

**PLANNING BOARD
JANUARY 3, 2013
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

INFORMAL DISCUSSION – PARK DEPARTMENT

The Board met with Park Commissioner Jon Strauss and design engineer Stan Dillis to discuss the creation of playing fields on Assessor's Lot 248-9 at the intersection of Cow Pond Brook Road and Bridge Street. The 35-acre parcel is currently used by the DPW for storage of rock and asphalt and limited sand and gravel removal.

Mr. Strauss said the Park Department would like to apply for Community Preservation Funds and a PARC grant for construction of playing fields for football, soccer, and lacrosse. The Park Department is working with the Groton Dunstable Recreational Association, a coalition of sports groups, on this project.

Mr. Dillis presented a conceptual plan showing the layout of the fields and 100-space parking lot. He said the Park Department must meet with the Natural Heritage and Endangered Species Program (NHESP) to determine if there are any rare or endangered species on the site prior to proceeding with a site plan. The property is located off Cow Pond Brook Road past the transfer station. The access road, the former railroad known as the "Red Line," must be improved to acceptable standards. There are no wetlands on the site. Irrigation wells will be used to water the fields so a minimum amount of infrastructure is needed.

Member Barringer asked what the DPW will use for sand and gravel. Mr. Dillis said the Park Department will leave an area open for the DPW to use.

Member Burke expressed concerns about the condition of the road and the overpass at Bridge Street. Mr. Dillis said the road will be upgraded as a gravel road with a width of 20 ft to the existing Cow Pond Brook Road. There are no impediments to improving access. Road standards will be addressed as part of the Site Plan Review process.

Member Perkins asked if the Board received an opinion from the DPW Director on the proposed road improvements. Town Planner Michelle Collette said comments were not requested because this is only an informal discussion and no plans or applications have been submitted for the Board's review. Mr. Strauss said the Park Department would wait to hear from the NHESP before submitting a site plan to the Board for its review.

Member Svarczkopf asked about number of users. Mr. Strauss said there are over 400 lacrosse participants and over 1000 football and soccer participants. The softball program would like to have its own fields as well. Mr. Strauss said it is the Park Department's mandate to create additional playing fields in the Town. This is a compelling need because there is no extra field capacity at the present time. The existing fields need time to rest and be repaired. The public and private school fields are used extensively. Lacrosse uses the Stonebridge playing field exclusively, but there are parking problems in the neighborhood.

Mr. Strauss said the PARC grant is due in July and the project must provide a minimum of 100 parking spaces to qualify. Chairman Giger said the creation of a 100-space parking lot requires a Level II Site Plan Review. The requirements are detailed in Section 218-25 Site Plan Review and Section 381-40 of the Planning Board Regulations. Chairman Giger said the applicant can request waivers of certain submission materials for the Board's consideration.

Chairman Giger expressed concern about damage to the fields from ATV's because the site is in such a remote location. He also asked about the Police Department's shooting range in the area. He said the applicant must consider safety issues when planning the site design.

SPECIAL PERMIT DECISION – CARRIAGE HOUSE, 124 MAIN STREET

The Planning Board deliberated its decision on the Carriage House Special Permit/Site Plan Review. Applicant George Pergantis and design engineer Jeff Brem were present. Chairman Giger stated that the public hearing was closed so the public will not have the opportunity to speak unless the Board has a question or needs clarification.

The Board voted on the following waiver:

- The motion was made by Parent, seconded by Burke to **DENY** the requested waiver of **Section 218-25G(2)(f)** – A Landscaping Plan prepared by Registered Landscape Architect is required for a Level II Site Plan submission. The motion passed unanimously.
- The Planning Board deferred action on the request to waive **Section 218-23C(7)** Parking Lot Plantings and Section 381-40A Site Landscaping (seven trees are required in the interior of the parking lot) until the applicant submits the required landscaping plan.

The Board had granted the following waivers at its meeting on November 15, 2012:

- **Section 381-23 Administrative Fees** – The applicant withdrew the previous application (PB #2012-02 submitted on February 28, 2012) without prejudice due to change in Board membership.
- **Section 218-23.B** – The applicant requested a waiver for reduction of 11 parking spaces.

Chairman Giger read aloud every finding and condition of the draft special permit decision. The Board discussed edits and revisions to the text of the decision.

The motion was made by Barringer, seconded by Parent, to GRANT a special permit to the Pergantis Realty Trust for Level II Site Plan Review of the plan entitled, "The Carriage House Seafood & Grill (on the site of the Old Groton Inn), 124 Main Street, Groton, MA," prepared by Meisner Brem Corporation, dated January 19, 2012, with revisions through December 11, 2012. The proposed project is located at 124 Main Street, on property owned by the Pergantis Realty Trust, Assessors' Map 113, Parcel 10, on the easterly side of Main Street.

GENERAL FINDINGS

1. The subject site has a historic prominence that plays an important role in shaping the identity and vitality of Groton Center.
2. The subject property was the site of the former Stagecoach (Groton) Inn which was reportedly one of the oldest hospitality establishments in the nation and was an historic land mark that was listed in the National Register of Historic Places. On August 2, 2011, the building was lost in a devastating fire which left the building in ruins and was ultimately demolished.
3. The remaining buildings on the subject property include two wood framed residential structures with a total of eight (8) dwelling units, a masonry former garage (nee carriage house), and an in-ground pool. Parking and circulation is provided in paved and unpaved locations on the site.
4. The current carriage house structure is non-conforming in terms of side yard setback.
5. The in-ground pool has been cited by the Board of Health to be in violation of numerous Health Codes.
6. There are piles of debris and areas of unknown fill material (some of which may be within the 100 foot buffer of the wetland resource area) on the property, which have been noted during site inspection by the Planning Board and the Board of Health Agent.
7. The site plan submitted with this application represents a reuse of the existing carriage house structure as a restaurant and function hall facility. The total allowable occupancy of the Carriage House is 271, as determined by the Building Commissioner in consultation with the Fire Chief.
8. The current configuration of existing buildings, circulation, and parking does not represent the optimal utilization of the property or a site plan consistent with the vision for Groton Center as articulated in the Groton Master Plan.
9. The landscaping plan was not prepared by a Landscape Architect and proposes modest and minimal plantings particularly as compared to recent projects approved by this Board. Plant material appears to be scrub plant material replanted from elsewhere on the site. The plan reflects expediency over thoughtful site design.
10. During the course of this application the owner/applicant has been issued stop work orders for undertaking construction and other activities on the property without proper permits or approvals. This calls into question whether the owner/applicant has the understanding/intention/ability of fully complying with regulatory requirements.

REQUIRED FINDINGS

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

1. **Social, economic and community needs:** While the proposed project allows a locally-owned business to re-establish the function hall and open a new restaurant in the Carriage House, the proposed site plan represents a stop-gap approach. The proposed plan is not consistent with the vision expressed in the master plan for Groton Center.
2. **Traffic flow and safety:** Access and egress are utilizing existing curb cuts onto Main Street (Route 119). The Fire Chief reviewed and approved the internal traffic flow for emergency vehicle access. The 39 "green-banked" parking spaces on the lawn will provide overflow parking when needed without increasing pavement and impervious surface on the site. The internal circulation and parking configuration is lacking and represents expediency over thoughtful planning.
3. **Adequacy of utilities:** There are adequate public utilities at this location. The applicant installed the municipal sewer system to serve the apartment buildings and Carriage House in February 2012.
4. **Neighborhood character:** The proposed plan represents an attempt at validating many of the non conformities and violations that have existed on the property and squanders an opportunity to reconfigure and rebuild the property.
5. **Impacts on the environment:** The impacts on the environment will be improved when the applicant cleans up the debris and solid waste material as required by the Board of Health and this special permit. The proposed 39 "green-banked" parking spaces result in less impervious surface than paved parking.
6. **Fiscal impact on the Town:** The applicant has not produced any evidence or data relative to the fiscal impact.

CONDITIONS:

The work required in the following conditions must be completed prior to the issuance of an occupancy permit for the function hall/restaurant:

A. Building occupancy.

1. The total allowable occupancy of the Carriage House is 271, determined by the Building Commissioner in consultation with the Fire Chief (see letter dated November 28, 2012 from the Building Commissioner). As noted on the plan, the number of required parking spaces without waivers is:

Restaurant	37 spaces
Function Hall	69 spaces
Apartments	11 spaces
TOTAL:	117 SPACES

The site plan shows a total of 107 parking spaces:

Credit for parking on Main Street	5 spaces
Restaurant/function hall paved	41 spaces
Paved angle parking	10
Green-banked parking	39
TOTAL:	107 SPACES

At its meeting on November 15, 2012, the Board voted to waive 11 parking spaces. The 107 parking spaces must be provided as shown on the approved site plan prior to issuance of an occupancy permit.

2. A fire suppression system must be installed prior to occupancy as required by Building Commissioner and Fire Chief. A fire alarm system shall be installed as required by the Fire Chief.
3. All building code issues for all buildings on the premises must be addressed to the satisfaction of the Building Commissioner.

B. Driveway/Parking Lot

1. The existing driveway encroaches on abutting property to the west (134 Main Street, Map 113, Parcel 9, owned by Mount Laurel Development, LLC). The applicant must remove the pavement on the abutting property as noted on the site plan. The applicant must have written permission from the abutting landowner to do so and shall provide a copy of the written permission to the Building Commissioner prior to the commencement of work on the abutting property.
2. The existing gravel access road must be improved in its entirety to meet the specifications shown as "Detail A – Gravel Driveway and Parking Area" on the site plan. There shall be no runoff or erosion onto abutting properties or Main Street. there shall be no ponding at the intersection of the access driveways and Main Street.
3. The existing paved area in front of the southern-most apartment building (126 Main Street) shall be repaved rather than "patched, repaired, and pot holes filled with pavement" as noted on the plan. The pavement shall be installed in accordance with the specifications of Chapter 381-40 Site Plan Review.
4. The aisle width between the Residential Parking (5 spaces) and the 10 angled spaces shown as "restaurant parking" must have the required 24 ft aisle width as shown on the site plan.

5. Signs shall be installed designating the residential parking spaces as shown on the site plan. The design and mounting of the signs is subject to review and approval by the Historic Districts Commission.
6. The newly installed sign on Main Street advertises a function hall capacity which exceeds the proposed capacity in the application and it does not have a Sign Permit as required in Chapter 196 Signs. The applicant must submit an application for a Sign Permit for review and approval by the Historic Districts Commission.
7. The applicant shall note on the plan an area to be reserved for the construction of an interconnection with the adjoining parcel at 134 Main Street (Map 113, parcel 9) to accommodate future potential traffic flow between the properties. The future connection shall correspond to the location shown on the approved site plan for 134 Main Street and be shown on the site plan prior to endorsement by the Planning Board.

C. Dumpsters

1. The dumpsters on the site serving the restaurant/function hall and residential units must be in full compliance with all Board of Health requirements. The applicant is required to comply with the Federal Food Code as it relates to the waste "dumpster". In accordance with sections 5-501.15 and 5-501.16, at a minimum the dumpster should be placed on a concrete pad or otherwise be able to facilitate effective cleaning and be placed in each area where the refuse is generated.
2. Before an occupancy permit will be issued by the Building Commission, the applicant must present a certificate from the Board of Health to the Building Commissioner attesting to the fact the all dumpsters on the site are in compliance with applicable laws, codes and regulations and that all dumpster-related Board of Health requirements have been met.
3. The dumpsters shall be screened with appropriate fencing or shrubs. The details of the screening shall be shown on the landscaping plan prepared by the Registered Landscape Architect and approved by the Planning Board and Historic Districts Commission.

D. Swimming pool

The swimming pool and accessories in their current condition are an existing health and safety concern as noted in the comments dated October 22, 2012 from the Board of Health (attached herewith). Therefore the applicant is required to:

1. Repair and maintain at all times the pool; pool machinery, fixtures, and furniture; and the surrounding security fence, gates, and locks in good working order and consistent with generally accepted good operating procedures and with any and all applicable health and safety regulations for swimming pools in public use. **OR**

2. Remove entirely the pool structure and backfill the excavation or fill completely and permanently the pool with clean, solid fill materials, taking all precautions and actions required to insure in doing so complete appropriate rain water and surface water drainage from the filled structure.

Either action must be completed to the satisfaction of the Board of Health prior to issuance of an occupancy permit for the function hall/restaurant. The applicant must inform the Building Commissioner in writing on which action will be taken prior to the commencement of work.

D. Debris removal

1. Prior to the issuance of an occupancy permit, the Planning Board and Board of Health will hold a site walk on the applicant property to review, survey, and identify debris required to be removed and safely and legally disposed.
2. The Planning Board (or its designated representative - Building Commissioner/Zoning Enforcement Officer/Health Agent) shall at its discretion perform site walks to validate that indicated debris has been removed from the site. All debris shall be removed prior to issuance of an occupancy permit.
3. Unregistered vehicles shall be removed from the site in accordance with the provisions of Chapter 210 of the Code of the Town of Groton.

F. Solid Waste.

1. The solid waste ("landfill") area, referenced in the Board of Health's memorandum dated October 22, 2012, must be investigated and cleaned up to the satisfaction of the Board of Health.
2. The required clean up of this landfill area may be under the jurisdiction of the Conservation Commission. It is the applicant's responsibility to file a Request for Determination or Notice of Intent if required by the Conservation Commission.
3. The applicant must submit a certificate of satisfactory compliance from both the Board of Health and Conservation Commission to Building Commissioner before occupancy permit may be issued.

G. Lighting

1. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h).
2. The light fixtures on the 25 ft utility poles shall be reduced from 400 watts to 250 watts and shall be "shielded to prevent light spillage onto abutting properties (i.e. "0" lumens)

as noted on the revised site plan. Any change in the lighting schedule shall not be permitted without prior approval of the Planning Board.

H. Landscaping

1. A landscape plan prepared by a registered Landscape Architect shall be submitted for review and approval by the Planning Board and Historic Districts Commission. The plan shall reflect native non-invasive plant materials and site treatment such as pavement treatment, borders, evaluation of existing vegetation, and other such hardscape improvements to the site plan. The applicant shall complete the work shown on the approved landscaping plan prior to the issuance of an occupancy permit.

I. Inspections/Compliance

1. No 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.
2. The Planning Board may engage its consulting engineer to inspect the site for compliance with the site plan, conditions and Town's specifications. All engineering invoices must be paid in full by the applicant prior to issuance of any occupancy permit.
3. The applicant must submit written statements of compliance from the Board of Health, Conservation Commission, Historic Districts Commission, and Planning Board to Building Commissioner before a Use and Occupancy Permit may be issued.

J. Other standard conditions

1. The installation of the sewer connection shall comply with the specification of the Groton Sewer Department.
2. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
3. The site plans, landscaping plans, and proposed signage are subject to review and approval by the Historic Districts Commission. In any event, proposed 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

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.
5. 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).
6. The Planning Board shall review the project six months after the effective date of approval and one year after the Building Commissioner's granting of the occupancy permit to determine compliance and whether any modifications are warranted.
7. Special Permit 2012-16 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.
8. Special Permit 2012-16 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.
9. This Special Permit is only for the specific use proposed by the Pergantis Realty Trust approved herein. This special permit is non-transferrable and does not apply to successors in interest, successors in control, or beneficial interests.

Prior to voting on the decision, members stated the reasons for their votes.

Member Barringer said he is voting in favor of the special permit because the use is a permitted use on land zoned Business (B-1). He said the Board does not have the authority to arbitrate a quality business plan. This is a brownfield site now and would be improved by active use of the existing buildings.

Member Svarczkopf said he agreed with Member Barringer. He added that the number of conditions and restrictions in the special permit are appropriate given the circumstances with this application.

Member Parent said the number of conditions are reasonable and necessary to require compliance.

Member Perkins agreed WITH OTHER Board members.

Member Burke said he felt ambivalent about this application given the track record of the applicant.

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

January 3, 2013

Page 10

UPCOMING ZONING ISSUES

Town Planner Michelle Collette said the Land Use Departments have received numerous complaints about boathouses in the Lost Lake area and storage containers on commercial sites. The Board may want to consider amendments to the Zoning By-law to address these issues.

Meeting Adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner