

**PLANNING BOARD
AUGUST 23, 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 Svarczkopf

Members absent: Wilson

SPECIAL PERMIT DECISION – LUTH KARATE STUDIO, 306 MAIN STREET

The Board reviewed the draft special permit decision for the Luth Karate Studio at 306 Main Street.

The motion was made by Barringer, seconded by Parent, to GRANT a special permit to Michael Luth of Luth's Family Karate under the provisions of Groton Zoning By-law Section 218-25 Site Plan Review to construct facilities as shown on the plan entitled, "Site Plan of Land in Groton, Massachusetts prepared for Michael Luth," (the Site Plan) prepared by David E. Ross Associates, dated December 2011, and the plan entitled, "Addition Plans, Mike Luth, 306 Main Street, Groton, MA," (the Architectural Plan) prepared by Beyond Basics, dated September 1, 2011, with revisions submitted to the Planning Board on February 1, 2012, with the following findings and conditions:

Findings:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by renovating an existing building and constructing an addition for a business use. The proposed plan will enable a local business to move its facility to Groton and offer more convenient service to its customers.
2. **Traffic flow and safety:** The Board determined that there would be no adverse impact from the increase in traffic at the site.
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 increase in impervious surface resulting from the 1800 square foot addition will be mitigated by discharging roof runoff to a recharge trench. The Conservation Commission issued a negative determination for proposed work within the 100 ft buffer zone.
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.

Waivers:

At its meeting on October 13, 2011, the Board voted unanimously to waive submission of a traffic study, the landscaping plan, the environmental impact report, the stormwater management calculations, and the topography within 500 ft of the site.

Conditions:

1. The property presently owned by the Robert S. Borden Irrevocable Trust, shown as Lot 3A on the Site Plan, contains 16 existing parking spaces. The property owned by Workers Credit Union contains 20 existing parking spaces. The parking area is shared with Workers Credit Union for a total of 36 parking spaces. Parking and access are subject to "Access and Parking Easement" agreements among The Borden Irrevocable Trust, the Workers Credit Union, and Menhant Realty Trust. The Planning Board determined that there are sufficient parking spaces to serve the proposed karate studio because the proposed hours of operation for the karate studio do not generally conflict with the hours of operation of Workers Credit Union.
2. As stated by the applicant, 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.
3. The applicant shall ensure that the right of way access to the Menhant Realty Trust Property located at 300 Main Street is not blocked or obstructed at all times.
4. The applicant shall work with residential abutters Lukas Sturm and Christina Andriole, 22 Champney Street, to minimize construction impact as requested in the letter dated February 2, 2012 from Sturm and Andriole to the Planning Board.
5. 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 the 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 applicant must submit an application to the Planning Board prior to installing any signs on the premises.

6. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h).
7. 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.

8. The applicant shall comply with the recommendations of the Fire Chief as stated in his memorandum dated January 5, 2012 to the Planning Board.
9. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
10. The installation of the public sewer system shall conform to the specifications of the Groton Sewer Department.
11. 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).
12. The Planning Board shall review the project one year after the granting of the first occupancy permit to assure compliance with the special permit and to determine if any reasonable modifications are warranted.
13. This Special Permit 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.
14. Special Permit 2011-18 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.
15. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

ANYTIME FITNESS – ENDORSE SITE PLAN

The motion was made by Perkins, seconded by Parent, to endorse the site plan entitled, "Permit Plan – 536 Main Street, Groton, MA," prepared by GPR, Inc., dated December 2011 with revisions through August 13, 2012. The motion passed unanimously.

ACADEMY HILL UPDATE

The Board met with George Gallagher of Academy Hill LLC to discuss a variety of outstanding issues including a new performance bond for Phase III, lot releases, surety reduction for Phases I & II, and the affordable housing units. Mr. Gallagher stated that Unit 23 would be the fifth affordable unit. The Board requested that the designation of Unit 23 as one of the required affordable units be submitted to the Board in writing. Mr. Gallagher agreed.

The motion was made by Burke, seconded by Barringer, to execute Form K – Performance Bond with Surety Company in the amount of \$150,871.35. the motion passed unanimously.

The motion was made by Burke, seconded by Perkins, to release Lots 11, 13(A), 20, 21, 22, and 23 on Cherry Tree Lane pending receipt of the letter on the affordable housing unit and payment of the outstanding engineering invoices. The motion passed unanimously.

The motion was made by Burke, seconded by Svarczkopf, to reduce the amount of surety held in the "Agreement and Contract – Town of Groton Planning Board, Middlesex Savings Bank" to \$334,993.25 for Phases One and Two in the Academy Hill Subdivision (excluding Cherry Tree Lane from Station 0+00 to Station 32+67.01), as recommended in the report dated August 23, 2012 from Nitsch Engineering, pending submission of outstanding items listed in the previous motion. The motion passed unanimously.

TOWN CENTER OVERLAY DISTRICT DESIGN GUIDELINES

The Board discussed the work done to date on the Town Center Overlay District (TCOD) Design Guidelines and considered "where to go from here" with the project. Selectmen Anna Eliot and Joshua Degen were present.

The Board reviewed the Scope of Services with Dodson Associates dated August 17, 2011. The Board said it must give Peter Flinker of Dodson Associates more direction before the project is concluded. The Board would like to broaden the area to include the Town Center beyond the existing boundaries of the TCOD. At the various work sessions, Mr. Flinker described how several "nodes" could be created with different guidelines for each area. Town Planner Michelle Collette will call Mr. Flinker and discuss the possibility of expanding the scope of services to include more of the Town Center. At a minimum sites like the Prescott School and former Groton Inn should be included.

Member Burke said the Design Guidelines could be applied to the TCOD or extended to other areas of the Town Center.

Member Perkins said the Board worked with Peter Flinker and Dodson Associates on Design Guidelines for commercial development in 2008. Town Planner Michelle Collette said these guidelines were very helpful when the Board reviewed the proposed revisions to the Crossroads Development project. She added that applicants find it very helpful to know what the Town is looking for with developments because it makes the permitting process easier.

Member Burke said the Board could adopt design principles including various realms with more tailored guidelines.

Selectman Josh Degen said the existing Station Avenue Overlay District Design Guidelines and Historic District Commission review worked well for 134 Main Street. He said the guidelines would be helpful for future development at Prescott School or the site of the Groton Inn.

Selectman Anna Eliot asked how the Design Guidelines could be applied to the R-A District and other areas of Town. Member Barringer said the existing SAOD guidelines are for mixed use project. The Board does not have guidelines for residential use. Member Burke said the Board could adopt guidelines for multifamily residential, but not for single-family or two family use.

Chairman Giger said the Board must decide if Dodson Associates should revise the Design Guidelines for the existing TCOD (Station Avenue & 134 Main Street) or ask him to do something broader.

August 23, 2012

Page 5

Town Planner Michelle Collette suggested asking a member of the Historic Districts Commission to participate in the process since there is overlapping jurisdiction. She will call Mr. Flinker to discuss options.

MINUTES

The Board voted to approve the minutes of May 31, 2012; June 14, 2012; June 28, 2012; July 12, 2012; and July 26, 2012.

Meeting adjourned at 9PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner