stoneyard operation shall be removed from the premises. The applicant shall submit a reclamation plan to the Planning Board during the Site Plan Review process.
7. As offered by the applicant, a permanent conservation restriction (CR) or agricultural preservation restriction (APR), pursuant to MGL Chapter 184, §§ 31 to 33, shall be placed on the Parcel B. The CR or APR must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Commissioner prior to building permit issuance for any units shown on the plan.
8. The limits of disturbance shall be clearly delineated on the site plan and in the field prior to commencement of construction or site alteration.

9. The Applicant shall submit an application for a Stormwater Management Permit to the Earth Removal-Stormwater Advisory Committee for its review and approval as required in Chapter 198 Stormwater Management – Low Impact Development.
10. 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, states:

The above exemptions do not cover the removal of earth materials from the premise involving topographical changes or soil-stripping or loam-stripping activities, nor shall the tentative or final approval of a subdivision plan be construed as authorizing the removal of earth materials from the premises, even though in connection with the construction of street as shown on the plan.

11. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed Approval Not Required (ANR) and site plan, approved pursuant to Section 218-25 Site Plan Review, are 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.
12. 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 and subsequently approved ANR plan shall constitute commencement of substantial use.
13. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed by roll call vote with Members Burke, Capes, Giger, Parent and Wilson (voting remotely) in favor and member Perkins abstaining.

PRE-SUBMISSION REVIEW – GROTON ELECTRIC LIGHT DEPARTMENT

The Board met with representatives of the Groton Electric Light Department (GELD) including Commissioners Kevin Lindemer, Rodney Hirsch, and Chris Christie, General Manager Kevin Kelly, Attorney Robert Collins, and design engineer Stan Dillis to discuss the site plan for GELD's new facilities at the end of Station Avenue.

Mr. Collins said there are 21 parking spaces shown on the site plan. He said GELD has 12 employees and that may increase to 15 in the future. All GELD vehicles will be stored in the garage facility and will not be outside. Additional parking is available on Station Avenue.

Member Parent asked if GELD's new facility would exceed the need for 21 parking spaces. Mr. Kelly said only during severe storm events when extra people and trucks are needed.

Chairman Burke asked about the size of the administrative offices. Mr. Kelly said the office area is around 3000 SF and the garage area is around 9000 SF. Chairman Burke said the office area would require 12 spaces with a ratio of 1:250 SF and the garages would require 1-2 spaces per 1000 SF so 21 spaces should be adequate.

Member Capes asked if the linemen drive their own vehicles to the site and then use GELD vehicles. Mr. Kelly said, "yes."

Member Capes asked about parking for customers. Mr. Kelly said parking is needed for customers and for people attending meetings.

Member Giger said if people pay their bills electronically, it reduces the amount of traffic and parking at the GELD facility. Mr. Kelly said approximately 800 customers pay their bills in person.

Board members agreed that 21 parking spaces would be sufficient for GELD's proposed office and operational facility.

PUBLIC HEARING – ANYTIME FITNESS SITE PLAN REVIEW

The Board held the continuation of the public hearing to consider the application submitted by Anytime Fitness for site plan review to build a new facility at 536 Main Street. Applicant Anthony VivoAmore, Attorney Robert Anctil, design engineer Bruce Ringwall and Landscape Architect Lorayne Black were present.

The Board received a memorandum dated February 23, 2012 from the Earth Removal Stormwater Advisory Committee (ERSWAC), a report dated February 7, 2012 from Nitsch Engineering to the Earth Removal Advisory Committee, and a copy of a letter dated January 12, 2012 from the Sewer Commission to Anthony VivoAmore.

Mr. Ringwall presented the latest revisions to the site plan including the green banking of 11 parking spaces - 10 in the rear and one at the front access road. He described the LID technique of installing pervious "StormcreteTM" pavement blocks along the easterly side of the access drive. The 2' x 3.5' blocks will absorb runoff. The blocks are removable for maintenance and power washing. There is a substantial added cost to the project. The StormcreteTM blocks and green banking parking spaces meet all the requirements of the ERSWAC.

Mr. Ringwall also requested approval of the free-standing sign as shown on the site plan. All signs will be less than 20 SF as required in the Sign By-law. Chairman Burke noted that the Board must grant the Sign Permit for the free-standing sign as well as a permit under Chapter 196-8 Unique and Special Circumstances for the second sign on the building.

Member Giger asked about illumination. Mr. Ringwall said only by lights from above.

Member Perkins asked about the height of the fence around the dumpster. Mr. Ringwall said 6-8 ft. She asked that a note be added to the plan.

Member Capes asked if the Stormcrete™ pavers will eliminate the Board's concerns about water ponding. Mr. Ringwall said there will be gravel underneath the green banked parking spaces and porous concrete pavers with a 1.5% slope to the swale along the property line. The swale will have a 1% slope to the basin so there will be no ponding.

Ms. Black described the proposed landscaping that will screen headlight glare from Main Street. The yews and junipers will have a height of 3 ft. Shade trees will be planted at the entrance and westerly side of the frontage.

Member Capes asked about lighting. Mr. Ringwall said a photometric diagram was submitted with the plan.

Member Giger asked that the pavement be marked so there is no live parking or vehicles standing along the side of the building.

The Board voted unanimously to close the public hearing.

The Board discussed the waivers requested by the applicant, particularly the number of parking spaces and the location of the parking in the front of the building. The Board agreed that the applicant's request to "greenbank" a number of parking would resolve the issue regarding the number of parking spaces being more than what is required.

The motion was made by Perkins, seconded by Giger, to grant the waivers as requested by the applicant:

Section	Required	Requested
218-23C(3) – Access	Parking areas with more than 10 parking spaces shall have a minimum of two access points on a public way.	One point of access
218-25G(2)(b) – Level II Plan requirement	A locus plan at one inch equals 200 feet	Locus @ 1" = 100'
218-25G(2)(c) – Level II plan requirements:	Existing and proposed topo shown at two-foot intervals	Existing and proposed topo shown at 1-foot intervals
381-40A(5) – Level II	Trees shall have at least a four-inch trunk diameter, measured twelve to	2.5-3" cal. Of trees at time of planting

requirements, Site landscaping	eighteen inches above grade.	
381-40C(1) – Level II requirements – Stormwater	Storm water management design shall mitigate the peak rate and volume runoff from the 100-yr storm event (7 inches per hour)	Storm water management designed per Earth Removal Stormwater Advisory Committee requirements
381-40D(1) – parking lot layout	Parking spaces shall be located a minimum of 20 feet from the edge of the rights-of-way.	Parking space 13± feet from edge of right-of-way and 25± from edge of traveled edge of Main street
381-40D(2) – parking lot layout	Driveway entrances, exits and typical lane widths shall be a minimum of 24 feet in width.	Parking / Site entrance of 20 feet (52' at tangents on Main Street)
381-40D(7) – parking lot layout	Curbing shall be vertical granite curb	A mix of cape cod berm, precast concrete and poured in-place curbing throughout the site.
381-40D(8) – parking lot layout	MHD wooden guardrails where parking lots and driveways do not provide a minimum 5 foot wide shoulder area	No guard rail provided
Chapter 196-8 Signs	Only one sign is allowed on a building with a setback of 70 ft or greater	Two signs on the building – one on the east façade and one on the southwest façade

The motion passed unanimously.

The motion was made by Giger, seconded by Perkins, to grant a special permit to Anthony VivoAmore of Anytime Fitness of Groton under the provisions of Groton Zoning By-law Section 218-25 Site Plan Review to construct facilities as shown on the plan entitled, "Permit Plan - 536 Main Street, Groton, MA," (the Site Plan) prepared by GPR, Inc, dated December 2011, with revisions through February 15, 2012, and the plan entitled, "Anytime Fitness, 536 North Main Street, Groton, MA," (the Architectural Plan) prepared by Paul L. Davies & Associates, dated November 29, 2011, with the following findings and conditions:

Findings:

- 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 will enable a local business to expand and offer more services to its customers.
- 2. Traffic flow and safety:** The Board received a memorandum dated January 10, 2012 from Conley Associates, Inc. regarding the traffic impact of the proposed development. The

proposed facility is expected to generate 30 vehicle trips during weekday AM peak hours and 28 trips during the weekday PM peak hour. 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.
4. **Neighborhood character:** The project is located on land zoned Business (B-1) in 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.
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 is proposing a variety of innovative Low Impact Development (LID) techniques to address stormwater issues.
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.

Conditions:

1. The site plan shows a total of 40 proposed parking spaces. Section 218-23 Off-Street Parking and Loading requires 25 parking spaces. The applicant agreed to “green bank ten (10) of the forty (40) parking spaces that will be available for construction at a later date. Seven (7) of the green banked spaces are located in the rear of the site and three (3) located within twenty (20) feet of the Route 119 right-of-way near the front access road to the site as shown on the Site Plan Sheet C3.1 Site Layout and Utilities Plan. The applicant shall not construct the green banked parking spaces without prior written approval of the Planning Board. A modification of the Special Permit shall not be required for construction of the green-banked parking spaces.
2. All vehicles must be parked in a parking space shown on the plan. There shall be no live parking for drop off or pick up. The pavement area along the southerly side of the building shall be clearly marked to prevent stopping or standing.
3. The fence around the dumpster shall not be greater than six (6) feet in height. The containers or dumpster shall not exceed the height of the fence.
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 February 2008.

5. The stormwater management system shall be maintained in accordance with the “Long Term Pollution Prevention & Stormwater System Operation and Maintenance Plan, 536 Main Street, Groton, MA,” prepared by GPR, Inc., dated December 2011, revised on February 15, 2012.
6. The Applicant shall submit an application for a Stormwater Management Permit to the Earth Removal-Stormwater Advisory Committee for its review and approval as required in Chapter 198 Stormwater Management – Low Impact Development.
7. 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 of the end of the snow storm. Snow shall not be plowed onto abutting properties.
8. Chapter 119, section 196-7 Business, Overlay and Manufacturing Districts, states:
 - A. Single-occupancy business premises with adequate property may have one freestanding sign not larger than 20 square feet, not to exceed 10 feet in height as measured from the grade at the location or the crown of the public street on which the sign is located.
 - B. In case of a building setback from road of more than 70 feet, one additional building sign may be used. The size of the building sign shall be determined by the following formula: buildings under 5,000 square feet: one twenty-square-foot sign; buildings of 5,000 to 10,000 square feet: one forty-square-foot sign; buildings over 10,000 square feet: one sixty-square-foot sign. In those cases where a freestanding sign is impractical or nonfeasible, the business will be permitted a wall sign using the above formula.

The Planning Board hereby approves the free-standing sign as shown on the Site Plan, Sheet C6.3 Construction Details and the two building signs as shown on the Architectural Plan. The free-standing sign shall not exceed 20 square feet in area or 10 feet in height. The building signs shall not exceed 20 square feet in area for each sign. The Board granted the permit for the second building sign under the provisions of Chapter 196-8 Unique and Special Circumstances.

9. Vegetative screening shall be used to minimize headlight glare onto public ways as required in Section 218-25G(1)(g). Plantings shall be installed as shown on the Site Plan Sheet L1.1 Landscape Plan. Proposed landscaping plantings (trees, shrubs, etc.) shall not consist of plantings that are identified as an invasive species in the publication entitled, “The Evaluation of Non-Native Plant Species for Invasives in Massachusetts (with annotated list),” prepared by the Massachusetts Invasive Species Advisory Group, dated April 1, 2005. The publication is available at:

http://www.massnrc.org/mipag/docs/MIPAG_FINDINGS_FINAL_042005.pdf

10. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h). Lighting shall be installed as shown on the Site Plan, Sheet P1.1 Photometric Plan. Changes in the lighting schedule shall not be permitted without prior approval of the Planning Board.
11. 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.
12. The applicant shall comply with the recommendations of the Fire Chief as stated in his memorandum dated January 5, 2012 to the Planning Board.
13. The installation of the public water supply system shall conform to the specifications of the Groton Water Department and shall comply with the recommendations of the Water Superintendent as stated in his memorandum dated January 4, 2012 to the Planning Board.
14. The installation of the public sewer system shall conform to the specifications of the Groton Sewer Department.
15. 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.
16. 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).
17. The Planning Board shall review the project one year after the granting of the occupancy permit to assure compliance with the Special Permit and to determine if any reasonable modifications are warranted.
18. All outstanding engineering invoices, if any, must be paid in full prior to issuance of a building permit.
19. 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.
20. Special Permit 2011-17 shall not be in effect until a certified copy 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.

21. Special Permit 2011-17 shall supersede Special Permit 2007-05 granted on March 17, 2007, and Special Permit 2009-06, granted on October 22, 2009, for the same locus.
22. Special Permit 2011-17 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.
23. This Special Permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

PUBLIC HEARING – SITE PLAN REVIEW LUTH KARATE STUDIO

The Board held the continuation of the public hearing to consider the application for Site Plan Review submitted by Michael and Jennifer Luth for a karate studio at 306 Main Street.

At the request of the applicant, the Board voted unanimously to continue the public hearing on March 1, 2012 at 7:00 PM.

TOWN MEETING ARTICLES

The Board discussed the articles for the Spring Town Meeting warrant and decided to submit an article for the endorsement of the Comprehensive Master Plan and a zoning amendment to clarify the definitions of floor area in various sections of the by-law. The motion was made by Parent, seconded by Giger, to submit the two articles to the Board of Selectmen. The motion passed unanimously.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner