

**PLANNING BOARD
MAY 24, 2012
MINUTES**

Chairman Burke called the meeting to order at 7:15 PM at the Town Hall

Members present: Burke, Barringer, Giger, Parent, Perkins, Svarczkopf¹, and Wilson

PUBLIC HEARING – SPECIAL PERMIT, COACH HOUSE GRILL SITE PLAN REVIEW

(Members Giger and Svarczkopf were not eligible to vote. Member Giger had missed more than one public hearing, and Member Svarczkopf was elected on May 22, 2012.)

The Planning Board held the continuation of the public hearing to consider the application submitted by George Pergantis for Site Plan Review of the plan entitled, "The Coach House Seafood Grill and Restaurant (on the site of the Old Groton Inn)," prepared by Meisner Brem Corporation, dated January 19, 2012, with revisions through May 9, 2012. Applicant George Pergantis and design engineer Jeff Brem were present at the public hearing.

Mr. Brem described revisions to the plan including construction details for the gravel and bituminous area. He said the parking spaces meet all the dimensional requirements including aisle widths. Signs will be used to delineate residential parking in the gravel area. Parking for the restaurant will be in the paved area. The Sewer Department approved the as-built plan for the sewer line. The Groton Electric Light Department (GELD) agreed to change the street light fixtures from 400 watts to 250 watts. A turning radius diagram will be provided as requested by the Fire Chief.

Member Perkins asked if handicapped parking spaces are required for the restaurant. Mr. Brem said they are not required unless there are more than 12 units.

Member Wilson said the work at the site has continued unabated. He said the work on the site must be done in compliance with the plan.

Member Barringer asked whether the street lights are going to be changed. Mr. Brem noted the location of the existing street lights and lights on the buildings. The amount of lighting will be reduced from 800 watts (two fixtures per pole) to 500 watts (two fixtures per pole) as recommended by GELD. Member Barringer said the lighting must be adequate for safety of the residents of the apartments and patrons of the restaurant. However, the lights on the utility poles shine onto abutting properties.

Member Wilson suggested placing lights on lower poles for more direct lighting in the parking lot and to prevent glare.

Chairman Burke agreed that the proposed lighting plan does not provide enough information to assure that lighting is adequate and does not glare onto other properties. The Site Plan Review Regulations require a photometric diagram for this reason.

Chairman Burke said this site has had numerous code violations over the years. The proposed site plan is asking the Board to validate what is on the ground today. He said the proposed 100 seat restaurant is a change of use. The parking table refers to five residential units in the Carriage House. He asked if that is correct. Mr. Brem said there is an error on the parking table. The reference is for five parking spaces for employees, not for residential units.

¹ Member Svarczkopf had not been sworn in yet and did not vote on any motions.

Chairman burke asked for clarification on whether the proposed use is a 100-seat restaurant or a function hall. He said there have been no changes to the reference on the plan or Site Plan Review application which stated that the use is a "restaurant." Mr. Brem said the restaurant will be added to the existing function hall.

Chairman Burke said there are not enough parking spaces on the plan for both a 100-seat restaurant and function hall. Additionally, the 18 ft depth of parking space meets the requirements for 90° parking, but not for angle parking as specified in Section 381-40D(3). He noted that at least 15% of the interior of the parking lot should be landscaped as required in Section 218-23C(7).

Chairman Burke asked if the owner had contacted DigSafe about the location of the utilities. Mr. Pergantis said, "no." Town Planner Michelle Collette said Lagasse Construction contacted DigSafe before he installed the sewer line (see Trench Permit #2012-03, February 21, 2012).

Chairman Burke said the Board reminded the applicant at the May 3, 2012 meeting, followed up with a letter on May 11, 2012, that there should be no site work done until the Planning Board and Historic Districts Commission approve the site plan.

Chairman Burke said the new location of the dumpster is not convenient for the restaurant or the apartments. Two separate waste disposal systems must be provided. (See 105 CMR 410.600 Storage of Garbage and Rubbish).

Chairman Burke read the letter dated May 24, 2012 from the Fire Chief, , the message dated May 21, 2012 from Historic Districts Commission chairman Dan Barton, the message dated May 22, 2012 from Nashoba Associated Boards of Health Agent Ira Grossman and 1-05 CMR 410.600 Storage of Garbage and Rubbish.

Town Planner summarized the attached list of outstanding issues and submission requirements.

Groton resident Daniel Munroe stated that George Pergantis is the best host in the area. He said he hopes his restaurant will be open soon. He said he could not believe the "anti-business" attitude from the Planning Board.. He asked if any Board members had a financial interest in the Gibbet Hill Restaurant. Chairman Burke responded that the Board members have no such interest and that it was an inappropriate allegation.

Pierre Comtois asked how many seats the restaurant would have. Mr. Brem said, "102." Mr. Pergantis said there are only 65 seats in the restaurant and room for 100 people in the function hall.

Chairman Burke said the mistakes and deficiencies in the plan must be corrected.

Town Planner Michelle Collette said the applicant could either withdraw the plan and resubmit it when all the issues have been addressed or ask the Board for a continuation of the public hearing.

Mr. Brem requested that the Board continue the public hearing.

The Board voted to continue the hearing on June 14, 2012 at 8:00 PM.

PUBLIC HEARING – SPECIAL PERMIT, HAMMERHEAD LOT, DALE LANE

The Board held the continuation of the public hearing to consider the application submitted by Edward Juskalian for a special permit to create one hammerhead lot as shown on the plan entitled, "Plan of Land in Groton, Massachusetts, Prepared for Edward Juskalian" prepared by Ducharme & Dillis, Civil Design Group, dated January 20, 2012. Applicant Brian Juskalian, Attorney Robert Collins, and design engineer Stan Dillis were present at the hearing.

Attorney Collins said the proposed hammerhead lot exceeds the minimum dimensional requirements, the driveway meets the Town's specifications, and the house will not be visible from surrounding properties. The Board of Health issued a permit for the sewage disposal system, and the Conservation Commission issued an Order of Conditions for the driveway. Attorney Collins noted that the land is presented classified under Chapter 61A so the Board of Selectmen must decide if the Town should exercise its right of first refusal on the property owned by Jodie Gilson. There is no agricultural use on the proposed hammerhead lot.

Mr. Dillis said the Earth Removal Stormwater Advisory Committee will review the application for a Stormwater Permit for construction of the driveway, house, and sewage disposal system. The 100-ft driveway has a gentle grade with 7% in its steepest location.

Member Barringer asked if the hayfield is part of the hammerhead lot. Mr. Collins said, "yes." Mr. Juskalian agreed to keep the hayfield mowed as requested by Jodie Gilson and the Conservation Commission.

Member Wilson asked if there is a reason that the height limitation should be exceeded for the proposed house. Attorney Collins said the height of the house is based upon the architectural design of the extended cape with a 12 point roof. The façade looks more authentic with the 12 pitch roof. However, the variance is not a deal breaker – Mr. Juskalian will still build on the lot without the variance.

Members Parent, Perkins and Svarczkopf did not have questions.

Member Giger asked about erosion control. Mr. Dillis said the Conservation Commission is requiring a silt fence. The Stormwater Permit will also address erosion and sedimentation control issues.

Member Barringer asked about the limit of clearing. Mr. Dillis said it is shown on the plan as the "tree line." The proposed driveway will be sited behind the tree line so there will be a buffer.

Member Barringer asked if the driveway will be paved. Mr. Dillis said, "yes," as required in the regulations.

Abutter Linda Sullivan, 67 Dale Lane, asked about the tree line and the driveway. Mr. Dillis pointed it out on the "Notice of Intent" plan.

Ms. Sullivan asked why a special permit is required for a hammerhead lot. Chairman Burke said the lot has less than the required amount of frontage.

Chairman Burke asked if the applicant would agree to apply for a special permit for a shared driveway if a second lot is created from this land. Attorney Collins said, "yes."

Robert Lotz, 163 Indian Hill Road, asked about the limit of clearing to the north and northeast. Mr. Dillis said the clearing will be about 2000-2500 feet from Indian Hill Road. He added that the Conservation Commission approved the Conservation Restriction on a portion of the Sandquist property that will be combined with the hammerhead lot.

Mr. Lotz asked if the area near the wetlands would be cleared. Mr. Dillis said, "no."

Member Barringer asked if the Sandquist land would be in the same name. Attorney Collins, "yes," the Sandquist land will be conveyed to Juskalians and combined with the hammerhead lot.

Ms. Sullivan asked if another lot could be created in the future. Attorney Collins said the Juskalians have no plans to build another house now, but they may be able to do so in the future. Creation of another hammerhead lot would require a special permit from the Planning Board.

Mr. Lotz asked about the Chapter 61A Right of First Refusal and said it would be good for the Town to own this property.

Member Barringer asked about the Approval Not Required (ANR) plans. Mr. Dillis said one plan is for land owned by Gilson and the other is for land owned by Berry.

The Board voted unanimously to close the public hearing.

The Board will vote on the Special Permit decision at its meeting on May 31, 2012 and will consider the Approval Not Required plans at the same meeting. The Board voted unanimously to extend the deadline to act on the Approval Not Required plan to June 6, 2012 as requested by the applicant.

Chairman Burke suggested including a statement about the application submitted to the Zoning Board of Appeals in the findings. He said the lot does not have unusual soil or topographic conditions that preclude compliance with zoning. Attorney Collins responded that such a finding would not be appropriate because it is not relevant to the creation of the proposed hammerhead lot. Other Board members were not inclined to include such a finding.

Mr. Lotz objected to the conversation between the Board and the applicant's attorney after the public hearing had been closed. The Board said it may ask for clarification from the applicant's representative or others after the hearing is closed and during the Board's deliberations.

(Member Perkins left the meeting.)

MEETING WITH COMMUNITY OPPORTUNITES GROUP

The Board met with Caroline Edwards of Community Opportunities Group to discuss Master Plan Implementation. The Board discussed the following documents:

- Topic: Minimum Front Yard Setback
- Topic: Approach to Regulating Village Business Districts
- Topic: Off-Street Parking Requirements

Ms. Edwards described mixed-use village district provisions and examples from other communities including Acton.

Member Giger noted that the Board and Townspeople must come to agreement on what area constitutes the village center. The concept is still very abstract. Member Parent agreed that the Board must go through the public participation process to define the village center. Chairman Burke said the on-going effort on the development of the Town Center Design Guidelines is part of the process. An active public participation process is needed.

Member Svarczkopf agreed that the idea of mixed use is part of the vision for the Town Center.

Board members agreed that the modification of front yard setbacks should be part of any business district zoning changes. The photographs provided by COG are very helpful.

The Board discussed the Off-Street Parking Requirements and agreed that the Board should consider proposing an amendment to this section of the Zoning By-law in the near future.

Member Giger requested that COG provide the sources for its recommendation on the number of parking spaces. Ms. Edwards said the standards are based upon the American Planning Association's standards as well as towns similar to Groton.

Chairman Burke said required parking should not be based upon the number of employees. Other members agreed.

MONARCH PATH ENFORCEMENT ORDER

Town Planner Michelle Collette reported that there have been problems with hydraulic hammering and hours of operation at Monarch Path and that she had several conversations with developer Ebrahim Masalehdan and contractor James Bresnick about compliance with the conditions of the Monarch Path Modification dated October 19, 2010.

The motion was made by Barringer, seconded by Parent, to request that the Earth Removal Stormwater Inspector issue an Enforcement Order in accordance with the conditions of the Monarch Path Modification. The motion passed unanimously.

ACADEMY HILL

The Board received a request for a field change for the location of sidewalks in the Academy Hill subdivision. The Board said the applicant must submit a plan showing the proposed changes and that any changes must comply with the Americans with Disabilities Act (ADA) requirements.

GROTON BOARD OF TRADE PROGRAM

The Planning Board and Groton Board of Trade will co-sponsor a program on "Best Retail Practices Free Workshop," with Christine Moynihan of Retail Visioning on Wednesday, June 20, 2012 at 6:30 PM at the Groton Pool and Golf Center.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner