

**PLANNING BOARD
DECEMBER 13, 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

Member absent: Wilson

PUBLIC HEARING - GELD SPECIAL PERMIT/SOLAR FACILITY

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 a Special Permit to construct a ground-mounted solar photovoltaic facility as shown on the plan entitled, "Site Plan, Nate Nutting Road, Groton Electric Light Department Facility, Groton, Massachusetts," prepared by Ducharme & Dillis Civil Design Group, dated October 31, 2012. The proposed facility will be located on property owned by the Town of Groton Electric Light Department, Assessors' Map 236, Parcels 14, on the southerly side of Nate Nutting Road.

Chairman Giger called the public hearing to order. Member Parent read the notice posted with the Town Clerk on November 21, 2012 and advertised in the November 23 and 30, 2012 issues of The Groton Herald.

The Board voted unanimously to continue the public hearing on January 24, 2013 at 7:30 PM.

The Board received a letter dated December 5, 2012 from Attorney Robert Collins, representing the Groton Electric Light Department, requesting a continuation of the public hearing.

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 a TCOD Special Permit and Site Plan Review to construct a new office and operational facility on Station Avenue. GELD Commissioner Kevin Lindemer, GELD Manager Kevin Kelly, Attorney Robert Collins, Architect Anthony Diluzio of CDR Maguire, and William Murray of Places Associates were present.

Selectman Chairman Stuart Schulman read the letter dated December 11, 2012 from the Board of Selectmen.

Chairman Giger read the letters dated December 11, 2012 and December 13, 2011 from Attorney Robert Collins requesting waivers of the Site Plan Review Regulations.

Chairman Giger said the Board received the final report dated December 7, 2012 from the Design Review Committee (DRC).

Mr. Collins said GELD agreed to meet with the DRC to discuss construction details. The process with the DRC has been very helpful. Mr. Lindemer agreed that working with the DRC has been very pleasant and GELD supports working with them in the future.

Member Barringer applauded the cooperative effort and noted that the DRC acts in an advisory role to the Planning Board.

Mr. Collins said he submitted the Sign Permit application for the 26" x 26" hanging sign and the "G" logo in the cupola. The details of the drop box will be worked out with the DRC.

The Planning Board reviewed the list of waivers requested by the applicant.

Member Svarczkopf asked why the bicycle rack would accommodate six bicycles rather than twelve. Mr. Kelly said he rides his bike to work regularly and he is the only one who uses the bicycle rack.

Member Burke asked where the rack would be located. Mr. Murray said adjacent to the accessible parking space in the customer parking lot.

The motion was made by Parent, seconded by Barringer, to close the public hearing. The motion passed with Giger, Barringer, Burke, Parent, and Perkins in favor; Svarczkopf opposed.

The motion was made by Parent, seconded by Barringer, to grant a special permit pursuant to the Code of the Town of Groton, Section 218-30.2 Town Center Overlay District and Section 218-25 Site Plan Review, to the Groton Electric Light Department 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 November 27, 2012, and architectural plan prepared by the Maguire Group with revisions through November 29, 2012, with the following findings, waivers and conditions:

FINDINGS

The Planning Board made the following findings based upon the criterion set forth in Zoning By-Law §218-30.2 Town Center Overlay District TCOD and §218-32.1 Special Permits:

Section 218-30.2 Town Center Overlay District

A Special Permit may be granted for a Town Center Overlay District Development only if the Special Permit Granting Authority shall find:

- 1. That the proposed Development is in harmony with the purposes of the TCOD**
GELD's professional office is harmonious with the purposes of the TCOD because it promotes civic use and provides an attractive, pedestrian-friendly gathering area near the adjacent Nashua River Rail Trail. The 610 square-foot conference room will be available for use by other Town Departments, which will be a valuable addition to the Town's meeting room space.
- 2. That the proposed Development contains a use or a mix of uses that enhance the village center character of the District**
The proposed development utilizes the flexibility of the TCOD provisions to create a development plan that is more compatible with the character of Groton Center. Under standard zoning and required setbacks, the buildings would not be able to be situated as close to Station Avenue. Additionally, the office and operational facility would disturb a much larger portion of the site and would not be able to create a pedestrian friendly environment for both Station Avenue and the adjacent Nashua River Rail Trail.
- 3. That the proposed architectural and site design elements are consistent with the published Design Guidelines or, in the event of inconsistency, that the inconsistency is necessitated by changed conditions or earlier error and that the departure does not result in a less beneficial development for the TCOD;**

The architectural elements of the proposed new buildings are consistent with the Design Guidelines as stated in the report dated December 6, 2012 from the Design Review Committee which states, "Use of the Train Station motif is a positive approach. Exterior materials and detailing can reference historically significant train stations from the area." The letter dated December 11, 2012 from the Board of Selectmen supports opinion of the Design Review Committee.

4. That the proposed Development is consistent with, and maximizes realization of, the applicable goals and objectives for Natural Resources, Cultural and Historic Resources, Recreation, Transportation, Land Use, Housing and Residential Development, Town Services and Facilities, as set forth in the Comprehensive Master Plan (CMP) adopted at the 2012 Spring Town Meeting.

The Planning Board finds the proposed development is consistent with and maximizes realization of the applicable goals and objectives as set forth in the CMP for:

Natural Resources – The project includes a Low Impact Development (LID) stormwater management system that will provide effective treatment and improve water quality in James Brook. The Conservation Commission issued Orders of Conditions for the project in the buffer zone. The Earth Removal Stormwater Advisory Committee issued a full Stormwater Permit for the project because it complies with all Stormwater Management requirements.

Cultural and Historic Resources – The proposed architectural design evokes the history of the area by utilizing the design features that resemble the old railroad station that once occupied the site.

Recreation - The site plan includes provisions for an attractive and accessible pedestrian access and an attractive pedestrian seating area overlooking the Broadmeadow swamp area. The site is easily accessible to the Nashua River Rail Trail. Removal of the existing garages will enhance use of the rail trail.

Transportation – The site is within convenient walking distance from commercial, educational, and pedestrian amenities in Groton Center. The site is within walking distance of the Town Hall, the Groton Public Library, and the Nashua River Rail Trail. The anticipated traffic generation will not significantly affect traffic levels of service in the Town Center.

Land Use – The proposed professional office is consistent with the Land Use recommendation to encourage economic development in the existing villages. As determined by the Design Review Committee, the design is consistent with the Town Center Overlay District Design Guidelines.

Housing and Residential Development – not applicable

Town Services and Facilities – The proposed facility will be served by Town water, sewer, natural gas, and electric – all of which have indicated available capacity to accommodate the project. The location of the GELD offices in the Town Center will be more convenient for townspeople to conduct business.

Section 218-32.1 Special Permit Criteria

1. **Social, economic and community needs:** The proposed facility enhances a civic use in the Town Center. It will encourage other small businesses to locate in the Groton Center and supports economic development.
2. **Traffic flow and safety:** There is no adverse impact on traffic flow and safety because there is no increase in GELD's level of activity. The improved traffic flow resulting from the separation of customer traffic and GELD's employees/vehicle traffic and improved pedestrian access will enhance public safety.
3. **Adequacy of utilities:** The existing water and sewer utilities are adequate to meet the needs of the proposed facility. The proposed Low Impact Development (LID) stormwater management system will result in a meaningful improvement to the existing situation.
4. **Neighborhood character:** The aesthetic design of the building, attractive streetscape and pedestrian seating area will enhance the vibrancy of Groton Center. The storage of poles and equipment indoors or at GELD's substation on Lowell Road will improve neighborhood character.
5. **Impacts on the environment:** State-of-the-art LID stormwater system, invasive species eradication, and minimization of work in the 100 ft wetlands buffer zone all address environmental impacts. The indoor or off-site storage of poles (except four poles for emergencies) and equipment that are presently outdoors will benefit the environment.
6. **Fiscal impact on the Town:** There is no adverse fiscal impact on the Town from the proposed project.

WAIVERS

1. Section 218-30.2.D(9)(b) which requires a 50 ft setback from Station Avenue to the parking lot is waived to allow the parking lot to be shifted to maximize the offset from the wetlands.
2. Section 381-40.A(3) which requires a minimum of 4-foot wide landscaping strip at the foundation to provide screening to the foundation is waived to allow the building façade to mimic a train station.
3. Section 381-40.A(5) which requires parking lots of 10 or more spaces to have one tree per eight (8) spaces or fraction of eight (8), 4-inch-diameter at 12-18 inches above grade, 60 square feet of landscaped area per tree is waived to allow only one tree in order to maximize the setbacks from wetlands.
4. Section 381-58.C which requires bicycle storage – two (2) spaces per 1000 of office space (12 required) is waived to allow a six-bicycle rather than 12-bicycle rack. This will minimize non-customer usage to the site to address safety and security concerns with the GELD's operations.

5. Section 218-23C(3) which requires a parking area with more than ten (10) spaces to have two access points is waived to allow the southerly parking lot which is authorized use only to have a single access point addressing safety and security concerns.
6. Section 218-23.C (7) which requires that 10% of interior of the parking lot shall be landscaped is waived to allow the amount of pavement required for vehicular turning movements to be minimized due to the close proximity to wetlands.

CONDITIONS

1. As offered by the Department, the Department will consult with the TCOD Design Review Committee or its designee(s) once construction documents have been developed as to design detail matters which are not fully developed as of this date so as to arrive at design details which are mutually agreeable; should there be the need for clarification, the Department shall consult with the Planning Board, which as Special Permit Granting authority shall have continuing jurisdiction with the Town of Groton Building Commissioner/Zoning Enforcement Office to determine compliance with the Special Permit.
2. There shall be no more than four replacement poles stored on the site at any time. The poles shall be stored in a storage rack, with the design and location to be reviewed by the Design Review Committee, as offered by the application.
3. In accordance with Section 218-23 Off Site Parking and Loading, subsection B Number of Spaces, the Board determined that 21 parking spaces in two parking lots is adequate.
4. 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. There shall be one universally accessible parking space in each parking lot for a total of two accessible parking spaces as required by the Architectural Access Board, 521 CMR, and the Americans with Disabilities Act unless a waiver is granted by the Architectural Access Board.
5. Chapter 119 Signs, Section 196-6 Residential Districts, states:
 - B. One professional or home occupation sign, or one sign identifying a nonresidential building or use permitted in a residential district, not to exceed six square feet. When more than one business exists on a residential district site, the total area of signs on that site shall not exceed six square feet.

The applicant applied for more than one sign – a replacement of the existing 26" x 26" sign and the four panels (4' x 4'10" each) with the Department's logo in the cupola. The Board granted the permit for the additional signs under the provisions of Chapter 196-8 Unique and Special Circumstances.

6. The Flood Hazard Areas, if any, as shown on the Flood Insurance Rate Maps, dated June 4, 2010, shall be shown on the site plan prior to endorsement by the Planning Board.

7. 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.
8. Order of Conditions issued by the Conservation Commission on November 17, 2012 and December 12, 2012.
9. 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, and Chapter 198, Stormwater Management of the Code of the Town of Groton, and the Stormwater Permit 2012-03, issued on August 14, 2012.
10. The applicant shall comply with the "Drainage System Operations & Maintenance Plan," (Sheet C-6 Erosion and Sedimentation Control Plan, prepared by Places Associates dated August 9, 2012.
11. The installation of the sewer connection shall comply with the specification of the Groton Sewer Department.
12. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
13. 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:
 - a. http://www.massnrc.org/mipag/docs/MIPAG_FINDINGS_FINAL_042005.pdf
14. 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).
15. 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.
16. Special Permit 2012-17 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.
17. Special Permit 2012-17 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. Commencement of construction shall be coterminous with continuous construction and activity on the site culminating with the completion of work and issuance of an occupancy permit.

18. This Special Permit runs with the land and only with the use proposed the by Groton Electric Light Department approved herein.

The motion passed with Giger, Barringer, Burke, Parent, and Perkins in favor; Svarczkopf opposed.

PUBLIC HEARING (con't) – COACH HOUSE (aka Carriage 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. Applicant George Pergantis and design engineer Jeff Brem were present.

Mr. Brem submitted revised plans dated December 11, 2012 showing 39 “green-banked” parking spaces on the lawn area. The parking spaces meet the dimensional requirements including aisle width of the regulations. There will be a total of 107 parking spaces on the site. The wattage of the lights on the utility poles was reduced from 400 watts to 250 watts with cut off fixtures. The landscaping will have to wait until later in the year. The Historic Districts Commission Certificate of Appropriateness requires that the landscaping be completed by May 31, 2013. The pavement on the 134 Main Street property will be removed.

Chairman Giger said the applicant must have written permission from the owner of 134 Main Street prior to working on the property.

Member Parent noted that the Building Commissioner designated the function hall as a nightclub under the State Building Code, 780 CMR. Mr. Pergantis said, “This is not a nightclub.”

Chairman Giger said the Planning Board cannot make that decision – it is up to the Building Commissioner and Fire Chief. He noted that the applicant has the right to appeal to the Massachusetts Building Code Appeals Board (780 CMR section 113) and the Sprinkler Appeals Board under MGL 148, section 26G½.

The Board voted unanimously to close the public hearing.

The Board will vote on its decision at its meeting on January 3, 2013.

PUBLIC HEARING – SP/SITE PLAN REVIEW BLUESTONE DRIVE RESIDENTIAL DEVELOPMENT

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 Gerald and Joan Croteau for a site plan review to construct a residential development authorized by Special Permit 2011-13 as shown on the plan entitled, “Definitive Site Plan in Groton, Bluestone Drive ,” prepared by Ducharme & Dillis Civil Design Group, dated November 7, 2012. The proposed development is located on Assessors’ Map 229, Parcels 33, 34 & 35, on the northerly side of North Street.

Chairman Giger called the public hearing to order. Member Parent read the notice posted with the Town Clerk on November 21, 2012 and advertised in the November 23 and 30, 2012 issues of *The Groton Herald*. Attorney Robert Collins and design engineer Stan Dillis represented the applicant at the public hearing.

The Board received a report dated December 13, 2012 from Nitsch Engineering, the Board’s consulting engineer.

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Attorney Collins said the applicant must file a Notice of Intent with the Conservation Commission and would like the Planning Board to continue the public hearing.

Town Planner Michelle Collette said the applicant must also apply for a Stormwater Management Permit.

The Board voted unanimously to continue the public hearing on January 24, 2013 at 8:00 PM.

WOODLE RESIDENTIAL DEVELOPMENT SETBACKS

The Board met with Attorney Robert Collins in response to his letter dated December 4, 2012 regarding setbacks for houses in the Woodle Residential Development on Tavern Road. Mr. Collins showed the development plans with the "typical" house locations as approved by the Planning Board (see Special Permit #PB 2011-09). The applicant did not request a waiver of setbacks and the Board did not grant such a waiver when the special permit was granted.

Member Barringer asked about the average setback in the area. Mr. Collins said the average setback is less than 17 ft throughout the Tavern Road area. He also noted the steep topography of the lots shown on the plan.

The motion was made by Barringer, seconded by Patent, to grant the following waiver of setback requirements as requested in the letter dated December 4, 2012 from Attorney Robert Collins for lots shown on Sheet 3 of 5 of the plan entitled "Flexible Road Improvement Plan, Plan of Land in Groton, Mass., Prepared for Woodle Family Residential Trust, dated December 15, 2010, with revisions through November 8, 2012. The waivers are authorized under the provisions of Chapter 218, Section 26 Flexible Development, and Special Permit 2011-09 granted on August 25, 2011.

The Board granted the following waivers because the setbacks are in keeping with the neighborhood and accommodate the terrain:

- Lot 1 – 17 ft front yard setback
- Lot 2 – 23 ft front yard setback
- Lot 3 – 22.5 ft front yard setback
- Lot 5 – 13.6 ft side yard setback
- Lot 6 – 31.8 ft front yard setback

In addition, the Board acknowledged that the existing house on Lot 7 has a "0" ft setback on the "Private Driveway," AKA Circuit Road, as shown on Sheet 2 of 5 of the above-referenced plan.

The motion passed with Giger, Barringer, Burke, Parent, and Perkins in favor; Svarczkopf abstaining.

GROTON SCHOOL DAY CARE CENTER, FARMERS ROW

The Board met with Attorney Robert Collins to discuss his request to waive Site Plan Review to create five additional parking spaces for the Groton School Day Care Center on Farmers Row and Joy Lane. Mr. Collins said additional parking is needed because people are parking on the grass. The Historic Districts Commission granted a waiver of further review, and there is no work within the wetlands buffer zone.

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Chairman Giger asked where the parking spaces are located today. Mr. Collins showed the 11 parking spaces plus one accessible space near the building as shown on the sketch plan. Chairman Giger said a better drawing is needed for the file. Mr. Collins said the applicant would submit an as-built plan.

The motion was made by Barringer, seconded by Burke, to waive Site Plan Review for the Groton School Daycare Center to add five new parking spaces as described in the letter dated December 6, 2012 and attached sketch with the condition that an as-built plan must be submitted to the Planning Board within 30 days of construction of the five additional parking spaces.

ACADEMY HILL CULVERT

The Board discussed the erosion problem at the box culvert on Cherry Tree Lane at the Academy Hill subdivision. The Board agreed that there would be no additional lot releases or reductions in the surety until the culvert is stabilized and a plan for mitigation is submitted to the Board.

Meeting adjourned at 10 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner