

**PLANNING BOARD
AUGUST 9, 2012
MINUTES**

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

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

Members absent: Svarczkopf

PUBLIC HEARING – LUTH KARATE STUDIO, 306 MAIN STREET

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing on August 9, 2012 to consider the application submitted by Michael Luth for Site Plan Review to expand an existing building to create a martial arts and yoga studio as shown on the plan entitled, "Site Plan of Land in Groton, Massachusetts Prepared for Michael Luth," prepared by David E. Ross Associates, dated December 8, 2011. The proposed project is located at 306 Main Street on property owned by the Robert C. Borden Irrevocable Family Trust, Assessors' Map 112, Parcel 72, located on the easterly side of Main Street.

Chairman Giger called the public hearing to order. Clerk Parent read the public hearing notice posted with the Town Clerk on July 18, 2012 and published in the July 20 & 27, 2012 issues of the Groton Herald. Applicant Michael Luth, Attorney Robert Anctil, and design engineer Robert Oliva of David Ross Associates were present.

Chairman Giger disclosed that he is an elected member of the Groton Dunstable Regional School District and that the School District is an abutter within 300 ft of the subject property.

Attorney Anctil said the application for site plan approval for the proposed karate/yoga studio is the same as the previous application that was withdrawn on May 10, 2012. The required number of parking spaces is 10, and the applicant would like to move forward with 10 proposed parking spaces.

Engineer Robert Oliva described the three parcels owned by the Borden Family Trust, the Workers Credit Union and Menhant Realty Trust (Dr. DeCoteau). Mr. Anctil said Mr. Luth plans to purchase the lot owned by Borden. There are a total of 36 parking spaces to be shared between Mr. Luth and the Workers Credit Union.

Mr. Oliva described the proposed changes to the site, the building elevations and floor plans, and the landscaping. Stone trenches will be installed to direct runoff from the roof. Three universally accessible parking spaces and an access ramp to the building will be provided as shown on the plan. The Conservation Commission issued negative Determination of Applicability for the project, and the Zoning Board of Appeals granted a special permit to alter the non-conforming structure.

Member Parent asked about the height of the proposed addition. Mr. Oliva said the addition would be 1.5 stories, but he was not sure about the exact height.

Member Parent asked about the hours of operation. Mr. Luth said the karate/yoga studio would be open Monday through Friday from 4-9 PM and Saturday from 8 AM to 12 noon. There may be additional weekday morning classes, but they would be small classes.

August 9, 2012

Page 2

Member Parent asked if 10 parking spaces were allocated in the "Parking and Right of Way Easement" agreement. Mr. Anctil said the original agreement contained 16 spaces for the Borden property. A later agreement reduced the number from 16 to 10 parking spaces. He said Workers Credit Union will be a good neighbor, but it would not reduce its number of parking spaces.

Member Parent asked about the busiest times for the karate studio. Mr. Luth said Thursday and Friday afternoon/evenings. He said there are seldom more than 10 students. The average number of students is 4-6 in the summer and 7-9 in the winter.

Member Burke asked about the size of the addition. Mr. Oliva said the proposed addition is 2800 SF. The existing building is 1100 SF.

Member Burke asked about the size of the Workers Credit Union. Mr. Oliva said it is about 2000 SF.

Member Burke said the bank is required to have 13 parking spaces and the karate studio is required to have 15 parking spaces. He asked about the total number of spaces. Mr. Oliva said, "There are 36 spaces."

Member Perkins asked about construction impact on abutters on Champney Street. Mr. Luth said he would provide a fence and screening as requested by the abutters.

Member Perkins asked if the Workers Credit Union's concerns had been addressed. David Rogers of the Credit Union said their position has not changed. The Bordens gave up six parking spaces in 2011. The Credit Union is willing to share parking spaces and will be a good neighbor.

Chris Borden said the shared parking agreement was amended in 2011 to control the shared expenses of the parking lot.

Member Barringer said it appears that the parking issues have been resolved. He asked if the addition to the building is prefabricated or a reused building. Mr. Luth said the architectural plans were prepared specifically for this building.

Chairman Giger asked if the Credit Union and Luths will enter into a new shared parking agreement. Mr. Anctil said the parties do not want to change the agreement. Mr. Rogers said the Credit Union would enter into an agreement outlining how spaces would be shared but they have not discussed specificity about the number of parking spaces. Chairman Giger said the details of the shared party agreement must be worked out between the parties.

Marion Stoddart, 59 Long Hill Road, spoke in support of Mr. Luth's application. She said her grandsons were students at the Luth Karate Studio and she is a member of the Workers Credit Union. She urged the parties to work together on the parking issues. The proposed karate studio is a great new business for the Town and will benefit everyone.

Dr. DeCoteau expressed concerns about the 2011 revisions to the agreement that were recorded at the Registry of Deeds without his signature. He said the 2006 agreement was signed by all three parties (Workers Credit Union, Borden & Menhaut Realty). He said he would like to have a valid easement agreement signed by all three parties.

Member Burke said the Planning Board is not the arbiter of such an agreement. The parties must work

August 9, 2012

Page 3

out the details as a private legal matter. The Board must determine if there is adequate access and a sufficient number of parking spaces available. Member Burke said the parties could sign a confirmatory agreement and the Planning Board cannot take away any rights of the parties.

Selectman Anna Eliot stated that the intent of the Town Center Overlay District (TCOD) is to share access and parking and to promote pedestrian access. (*Note: The property located at 306 Main Street is zoned Business B-1 and is not part of the TCOD.*)

Chairman Giger stated that the 2006 agreement provides access for all three parties.

Mr. Anctil said the 2011 agreement reduced Borden's parking spaces from 16 to 10, but there were no other changes to the agreement. Mr. Rogers said the only change was to reduce the number of spaces from 16 to 10. The Credit Union will not impede access to other properties. He said the Credit Union is trying to be cooperative.

Dr. DeCoteau spoke in favor of Mr. Luth's project and welcomed his new business.

Attorney Anctil requested that the Board not limit the hours of operation in its decision. Selectman Eliot said the Board should not limit the hours of operation so the business would have the opportunity to grow. The Board agreed.

Mr. Rogers asked the other parties if they are willing to resolve outstanding issues. Both Dr. DeCoteau and Mr. Luth said, "yes." Mr. Rogers said the Credit Union is ready to work things out as well.

The Board voted unanimously to close the public hearing.

PUBLIC HEARING – SPRINT, 550 MAIN STREET

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing on August 9, 2012 to consider the application submitted by Sprint Spectrum, LP, to modify Special Permit 2002-04A by replacing the six (6) existing antennas with three (3) new antennas at the same height on the tower, installing six remote radio heads, replacing the existing GPS antenna with one new GPS antenna, and modifying its ground equipment by replacing two existing cabinets with two BBU cabinets and installing one multimode BTS cabinet and one new fiber distribution box within the existing fenced-in compound. The proposed modification is shown on the plan entitled, "Sprint Vision, Site Number BS54XC118, Site Name: Crowley Property; Site Address: 550 Main Street, Groton, MA 01450," prepared by Salient Architects, LLC, and Alcatel Lucent, dated April 30, 2012 with revisions through July 2, 2012. The modification of the special permit is subject to the provisions of Code of the Town of Groton Section 218-25.1 Personal Wireless Services Facility. The existing tower is located on land owned by Jeffrey Crowley, Assessors Map 216, Parcel 49-1, at 550 Main Street.

Chairman Giger called the public hearing to order. Clerk Parent read the public hearing notice posted with the Town Clerk on July 18, 2012 and published in the *Groton Herald* on July 20 & 27, 2012. Peter LaMontagne of Centerline Communications represented the applicant at the public hearing.

Chairman Giger stated he filed a disclosure with the Town Clerk regarding his previous employment with Alcatel-Lucent and that he retired on August 8, 2008. He indicated that he has no involvement or interest in Sprint, Nextel, or Sprint Nextel.

Mr. LaMontagne said Sprint would like to replace six (6) antennas with three (3) new antennas on the

August 9, 2012

Page 4

existing tower located at 550 Main Street. The number of ground cabinets will be increased from two (2) to three (3), but there will be no change in the compound area. The special permit application included plans showing details of the proposed changes to the equipment as well as a photosimulation.

Member Parent asked if Sprint is the only carrier on the tower. Mr. LaMontagne said, "yes."

Reporter Pierre Comtois of the *Lowell Sun* asked about the height of the existing tower. Mr. LaMontagne said, "120 ft."

The Board voted unanimously to close the public hearing.

PUBLIC HEARING – SPRINT, 47 PRESCOTT STREET

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public on August 9, 2012 to consider the application submitted by Sprint Spectrum, LP, to modify Special Permit 2002-15 by replacing the six (6) existing antennas with three (3) new antennas at the same height on the tower, installing six remote radio heads, replacing the existing GPS antenna with one new GPS antenna, adding one backhaul antenna, and modifying its ground equipment by replacing two existing cabinets with two BBU cabinets and installing one multimode BTS cabinet and one new fiber distribution box within the existing fenced-in compound. The proposed modification is shown on the plan entitled, "Sprint Vision, Site Number BS54XC141, Site Name: American Baptist Church of Massachusetts; Site Address: 47 Prescott Street, Groton, MA 01450," prepared by Salient Architects, LLC, and Alcatel Lucent, dated April 27, 2012 with revisions through July 11, 2012. The modification of the special permit is subject to the provisions of Code of the Town of Groton Section 218-25.1 Personal Wireless Services Facility. The existing tower is located on land owned by the American Baptist church of Massachusetts, Assessors Map 117, Parcel 19-3529, at 47 Prescott Street.

Chairman Giger called the public hearing to order. Clerk Parent read the public hearing notice posted with the Town Clerk on July 18, 2012 and published in the *Groton Herald* on July 20 & 27, 2012. Peter LaMontagne of Centerline Communications represented the applicant at the public hearing.

Chairman Giger stated he filed a disclosure with the Town Clerk regarding his previous employment with Alcatel-Lucent and that he retired on August 8, 2008. He indicated that he has no involvement or interest in Sprint, Nextel, or Sprint Nextel.

Member Barringer asked about the proposed "backhaul" antenna. Mr. Lamontagne said the one foot (1') backhaul antenna is used to transfer data from the tower to Sprint's main site in order to keep up with the amount of data transfer.

Chairman Giger asked if Sprint is the only carrier on the tower. Mr. LaMontagne said, "yes."

The Board voted unanimously to close the public hearing.

SITE PLAN REVIEW – COACH HOUSE SEAFOOD GRILL & RESTAURANT

The Board met with applicant George Pergantis and his representative Don Ross (HVAC installer) to discuss the Site Plan Review application submitted by Mr. Pergantis for the proposed Coach House Grill and Seafood Restaurant. Mr. Pergantis said he would like to repair pot holes in the parking lot and driveway so he could open his restaurant.

August 9, 2012

Page 5

Mr. Ross said he was acting as Mr. Pergantis' agent. He said he spoke with the Fire Chief and the Board of Health. Mr. Pergantis would like to repave his parking lot and open his business. Member Burke said Mr. Pergantis must have an approved site plan first with construction specifications. Compaction tests must be done prior to paving. No details have been provided by the applicant.

Chairman Giger said the applicant must address all the issues on the whole site. The submission requirements are clearly defined in the Zoning By-law and Site Plan Review regulations.

Member Barringer said the letter dated July 26, 2012 from Town Counsel David Doneski to the Planning Board clearly states that a Level II site plan is required.

Chairman Giger said the applicant must identify the proposed occupancy for the restaurant and function hall. Mr. Pergantis said this is a new application for the restaurant.

Chairman Giger said the applicant must submit all the required documents for a Level II Site Plan Review. In addition, other permits and licenses are required such as a food service permit, common victuallers license, and alcoholic beverages license.

Mr. Pergantis asked the Board to make an exception for his business. Chairman Giger responded that the project must comply with the requirements of the Zoning By-law and Site Plan Review regulations.

The motion was made by Barringer, seconded by Parent, to require a Level II Submission as defined in Section 218-25C(2) Level II. The motion passed unanimously.

The motion was made by Barringer, seconded by Burke, to determine that your application was incomplete and did not include the required submissions and supporting documentation including:

- A site plan prepared by a Registered Professional Engineer as required in Section 218-G(2)(a).
- Submittal requirements enumerated in Section 218-G(2) unless such requirements have been waived by the Planning Board (attached).
- Submittal requirements of Chapter 381, Part 5, Site Plan Review Regulations (attached.)
- Filing fee
- List of abutters within 300 ft

The motion passed unanimously.

The motion was made by Burke, seconded by Parent to deny the application dated August 3, 2012 submitted on August 3, 2012, by the Pergantis Realty Trust for Site Plan Approval on the grounds that the documents required in Section 218-25 and Section 381-39 were not submitted and the application is incomplete. The motion passed unanimously.

August 9, 2012

Page 6

COMMENTS TO MEPA – LOST LAKE SEWER PROJECT

The motion was made by Burke, seconded by Barringer, to write a letter supporting the Lost Lake sewer project to MEPA including a statement of concern regarding unintended growth as a result of the project. The motion passed unanimously.

CENTER FIRE STATION PEER REVIEW

The Board discussed the peer review of the Center Fire Station and agreed that Nitsch Engineering would review the civil engineering and Fay, Spofford & Thorndike would review traffic since these are the Board's regular consultants for site plan review.

WARRANT ARTICLES FOR THE FALL TOWN MEETING

Town Planner Michelle Collette said the Board of Selectmen are sponsoring an article to rezone Lot 4 of the property now owned by the Lawrence Homestead Trust located on Farmers Row to Public Use (P).

She also noted that the Schedule of Intensity Regulation does not include any dimension requirements for the "P" District.

The motion was made by Burke, seconded by Wilson, that the Planning Board proposed an article to include dimension requirements in the "P" District that are the same as the requirements for the "B-1" District. The motion passed unanimously.

Meeting adjourned at 10 PM

Respectfully submitted,

Michelle Collette
Land use Director/Town Planner