

**PLANNING BOARD
NOVEMBER 8, 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

PUBLIC HEARING - GELD SPECIAL PERMIT/SITE PLAN REVIEW

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by the Groton Electric Light Department (GELD) for Site Plan Review to construct a new office and operational facility as shown on the plan entitled, "Groton Electric Light Department Facility, Groton, Massachusetts, Planning Board Submission, at 23 Station Avenue," prepared by Places Associates, Inc., the Maguire Group, and Ducharme & Dillis, dated November 28, 2011, with revisions through September 19, 2012. The proposed facility will be located on Station Avenue on property now owned by the Town of Groton Electric Light Department, Assessors' Map 113, Parcels 51-54, on the easterly side of Station Avenue.

Chairman Giger called the public hearing to order. Clerk Svarczkopf read the notice posted with the Town Clerk and published in the October 19 and 26, 2012 issues of the *Groton Herald*.

At the request of the applicant, the Board voted unanimously to continue the public hearing on November 15, 2012 at 7:30 PM.

PUBLIC HEARING (con't) - CENTER FIRE STATION SPECIAL PERMIT/SITE PLAN REVIEW

The Board held the continuation of the public hearing to consider the Center Fire Station to be located on Farmers Row. The Board received a letter dated November 8, 2012 from Gale Associates regarding proposed lighting in the parking lot and along the access road.

There were no comments from the public.

The Board voted unanimously to close the public hearing.

SPECIAL PERMIT DECISION

The Planning Board relied on the following documents, in addition to the testimony presented at the public hearing, in making its decision:

- Code of the Town of Groton Chapter 218 Zoning, as amended at Town Meeting on November 3, 2012
- Code of the Town of Groton Chapter 381 Planning Board Regulations dated January 2006
- "Approval Not Required Subdivision Plan, Lawrence Homestead Trust, Farmers Row, Groton, MA; Applicant: Town of Groton," prepared by Gale Associates and Romanelli Associates, Inc., dated April 24, 2012
- "Site Plan Review – Groton Center Fire Station Design, Groton, MA, application and supporting documentation, prepared by Gale Associates, dated August 2012, submitted on September 4, 2012

- “Groton Center Fire Station, Farmers Row, Groton, Massachusetts, Site Plan Review,” prepared by Gales Associates, Inc. and Dore & Whittier Architects, Inc., dated August 29, 2012, with revisions through October 12, 2012, including the following sheets:

DRAWING NUMBER	DRAWING DESCRIPTION	LATEST REVISION DATE
G0.01	Cover Sheet	October 4, 2012
G0.02	Notes Sheet	October 4, 2012
C0.01	Existing Conditions Plan	August 27, 2012
C0.02	Demolition and Erosion Control Plan	October 12, 2012
C0.03	Demolition and Erosion Control Plan	October 4, 2012
C0.04	Interim Erosion Control Plan	October 4, 2012
C1.01	Layout and Materials Plan	October 4, 2012
C1.02	Grading and Drainage Plan	October 4, 2012
C1.03	Utility Plan	October 4, 2012
C1.04	Utility Plan	October 4, 2012
C1.05	Plan and Profile	October 4, 2012
L1.01	Landscape Plan	October 25, 2012
LC.01	Lighting Plan	October 4, 2012
C5.01	Detail sheet 1 of 8	October 4, 2012
C5.02	Detail sheet 2 of 8	October 12, 2012
C5.03	Detail sheet 3 of 8	October 4, 2012
C5.04	Detail sheet 4 of 8	October 12, 2012
C5.05	Detail sheet 5 of 8	October 4, 2012
C5.06	Detail sheet 6 of 8	October 4, 2012
C5.07	Detail sheet 7 of 8	October 4, 2012
C5.08	Detail sheet 8 of 8	October 4, 2012
A1	Building Elevation 1 st Floor Plan	September 28, 2012
A2	Building Elevation 2 nd Floor Plan	September 28, 2012
A3	Building Elevation	September 28, 2012
A4	Building Elevation	September 28, 2012

- “Stormwater Management Report and Permit Application, Groton Center Fire Station, Groton, MA,” dated August 29, 2012, prepared by Gale Associates
- Letter dated September 11, 2012 from Comprehensive Environmental, Inc. (CEI), the Town’s peer review engineer for stormwater
- Response dated October 4, 2012 from Gale Associates to CEI report
- Letter dated September 21, 2012 from Fay, Spofford & Thorndike, the Town’s peer review engineer for traffic circulation and lighting
- Response dated October 23, 2012 from Gale Associates to FST report

- Comments dated September 27, 2012 from Historic Districts Commission Chairman Daniel Barton
- “Center Fire Station, Farmers Row – Groton, MA, Operation & Maintenance Plan,” dated October 2012, prepared by Gale Associates
- Stormwater Management Permit #2012-05 issued by the Earth Removal Stormwater Advisory Committee on October 16, 2012
- Order of Conditions, DEP #169-1090, issued by the Groton Conservation Commission on October 25, 2012
- Email message dated October 25, 2012 from Gary Hebert of FST
- Letter dated November 8, 2012 from Gale Associates

The motion was made by Barringer, seconded by Parent, to GRANT a special permit to the Town of Groton under the provisions of Groton Zoning By-law Section 218-25 Site Plan Review to construct facilities as shown on the plan entitled, “Groton Center Fire Station, Farmers Row, Groton, Massachusetts, Site Plan Review,” prepared by Gales Associates, Inc. and Dore & Whittier Architects, Inc., dated August 29, 2012, with revisions through October 25, 2012, with the following findings and conditions:

Findings:

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law § 218-25 and 218-32.1:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by constructing a new Center Fire Station in a location rezoned to Public Use (P)) at the 2012 Fall Town Meeting. The proposed plan will enable the Town to build a state-of-art facility for fire and emergency medical services for the present time and future decades.
2. **Traffic flow and safety:** The Board received a report dated September 10, 2012 from its consulting engineer, Fay, Spofford & Thorndike (FST) evaluating the proposed Site Traffic Circulation and Lighting Plan. The report determined that “The proposed site circulation pattern for the Center Fire Station is acceptable and that a sound circulation access plan for the site is workable.”
3. **Adequacy of utilities:** The proposed development will be served by Town water via Farmers Row and Town sewer via a low-pressure connection to the pumping station and the public safety building located at 99 Pleasant Street.
4. **Neighborhood character:** As stated in the application, “the Center Fire Station has been designed with the intent to portray a natural, historic look and to maintain the character of the surrounding neighborhood.” The site is located in the Historic Districts and is subject to review and approval by the Historic Districts Commission.

5. **Impacts on the environment:** The proposed stormwater management system will adequately treat stormwater runoff. The applicant is proposing a variety of innovative Low Impact Development (LID) techniques to address stormwater issues. There is no work proposed within the 100-ft buffer zone of wetland for construction of the Center Fire Station. The sewer connection is subject to an Order of Conditions issued by the Conservation Commission.

Waivers:

The Board voted to grant the following waivers as requested by the applicant:

1. Chapter 218-23C (3) requires that a parking area with more than 10 parking spaces have a minimum of two access points on a public way. The waiver from this requirement allows for only one access point on Farmers Row.
2. Chapter 218-23C(7) requires that at least 10% of the interior of any parking lot having from six to 40 spaces be maintained with landscaping, including trees, in plots of at least four feet in width. The applicant requested a waiver of this requirement to accommodate turning movements by fire apparatus and exterior training requirements. The site has ample landscaping and open space surrounding the exterior of the building and parking area.
3. Chapter 218-25G, Item 2, requires an assessment of traffic impacts and safety conditions proposed by a traffic engineer. The application requested a waiver of this requirement based upon the limited and specific use of the building by municipal employees and low potential for a significant amount of daily visitors. The FST report states that the peak hour traffic volumes will be minimal typically fewer than 8-10 trips during commuter hours, and that there will be fewer than 50 vehicle trips per day of which 2-3 trips would typically involve emergency vehicles, primarily ambulance calls rather than fire calls.
4. Chapter 218-25G, Item 3(c), requires submission of a scale model prepared by a registered architect or landscape architect. The architect submitted prepared elevation views of the proposed building as well as a graphic rendering.

Conditions:

1. As offered by the applicant in the letter dated November 8, 2012 from Gale Associates:

“The design shall include installation of two (2) lights at the parking facility to the rear of the Fire Station. Additionally, the proposed design shall include the installation of lighting conduit at the front parking area and along the entrance drive for potential future lighting.”

Specifications of said lighting installation shall be shown on the site plan prior to endorsement by the Planning Board.

2. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G (1) (h). Changes in the lighting schedule shall not be permitted without prior approval of the Planning Board.

3. The stormwater management system shall be constructed and function in compliance with the "Massachusetts Department of Environmental Protection - Stormwater Management, Volume One: Stormwater Policy Handbook, and Volume Two: Stormwater Technical Handbook," dated February 2008, Chapter 198, Stormwater Management of the Code of the Town of Groton, and Stormwater Permit 2012-05.
4. The applicant shall comply with the "Center Fire Station, Farmers Row – Groton, MA, Operation & Maintenance Plan," dated October 2012, prepared by Gale Associates.
5. The installation of the sewer connection shall comply with the specification of the Groton Sewer Department and the requirements of the Conservation Commission's Order of Conditions 169-1090.
6. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
7. The architectural plans, landscaping plans, and proposed signage are subject to review and approval by the Historic Districts Commission. The Planning Board hereby approves the landscaping plan, shown as Sheet L1.01 with revisions through October 25, 2012, because the Board determined that the proposed vegetation will provide articulation and soften the natural edges of the property. Any subsequent change to the landscaping plan requires review and approval by the Planning Board without the necessity of a public hearing.

In any event, landscaping plantings shall not consist of plantings that are identified as an invasive species in the publication entitled, "The Evaluation of Non-Native Plant Species for Invasives in Massachusetts (with annotated list)," prepared by the Massachusetts Invasive Species Advisory Group, dated April 1, 2005. The publication is available at:

http://www.massnrc.org/mipag/docs/MIPAG_FINDINGS_FINAL_042005.pdf

8. 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.
9. The site has been used for agricultural purposes for many years because it contains high-quality loam and top soil. The proposed site plan has been designed to balance cut and fill. The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions. Any excess topsoil is the property of the Town of Groton.
10. 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).
11. No permanent occupancy permits shall be issued until the Planning Board receives an As-Built Plan prepared by a Professional Land Surveyor along with certification from a Registered Professional Engineer that all construction (including utilities) has been done in accordance with the approved site plan.

12. Special Permit 2012-18 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.
13. Special Permit 2012-18 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.
14. This Special Permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

BERTOZZI FARMS SUBDIVISION

The Board met with Attorney Robert Ancil, developer David Murray, and landowner Quintin Tigs of the Townsend Road Realty Trust to discuss plans to complete the Bertozzi Farms subdivision off Townsend Road.

Mr. Ancil summarized the history of the subdivision plan approved in 2002 with the road constructed to binder course in 2003. The Board is presently holding surety of \$122,000 in a passbook account. Recently, prospective buyer Michael Vaccarro approached the Board about buying the subdivision and completing the work. The Board requested an updated cost-to-complete estimate for the outstanding work including removal of the deteriorated binder course. Nitsch Engineering provided an estimate of \$230,244.21. Mr. Murray would like to buy individual lots.

Mr. Tigs said Mr. Murray is the fourth buyer they have negotiated with but no one has been able to buy the lots because they cannot get building permits from the Building Commissioner. He stated that Townsend Road Realty Trust has done everything that is required.

Member Barringer said the Board would like to see the project finished, but the amount in the surety is not sufficient to finish construction of the road. He said the Town cannot put future residents at risk with an unfinished road.

Mr. Ancil said the road is only 500 ft long. He asked if the Board could release the first lot on the road. He said Nitsch's estimate of \$230,000 to finish the road is very high. Member Burke suggested that the Board release the portion of the road that is covered by the \$122,000 it is holding in the passbook.

Mr. Tigs said he would consider any suggestions. He added that Mr. Vaccarro was not authorized to negotiate on behalf of Townsend Road Realty Trust. He said Lots 6 and 7 will be the first to sell.

Member Burke suggested that the owner use a surety bond or tripartite agreement with the lender. Mr. Ancil said there are no mortgages and no lender.

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Member Burke asked if Mr. Murray would be buying the lots one at a time. Mr. Anctil said, "yes."

Mr. Murray said it appears that the Nitsch estimate did not give any credit for the work done to date. He asked for clarification on the estimate. The Board said it would ask Nitsch Engineering for clarification.

Mr. Tigs said there is also an issue with unpaid engineering bills. Member Burke said the Board would like to work with the developer to resolve these issues. However, the Board is acting as the consumer protection for the future homeowners.

Mr. Anctil asked if the Board would consider releasing one lot and re-evaluating the bond estimate. Chairman Giger said whatever is needed to bring the road up to standards must be done.

Mr. Tigs said he did not have a problem working with the Board on the binder coat, but the drainage system is working well.

Member Burke reiterated that the least costly way to resolve the matter is by posting a surety bond to cover the remaining amount between \$122,000 and \$230,000. The Board will ask its engineer to provide clarification of the numbers in the estimate.

Chairman Giger said the Board is open to considering options to arrive at a solution to this matter. A straight-forward approach would work best.

Member Burke added the resolution must protect future homeowners.

MEMORANDUM FROM THE BUILDING COMMISSIONER

The Board received a memorandum dated November 8, 2012 from the Building Commissioner recommending that bollards be required to prevent vehicles from driving into buildings. Such an event happened at the Emerson Hospital Medical Offices on Boston Road that day and several other instances have occurred in other locations.

Meeting adjourned at 9 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner

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