

**PLANNING BOARD
NOVEMBER 15, 2012
MINUTES**

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

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

Members absent: Barringer

PUBLIC HEARING - GELD SPECIAL PERMIT/SITE PLAN REVIEW

The Board held the continuation of the 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.

Chairman Giger noted that the Board opened the public hearing on November 8, 2012 and continued to November 15, 2012 at the request of the applicant. GELD Commissioner Kevin Lindemer, GELD Manager Kevin Kelly, Attorney Robert Collins, Architect Fabrizio Caruso of CDR Maguire, and the Board's consulting engineer Tim McGivern of Nitsch Engineering were present.

Mr. Collins said GELD requested the continuation of the public hearing as a result of a scheduling problem. The applicant met with the Town Center Overlay District Design Review Committee (DRC) three times to review the plans. The DRC will present its report to the Board on December 6, 2012. Mr. Collins said the 3.8 acre site has two separate parcels – a 1.5 acre parcel for GELD's new facility and the 1.8 acre "surplus" parcel for other uses. The lots are shown on the ANR plan endorsed by the Planning Board on September 20, 2012. The existing facility has been there for over 100 years. At the present time, the site contains an office building, a garage facility, lineman's quarters, and an outdoor storage area. The property abuts the Nashua River Rail Trail.

Mr. Collins said the new facility will be a more efficient operation in one building. The office will be connected to the operational facility. All storage will be indoors. Two parking lots will be created – one for customers and one for employees. The stormwater management system includes many Low Impact Development (LID) techniques such as rain gardens and drainage swales. Roof runoff will be directed to infiltration trenches. The site plan shows twenty parking spaces plus one accessible parking space. The applicant is working with the DRC to address the Town Center Overlay District design issues. The architectural design invokes the history of the site as a train station. The dialogue with the DRC has been very positive. Other major improvements to the site will be the ability for the Town to construct a cul de sac at the end of Station Avenue as shown on the infrastructure improvement plans, the creation of a stormwater management system, and the removal of invasive species as part of the Conservation Commission's Order of Conditions. Mr. Collins submitted a letter dated November 15, 2012 responding to all the items in the Nitsch Engineering report dated November 13, 2012. Mr. Collins said GELD could apply to the Department of Public Utilities for an exemption from zoning but opted not to do so.

Mr. Caruso presented the proposed architectural elevations and floor plans for the two buildings. The front office building will screen the larger operational/garage building to the rear.

Member Perkins asked if the garage doors would be on one side. Mr. Caruso said the large doors are on one side and smaller doors for pickup trucks would be on the other side.

Chairman Giger asked about foot traffic and pedestrian access. He said Chapter 40A, section 3, includes

a process whereby utilities can apply to the DPU for an exemption, but it is not automatic like educational and religious uses. Mr. Collins agreed but his review of case law indicated that the DPU typically grants such exemptions.

Chairman Giger noted that Mr. Collin's letter dated November 15, 2012 stated that the Board had voted on the number of parking spaces at a pre-submission review in October 2011. However, the discussion was about the GELD facility and Fire Station being located on the same lot. The Board reached consensus about the number of spaces for the shared site, but it did not vote. Mr. Collins agreed that the Board could not vote to waive parking requirements without a submission.

The Board's peer review engineer Tim McGivern of Nitsch Engineering disclosed that he is working on a project with landscape architect Bill Murray of Places. Both engineering firms are subcontractors to Dore & Whittier. The Board requested that Nitsch Engineering file a written disclosure with the Town Clerk.

Mr. McGivern presented the comments in his review dated November 13, 2012 of the Level III site plan submission. Outstanding issues include:

- The number of universally accessible parking spaces required. Mr. McGivern said there should be one in each parking lot.
- The applicant is requesting waivers of the traffic study, environmental impact report, number of parking spaces, number of access points on the public way, etc. that must be voted on by the Planning Board.
- Hours of lighting should be provided and the floodplain elevation should be shown on the plan.
- An Environmental Impact Report (ENF) should be submitted to MEPA.
- There are other minor deficiencies and scrivener's errors on the plan as noted in the report.

Mr. Collins said he tried to address all the issues in his response dated November 15, 2012. He said the applicant would like to request a waiver of showing offsite features including the 100-year floodplain located on GELD adjacent parcel closer to Broadmeadow Road. Member Burke said it would be helpful to show the floodplain on the site plan.

The Board voted unanimously to continue the public hearing on December 6, 2012 at 7:30 PM.

WOODLE RESIDENTIAL DEVELOPMENT SETBACK REQUIREMENTS

Mr. Collins said when the Board held the public hearing and granted the special permit for the Woodle Residential Development, the question of building setbacks was not discussed. However, the plan did show "typical" houses located closer to the street than the required 50 ft. He submitted a plan prepared by David Ross Associates showing proposed setbacks. He asked the Board to clarify the matter for the Building Commissioner so he can issue building permits.

Member Perkins said the applicant should submit a written request for a waiver. Chairman Giger noted that there are no final dimensions shown on the plan.

Mr. Collins requested that the Board grant a waiver for Lot 1 allowing a setback of 17 ft based upon the sewage disposal system plan with the understanding that the applicant must submit a certified plot

plan, sewage disposal permit plan, grading and limit of disturbance plan as shown on the special permit plan.

Member Burke said flexible development provides flexibility for creative design for lot development, but the Board should make its decision on a lot-by-lot basis. Member Svarczkopf agreed that there is a lack of detail on the engineered (special permit) plan. Mr. Collins said he would submit more information for the Board's consideration.

ACADEMY HILL UPDATE

Culvert - The Board met with George Gallagher of Academy Hill Realty Trust to discuss repairs to the box culvert on Cherry Tree Lane. The Board's engineer Tim McGivern of Nitsch Engineering was present.

Mr. Gallagher said he is working with an engineer to prepare a remediation plan to be submitted to the Conservation Commission and Planning Board. The plan will be submitted by November 21, 2012.

Mr. McGivern said the repairs to the culvert must stand the test of time. A year ago, multiple repairs were done, and those repairs are failing. Erosion problems are undermining the concrete. The culvert must be designed to accommodate the stream flow. The velocity of the stream flow must be calculated and considered. He reiterated that the applicant must submit a long-term design solution.

The Board agreed that the applicant must submit a plan for the Conservation Commission and Planning Board's review and approval as soon as possible. Chairman Giger stated that the proposed repair must address the Commission's environmental concerns and the Planning Board's public safety/infrastructure concerns. Member Burke agreed that this is a delicate balance between hydrological and environmental issues. He suggested that the applicant go back to the Commission first and the Planning Board second. Mr. Gallagher agreed to attend the Conservation Commission meeting on December 11 and Planning Board meeting on December 13, 2012.

Surety Reduction – The motion was made by Burke, seconded by Svarczkopf, to reduce the amount held in the "Agreement and Contract – Town of Groton Planning Board, Middlesex Savings Bank" to a total of \$235,270.00 for Phases One and Two in the Academy Hill Subdivision (Fieldstone Drive - \$105,000.00, Arbor Way – \$42,270.00, and Cherry Tree Lane from Station 32+67.01 to 57+27.98 - \$88,000.00), as recommended in the report dated November 15., 2012 from Nitsch Engineering. The motion passed unanimously.

PUBLIC HEARING (con't) – COACH HOUSE RESTAURANT SITE PLAN REVIEW

The Board held the continuation of the public hearing for the Coach House Seafood Grill and Restaurant site plan submitted by George Pergantis. Applicants George Pergantis and Gloria Lammi and design engineer Jeff Brem were present.

Mr. Brem submitted a copy of the floor plan and seating arrangement plan as requested by the Building Commissioner. The plantings are all azaleas which are not invasive. The letter dated November 15, 2012 from the Building Commissioner stated that the capacity of the building is 314 people. The applicant is requesting a total of 154 people as shown on the site plan.

Member Burke said the sign on the premises recently installed by the applicant says functions for 50-200 people. Mr. Pergantis said there is a mistake on the sign. Mr. Brem said the restaurant will have 64 seats and the function hall will have 90 seats. Mr. Brem suggested that the Board limit the occupancy to the number of seats shown on the site plan. Town Planner Michelle Collette requested that the applicant submit a written statement regarding this issue.

Member Burke noted that there are Code compliance issues raised by the Building Commissioner's letter. He said the swimming pool is still not shown on the site plan and the debris has not been removed as required by the Board of Health. Mr. Brem said the Board of Health has jurisdiction over the swimming pool and debris.

Member Burke stated that the Board is not requiring anything more for this applicant than from any other applicant for Level II site plan approval. He said GELD, the Center Fire Station, and other applicants are all required to submit information required in Chapter 218 Zoning (Section 218-25) and Chapter 381 Planning Board Regulations (Section 381-39)

Mr. Brem said he did not recall any requests to show the swimming pool on the plan. Member Perkins said even Level I submissions require that the plan show all structures on the property. Mr. Brem said there are no proposed changes to the swimming pool.

Chairman Giger read the email message from Member Barringer who could not be present at the meeting. Mr. Brem said the applicant would agree to comply with all the conditions suggested Member Barringer's message.

Member Svarczkopf said the encroachment of the access road on the 134 Main Street property must be rectified. Mr. Brem said the applicant is having conversations with the owners of 134 Main Street. Mr. Brem suggested that the Board include it as a condition.

Chairman Giger said the Board can approve the site plan with conditions or deny the plan if it is incomplete or not in compliance with the requirements of the by-law.

Member Burke said the plan has many omissions such as the entire lot is not shown on the plan, the wetlands and floodplain are not indicated, there are no contours, all the structures are not shown, proposed lighting, easements, if any.

Member Perkins asked about the Historic District Commission (HDC) requirements for landscaping. Town Planner Michelle Collette said the HDC will hold its public hearing on November 20, 2012.

Member Burke expressed concerns about the gravel access road on the westerly portion of the site. He said grading should be consistent for the entire width of the road. Mr. Brem said they would be and referred to the notes on the site plan.

Mr. Pergantis said he received the letter from the Building Commissioner and expressed his frustration with the process since the Groton Inn burned down on August 2, 2011. He said he did not want to come back to the Planning Board and would sell the property.

Chairman Giger noted that the applicant can withdraw the application and plan by submitting a request in writing to the Board.

The Board discussed the waivers in the letter dated September 12, 2012 from Jeffrey Brem:

1. Planting of seven trees rather than 12 since there are existing trees on the site.
2. Site Plan Review filing fee because the previous plan was withdrawn.
3. Landscaping plan prepared by a Registered Landscape Architect.
4. Reduction in the number of parking spaces by eleven (11).

November 15, 2012

Page 5

The motion was made by Parent, seconded by Wilson to grant the waiver to allow the reduction in the number of parking spaces by eleven (11). The motion passed with Giger, Burke, Parent, Perkins, and Wilson in favor; Svarczkopf opposed. Mr. Svarczkopf stated that it would be very difficult to limit and enforce the number of occupants based upon parking. He said there may be problems and adverse impact on abutters if the building is occupied to the limit allowed by the Building Code.

The motion was made by Parent, seconded by Wilson, to waive the filing fee. The motion passed unanimously.

The Board did not want to vote on the landscaping plan or trees until the applicant provided more information about proposed plantings on the site plan.

The Board voted unanimously to continue the public hearing on December 6, 29012 at 7:30 PM.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner