

**PLANNING BOARD
JULY 12, 2012
MINUTES**

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

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

TOWN CENTER OVERLAY DISTRICT DESIGN GUIDELINES

The Board met with Peter Flinker of Dodson Associates to discuss the Town Center Overlay District Design Guidelines and build-out of the Town Center. Mr. Flinker said very little will happen under current zoning. He summarized the May 31, 2012 Power Point presentation. The Town could designate sub-zones of areas to be preserved and areas to be developed.

Member Burke said the Station Avenue Overlay District Design Guidelines became murky when applied to 134 Main Street in the Town Center Overlay District. He said the vision for the Town Center must be built upon with general standards and specific guidelines for certain areas.

Chairman Giger noted that the portion of the Town Center in the Historic Districts should be treated differently than the part of the Town Center outside the Historic Districts. Board members agreed.

Mr. Flinker said the Design Review Committee should have more guidance about historic preservation matters. Town Planner Michelle Collette suggested relying on the Historic Districts Commission (HDC) for design review in areas within the Districts and the Design Review Committee (DRC) for design review of projects outside the Districts. The HDC has professional expertise and decades of experience (*Note: The HDC was established in 1964.*)

Member Wilson said there are two overlapping jurisdictions. He asked if the TCOD and Historic Districts should be consolidated.

Member Barringer said the HDC has jurisdiction over architecture and other structures, but the DRC makes recommendations on other aspects such as parking, infrastructure, and streetscape amenities. He said leaving jurisdiction solely to the HDC will not work.

Chairman Giger said the HDC only has jurisdiction within a certain distance from the public way. Town Planner Michelle Collette said the HDC asserts jurisdiction if a portion of the lot is in the district and the project is visible from the public way.

Chairman Giger said the Town must be clear about various responsibilities and jurisdictions. People complain that the Town is not "business friendly." Town Planner Michelle Collette said that may be the perception, but it is not the reality.

Member Burke said the Board must be clear that the Design Guidelines only apply to Station Avenue and 134 Main Street at the present time. He asked if the Board wanted to apply design

guidelines to a broader area within or outside the Town Center. He added that the HDC still has authority over projects in the Historic Districts in any event. The Planning Board has jurisdiction over all the site plan review issues, not the HDC or DRC.

Selectman Anna Eliot expressed concerns about the permitting process which should be a joint effort. She asked if everyone agreed on the boundaries of the Town Center. Member Burke said, "not yet."

Selectman Eliot said the Board of Selectmen appointed an Underground Utilities Study Committee to examine installing utilities underground in the Town Center. She requested that the Planning Board support the initiative.

Mr. Flinker distributed handouts on the Town Center Overlay District, the Site Plan Review Regulations, and the Historic Districts Commission Regulations. He also distributed copies of the excerpts of the Station Avenue Overlay District with areas highlighted for the Board's review.

The Board thanked Mr. Flinker for his time and will review the materials he provided.

ACADEMY HILL

The Board met with Bruce Wheeler of Academy Hill, LLC, to discuss the affordable housing build-out schedule. Mr. Wheeler submitted a Letter of Agreement dated July 12, 2012.

The motion was made by Barringer, seconded by Perkins, to endorse the Letter of Agreement dated July 12, 2012 with Academy Hill, LLC.

Chairman Giger and other members suggested several modifications (shown in bold):

"This letter will memorialize our agreement regarding the Affordable Units at the Condominiums at Academy Hill, in accordance with the Special Permit.

1. Pursuant to the Special Permit, ten (10) units in the Project (the "Affordable Units") are required to be sold to households whose incomes do not exceed 80% of the median income (adjusted for household size) for the Lowell Primary Metropolitan Statistical Area. In addition, the Affordable Units will be subject to Affordable Housing Restrictions governing resale (the "Affordability Requirement") in perpetuity;
2. As of the date hereof, the Trust has provided five (5) Affordable Units at the Condominium At Academy Hill;
3. The five (5) remaining Affordable Units will be built as follows: One Affordable Unit shall be constructed for every four (4) market rate single family homes or single family detached condominium units. Specifically, once the Trust has

obtained a building permit for an Affordable Unit, the Town of Groton will issue building permits to the Trust for four (4) market rate single family homes or single family detached condominium units. Provided however, that until the Trust has obtained an occupancy permit for the Affordable Unit, the Town of Groton will not grant occupancy permits for the four (4) market rate single family homes or single family detached condominium units. At such time as the Trust has completed the remaining five (5) Affordable Units, there shall be no restriction on the number of building permits issued for market rate single family homes or single family detached condominium units **based on or related to the Affordable Units;**

4. The location of the five (5) additional Affordable Units will be determined by the Trust **and approved by the Town of Groton Planning Board. All of the Affordable Units will be located on Lot B or B-1;**
5. There shall be no limit or restrictions on the number of building permits issued for market rate multi-family condominium units **based on or related to the Affordable Units;** and
6. The Trust also agrees to execute a Monitoring Agreement, which does not provide for a fee for such monitoring, and a Regulatory Agreement in a form approved by Town Counsel and DHCD, the forms of which Monitoring Agreement and Regulatory Agreement are currently being reviewed by DHCD.

In all other respects, the provisions of the Special Permit **#2004-10** are hereby ratified and confirmed.”

Mr. Wheeler agreed to the suggested changes.

The motion was made by Barringer, seconded by Wilson, to endorse the Letter of Agreement as amended and agreed to by the applicant. The motion passed unanimously.

BERTOZZI FARMS PASSBOOK SURETY

The Town Clerk received a letter dated July 10, 2012 from Asset Management Consultants requesting a release of the passbook held as surety for the Bertozzi Farms subdivision. The road was partially constructed over ten years ago and no work has been done since 2003.

The motion was made by Burke, seconded by Parent, not to release the funds held in the Citizens Bank savings account as surety for the Bertozzi Farms subdivision based upon the report dated October 27, 2011 from Nitsch Engineering indicating that the cost to complete the outstanding work is \$230,244 at 2011 prices. Therefore, the cost to complete estimate exceeds the amount of \$122,795 held in the account today. The motion passed unanimously.

REVISED FORMS

The Board discussed the draft of proposed revisions to four standard subdivision forms: Form I – Covenant; Form J – Lot Release; and Form K – Performance Bond with Surety Company. The Board will send the proposed forms to Town Counsel for review prior to voting to adopt the forms.

MINUTES

The Board voted to approve minutes of the following meetings:

January 19, 2012
January 26, 2012
February 2, 2012
February 9, 2012
February 16, 2012
February 23, 2012
March 8, 2012
March 15, 2012
March 22, 2012
March 29, 2012
April 5, 2012
April 12, 2012
April 19, 2012
April 26, 2012
April 30, 2012
May 3, 2012
May 10, 2012
May 24, 2012

Meeting adjourned at 9:45 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner