

**PLANNING BOARD
JUNE 14, 2012
MINUTES**

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

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

Members absent: Barringer and Wilson

PRE-SUBMISSION REVIEW – CENTER FIRE STATION, FARMERS ROW

Town Manager Mark Haddad, Building Committee Chairman Jeremy Januskiewicz, Selectman Anna Eliot, architects Alan Brown and Bruce Dylan of Dore and Whittier, and design engineer John Perry of Gale Associates met with the Planning Board to discuss the proposed Center Fire Station to be located on Farmers Row. Mr. Haddad thanked the Planning Board for its support of the Town Meeting articles to purchase the lot from the Lawrence Homestead Trust and for funding for the design.

Architect Alan Brown said Dore and Whittier completed a feasibility study of the site and presented a schematic plan showing a two-story building with a pitched roof. The new fire station will include a training room, a room for turn-out gear, and a decontamination room. The bay doors, facing Farmers Row, will have drive-through capability. The second floor will contain living quarters and a training room. The third floor will house all the mechanical equipment.

Mr. Brown said the building will be designed as an agrarian style to fit in with the surrounding area. Architectural design plans must be submitted to the Historic Districts Commission (HDC) for its approval. The siding may be cement fiber board.

Member Svarczkopf expressed concerns with the massing of the roof, which will be very visible from the public way. He said the cement fiber board can have problems with moisture. Mr. Brown said there would be a rain barrier to prevent moisture problems.

Engineer John Perry described the 2.8-acre site on Farmers Row. The building footprint will be 13,200 SF and the gross floor area will be 18,500 SF. Parking will be located to the rear and on the side of the building. The three universally accessible parking spaces and sidewalk will be in the front.

Member Svarczkopf asked if the building could be moved closer to Farmers Row. Mr. Perry said the HDC requested that the building be set back as far as possible to preserve the view of the landscape.

Member Burke said buildings were closer to the street historically. Mr. Haddad said the Committee is trying to work with all departments and address the different interests. The HDC requested that the building be sited in the rear of the lot. He said they will meet with the HDC before the plans are finalized.

Mr. Perry said the building may look out of scale if it is closer to the road. The setback is 291 ft as shown on the schematic plan.

Chairman Giger expressed concerns about parking on the side of the building and said he would prefer to have parking in the rear. Mr. Perry said they do not want pedestrians walking in the travelled way so a side door will be added. Mr. Brown said they must be aware of the needs of the first responders and reduce conflicts. In addition, the Center Fire Station will serve as a safe house.

Mr. Haddad noted that the Board of Selectmen will sponsor an article proposing a rezoning of the lot from Residential-Agricultural (R-A) to the Public Use (P) District at the Fall Town Meeting.

Member Burke asked if the Committee had reached out to the abutters. Mr. Haddad said, "yes," they have spoken with many of them and invited them to serve on the Building Committee.

Chairman Giger asked about snow storage on the site and added that moving the building forward would provide more area for snow storage in the rear of the site.

Member Parent asked about the building footprint and percentage of impervious surface. Mr. Perry said the entire lot is 2.8 acres. The building footprint is 13,200 SF or 11% of the lot area. The total impervious area is 46%.

Member Parent asked about the materials that would be used in the parking lot. Mr. Perry said there would be a combination of materials with concrete aprons at the bays. Low Impact Development (LID) measures, including permeable pavers, bio-retention swales, and rain gardens, are all part of the stormwater management system design. The sewer line will be installed in an easement along the rear of the other Lawrence Homestead Trust lots to the public safety building or along Farmers Row. Mr. Haddad said the Sewer Commission prefers that the sewer line be located in the easement to the rear of the lots rather than in Farmers Row. The Committee is exploring the cost of both options.

Chairman Giger asked if vehicles would be refueled at the site. Mr. Brown said, "no." Chairman Giger asked about provisions for capturing fuel or other accidental spills. Mr. Perry said drains with oil/gas separators will be installed both inside and outside of the building.

Chairman Giger asked about fuel storage and the generator. Mr. Perry said they are still investigating various options.

Member Burke asked about water pressure for the fire sprinkler system. Mr. Haddad said the Water Department will be pressure testing the 10" water main next week.

Chairman Giger asked whether the sewer line installed in the easement is private or public. Mr. Haddad said the Lawrence Homestead Trust will have the right to access the sewer either way.

Member Burke asked about pedestrian access over the easement. Mr. Haddad said, "no," because Lots 1-3 will be sold as house lots.

Chairman Giger asked if a sidewalk would be constructed along Farmers Row. Member Burke said there is an existing sidewalk on the opposite side of Farmers Row.

Town Planner Michelle Collette asked about submission of a traffic study as discussed at the Committee's public hearing. Mr. Brown said traffic control study is underway.

Chairman Giger asked if a traffic light would be needed at the intersection. Mr. Haddad said it would be discussed when the traffic study is completed.

Member Parent asked about the height of the building. Mr. Brown said 35 ft.

Mr. Haddad asked if the Board would like periodic updates. Member Burke said if the Committee has any substantial questions.

Chairman Giger said the Committee should come back to the Planning Board with any waiver requests. Mr. Perry said they would be requesting a waiver for the two access points.

Mr. Haddad thanked the Board for its time.

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

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.

The Board received a letter dated June 14, 2012 from George Pergantis stating that he would withdraw his application for Site Plan Review. The motion was made by Burke, seconded by Svarczkopf, to accept the withdrawal without prejudice. The motion passed unanimously.

PUBLIC HEARING – SCENIC ROADS, 50 HOYTS WHARF ROAD

The Board and Tree Warden held the continuation of the public hearing to consider the application submitted by Jack Waldie to remove a tree along his frontage at 50 Hoyts Wharf Road. Tree Warden Robert T. Delaney was present.

Mr. Waldie said he plans to widen his driveway and improve sight distance to address safety issues. He said there is a dangerous curve in the road and you cannot see when you are pulling out of the driveway.

Mr. Delaney said he did not have a problem with removing the tree because it is for safety reason.

Member Burke asked about the size and species of the tree. Mr. Delaney said it is a good-sized pine growing at an angle on the side of the hill.

The Board voted unanimously to close the public hearing.

The motion was made by Burke, seconded by Parent, to grant the permit to remove the pine tree at the driveway on 50 Hoyts Wharf Road to improve sight distance. The motion passed unanimously with all members of the Planning Board and the Tree Warden voting in favor.

REQUEST FOR RECONSIDERATION – CHAPTER 61A RELEASE

Attorney Thomas Gibbons and Attorney Robert Collins met with the Board to request that the Board reconsider its vote to recommend that the Town exercise its right of first refusal under Chapter 61A to purchase land owned by Jodie Gilson on Dale Lane.

Mr. Collins presented the plan for the hammerhead lot that is subject to a special permit granted by the Planning Board on May 31, 2012. He said only the front portion of the 7.4 acre lot is classified as farm land under Chapter 61A. The portion of the lot with frontage on Dale Lane is under subject to Chapter 61A. The parcel is only contiguous to other conservation land at one point located at the back lot corner. The Gilson property is not special or unique and is not included on the Conservation Commission's list of properties to be protected.

Mr. Collins requested that the Board reconsider its recommendation to the Board of Selectmen.

Chairman Giger said the Board could either reconsider its motion or let the vote stand.

Member Parent noted that the Conservation Commission recommended that the Town not exercise its right of first refusal. He asked what the ramifications are if the Board did not rescind its vote.

Mr. Collins said it is important to have a clear record on the matter. Mr. Gibbons said the original vote could cause confusion and delay the sale of the property.

Chairman Giger agreed that the Board did not have all the information when it voted on May 31, 2012.

The motion was made by Perkins, seconded by Parent to reconsider the Board's vote of May 31, 2012. The motion passed unanimously.

Member Burke stated that the fact that the land does not have frontage on Dale Lane is an important consideration.

The motion was made by Burke, seconded by Perkins, that the Planning Board recommend that the Board of Selectmen not exercise its right of first refusal for the Gilson Property located off Dale Lane. The motion passed unanimously.

PRE-SUBMISISON REVIEW – NASHOBA VALLEY DANCE ACADEMY, MILL RUN PLAZA

Caitlyn Brandt of Nashoba Valley Dance Academy and real estate broker Julie Marion met with the Board to request a waiver of site plan review for tenant fit up of the unit located at 493G Main Street in Mill Run Plaza.

Town Planner Michelle Collette said the Building Commissioner did not think site plan review is required because the only work would be in the interior of the unit.

Ms. Marion said the use is similar to other uses in the plaza such as a yoga studio. She submitted a survey of the cars parking in the 217-space parking lot:

9 AM	63 CARS
11 AM	108 CARS
4 PM	87 CARS
7 PM	44 CARS

Ms. Brandt said class size averages 9-10 students with a teacher.

Member Perkins asked if children were brought inside the building rather than being dropped off at the door for safety reasons. Ms. Brandt agreed that this is an important safety consideration.

Chairman Giger asked if Ms. Brandt had spoken with the Mill Run Plaza Condominium Association about managing the parking situation. Ms. Marion said they had discussed the matter with Attorney George Basbanes, president of the association and the association has no issues with the proposed dance studio which complies with zoning and the condominium association requirements.

Member Svarczkopf said the dance studio on Willowdale Road had parking problems when it had recitals and visitors. Ms. Brandt said the recitals will be held at a theater and not at the studio.

The motion was made by Burke, seconded by Parent, to waive site plan review for the Nashoba Dance Studio at 493G Main Street in Mill Run Plaza. The motion passed unanimously.

OPEN SPACE AND RECREATION PLAN

The Conservation Commission requested that the Planning Board write a letter of support for the Open Space and Recreation Plan to be submitted to the Division of Conservation Services. the motion was made by Perkins, seconded by Svarczkopf, to send a letter of support. The motion was seconded and passed unanimously.

BERTOZZI FARM SUBDIVISION

The Board met with prospective buyer, Michael Vaccaro, to discuss the Bertozzi Farms subdivision. The Board received a report dated May 30, 2012 from Nitsch Engineering regarding the condition of the binder pavement installed ten years ago.

Mr. Vaccaro said he agreed that the compaction tests and engineer's report confirm that the binder course is not up to par and must be removed and replaced. He asked if the Board would hold a lot in escrow rather than increase of amount of the surety held in the passbook account.

Member Burke suggested that the Board only release the lots based upon the portion of the roadway covered by the surety and hold the remaining lots.

The Board will ask its engineer to determine the length of roadway by station numbers that would be covered by the funds held in the passbook.

ACADEMY HILL

The Board considered the request of Academy Hill, LLC, to use a performance bond as surety for a portion of Phase III of the Academy Hill subdivision. Nitsch Engineering estimated the cost to complete t \$150,871.35. George Gallagher of Academy Hill, LLC was present.

Member Perkins said the Town Treasurer must research rating of the insurance company.

Chairman Giger agreed that the bond and supporting documentation must all be in proper order.

Member Burke said the bonding company should have a minimum of "A" or "AA" rating.

Member Perkins asked how many units are left to be constructed. Mr. Gallagher said Lots 1-23 have not been constructed. Lots 24-57 have all been sold.

Town Planner Michelle Collette referred to the spreadsheets showing the surety posted for various phases of the subdivision and building permits issued to date.

Chairman Giger asked if the applicant is on track for the affordable units as required in the special permit and subsequent agreement signed by the Board on October 29, 2009.

Member Perkins agreed and requested that the applicant submit a plan to the Board on when they would build the remaining affordable units. *(Note: Ten affordable units are required, three have been constructed, and two of the three have been sold.)*

Phases II & III - The Board received a report dated June 14, 2012 from Nitsch Engineering with a cost-to-complete estimate of \$638,562.14 for Phases I & II.

The motion was made by Perkins, seconded by Parent, to reduce the amount held in the tripartite agreement with Middlesex Savings Bank to \$638,562.14 for Phases I & II of the Academy Hill subdivision. The motion passed unanimously.

Phase III – The Board said it was not ready to accept the performance bond for Phase III until the Town Treasurer had reviewed the rating of the bonding company and will consider the matter at its meeting on June 28, 2012.

Sidewalks – The Board reviewed the plans to address grading issues to bring the sidewalks into compliance with the Americans with Disabilities Act (ADA).

Member Perkins expressed concern about plows damaging the berms and sidewalks. Mr. Gallagher said the curbing is monolithic berms as used by the Town on public ways.

Chairman Giger asked how the banks would be stabilized to control erosion. Mr. Gallagher said they are not cutting into the banks or disturbing existing vegetation.

The motion was made by Burke, seconded by Parent, to waive the Subdivision Regulations and to accept the proposed modification to the sidewalk from Station 38+00 to 42+00 on the plan dated June 14, 2012 with the following conditions:

1. All disturbed areas must be loamed, seeded, and stabilized within ten days.
2. The sidewalks must comply with ADA requirements.

The motion passed unanimously.

MONARCH PATH ENFORCEMENT ISSUES

The Board discussed on-going enforcement issues at the Monarch Path subdivision related to rock crushing and jack hammering activities done in violation of the Definitive Plan Modification dated October 17, 2010.

The motion was made by Burke, seconded by Svarczkopf, to send a letter to developer Ebrahim Masalehdan with the following reminders:

- The developer must request approval from the Planning Board prior to any additional rock crushing or blasting at Monarch Path and that hydraulic hammering is prohibited in accordance with the definitive plan modification dated October 17, 2010.
- There is a "Limit of Disturbance" shown on Sheets 6 and 7 of the Monarch Path definitive plan and vegetation cannot be cleared beyond that limit.
- The developer shall submit a proposed timeline for the completion of the subdivision as well as periodic updates (monthly or quarterly depending upon the level of activity) to the Planning Board.

The motion passed unanimously.

Meeting adjourned at 10:45 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner