

**PLANNING BOARD
MAY 2, 2013
MINUTES**

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

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

Member absent: Barringer

PUBLIC HEARING (continuation) – BOYNTON MEADOWS SPECIAL PERMIT MODIFICATION

(Member Scott Wilson stepped down and did not participate.)

The Board held the continuation of the public hearing to consider the special permit for the proposed modification of the Boynton Meadows special permit. Applicant Robert France was present.

Chairman Giger read the letter dated March 28, 2013 from the Affordable Housing Trust.

Mr. France said the proposed modification of the special permit is for a restaurant to be located in the 2450 square foot basement of the existing historic structure at 134 Main Street. The new use requires 26 additional parking spaces. Mr. France said he is working on shared parking arrangements with Dr. O'Neil of Nashoba Vision and Lawrence Academy. Nashoba Vision's property abuts 134 Main Street. Lawrence Academy's parking lots are located at Shumway Fields on Main Street and the tennis courts on Route 40 behind the First Parish Church. Mr. France said the restaurant agreed to provide valet parking to the Lawrence Academy sites.

Member Svarczkopf asked about the number of spaces at the Lawrence Academy sites. Mr. France said the Shumway field has 28 spaces. (Note: the site plan shows 34 spaces) and ten additional spaces will be provided on the Nashoba Vision property before the last building permit is issued.

Member Burke asked if Dr. O'Neil agreed to the shared parking arrangement. Mr. France said, "yes."

Member Parent said the Board requires plans showing any proposed changes to parking.

Member Perkins asked how valet parking would work with traffic flow. Mr. France said the Boynton Meadows parking lot was designed to accommodate emergency vehicle access for the largest fire trucks so traffic flow should not be an issue.

Member Parent asked about hours of operation. Mr. France said the new restaurant will be open from 11 AM to 11 PM Tuesday through Saturday; 11 AM to 7 PM on Sunday; closed on Monday.

Member Svarczkopf asked if the applicant is requesting a waiver of parking requirements. Mr. France said, "yes," but he wanted to demonstrate that there is enough parking available including parking on Main Street.

Chairman Giger asked how many spaces must be waived. Mr. France said they need 26 new parking spaces. Ten spaces will be provided on the Nashoba Vision site prior to issuance of the last building permit so the requested waiver is for 16 spaces.

Member Parent asked when the new restaurant would open. Mr. France said, "September."

Member Parent asked why the ten new spaces are tied to the issuance of the last building permit. Mr. France said, "funding."

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Chairman Giger asked for comments from the public.

Abutter Karen Corey said she counted spaces on Main Street this evening and only nine are open. There is not enough parking on Main Street. She asked if the traffic study done in 2011 considered the restaurant. She said the shared parking arrangements are temporary, not permanent. She commented on the need for public parking for the "viewing" area of Gibbet Hill at the end of the cul de sac. She asked the Board to consider the impact on other businesses.

Member Svarczkopf noted that there are no sidewalks along Route 40 to Lawrence Academy's tennis court parking lot.

Mr. France said he would submit signed agreements for the shared parking. There are no "reserved" spaces for the public viewing area on the property. The condominium association will take care of maintenance and plowing of the parking lot at Boynton Meadows.

Chairman Giger said there has always been a restaurant in the plan. Mr. France said originally Bliss Bakery was going to have 30 seats, now it will have 4-6 seats. The new restaurant will have 100 seats.

Attorney Darren Lanza said he represents abutter George Pergantis of the Pergantis Realty Trust. He said his client wishes to enter "formal objections" into the record because the proposed change would place a burden on other businesses. He read from Section 21-23 Parking Requirements and noted that the proposed project does not comply with the requirements. He said shared parking agreements should be in writing. The Lawrence Academy parking lot is 0.3 miles away and is too far to walk. Walkers may trespass on other properties.

Chairman Giger noted that the Town Center Overlay District provisions encourage shared parking arrangements.

Connie Sartini noted that there may be many people who live in the Town Center and will walk to the restaurant. Mr. France agreed, adding that there are also many people who will park and walk to their destinations. It is a personal decision. Lawrence Academy will be used for overflow parking.

Member Burke said valet parking will have someone take the vehicle, park it, and return it when the patron is ready.

Board members noted the availability of parking spaces on both sides of Main Street.

Mrs. Corey asked if the proposed ten spaces at Nashoba Vision had been counted previously. She said the properties from Pleasant Street to Main Street are residential uses. The residents will hear people parking and doors closing in the middle of the night.

Member Burke said parking is allowed on Main Street under current zoning regulations.

Member Svarczkopf said there are no allocated parking spaces on Main Street. Parking is open for commercial and residential uses.

Chairman Giger said he has never seen a situation when no parking was available on Main Street.

Allen King, chairman of the Affordable Housing Trust, spoke in support of the proposed modification.

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Attorney Lanza reminded the Board that Mr. Pergantis is concerned about the burden on other businesses in the area. Chairman Giger reminded Mr. Pergantis that the Board waived 11 parking spaces for Mr. Pergantis and allowed him to green bank an additional 39 parking spaces.

Attorney Lanza said the Board must look at the adverse impact on the Town from the proposed special permit modification. It must also require submission of the shared parking agreements in writing. The Board requested that Mr. France submit the signed parking agreements. Mr. France agreed.

Member Svarczkopf said the new restaurant will have new customers that may patronize other businesses so the proposed modification may be beneficial to other businesses.

Mr. France said the intent of the Town Center Overlay District is to increase activity in the Town Center and allow residents convenient access to services. The proposed restaurant, bakery, yoga studio and dentist office will have a beneficial rather than an adverse impact on the Town Center.

Mrs. Corey reiterated her concerns about congestion on Main Street.

The Board voted unanimously to continue the public hearing on May 23, 2013 at 7:30 PM.

COMPREHENSIVE MASTER PLAN – PHASE II

Chairman Giger reported that he, Member Burke and Town Planner Michelle Collette had a conference call with Judi Barrett this week. Ms. Barrett is leaving Community Opportunities Group and going to work for RKG Associates. She will continue to work on Phase II of the Comprehensive Master Plan for Groton. The details will be worked out between COG and RKG.

The motion was made by Burke, seconded by Wilson, to extend the contract for Phase II to December 31, 2013. The motion passed unanimously.

The Board will ask Ms. Barrett to complete the Housing Production Plan as soon as possible for submission to DHCD.

ZONING WORKING GROUPS

The Board formed four working groups to discuss possible zoning amendments. Members Burke, Svarczkopf, and Wilson will work on revisions to the concept plan requirements. Members Barringer and Burke will work on parking requirements. Members Parent and Perkins will work on Site Plan Review. Chairman Giger, Town Planner Michelle Collette, and Building Commissioner Ed Cataldo will work on the Schedule of Use Regulations.

PLANNING BOARD REORGANIZATION

The Planning Board voted to elect the following officers:

Chairman	John Giger
Vice Chairman	Jason Parent
Clerk	Tim Svarczkopf

The Planning Board voted to appoint the following representatives:

Community Preservation Committee	Russell Burke
Earth Removal Stormwater Committee	to be determined
Montachusett Regional Planning Commission	to be determined

Montachusett Joint Transportation

to be determined

The Planning Board voted to appoint the following members to act as liaisons to other Town Departments and Committees:

Board of Appeals	George Barringer
Board of Health	Jason Parent
Board of Selectmen	Chairman John Giger, ex officio
Conservation Commission	Scott Wilson
Design Review Committee	Scott Wilson
Economic Development	Russell Burke
Finance Committee	Chairman John Giger, ex officio
Groton Dunstable School District	George Barringer
Groton Electric Light Department	George Barringer
Historic Districts Commission	Scott Wilson
Historical Commission	Scott Wilson
Housing Authority	Carolyn Perkins
Housing Partnership	Carolyn Perkins
Prescott Reuse Committee	Russell Burke
Public Safety Officials	Tim Svarczkopf
Sewer Department	Scott Wilson
Sign Committee	Russell Burke
Sustainability Commission	Tim Svarczkopf
Water Department	Jason Parent
West Groton Water Supply District	George Barringer

RECOMMENDATION TO THE BOARD OF SELECTMEN – COACH HOUSE LIQUOR LICENSE

The motion was made by Burke, seconded by Wilson, that the Planning Board send a memorandum to the Board of Selectmen recommending that the Selectmen take into account the findings and numerous conditions contained in the attached Special Permit #PB2012-16 granted to the Pergantis Realty Trust for the proposed restaurant and function hall at 128 Main Street. The conditions must be met prior to the issuance of an occupancy permit. 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. The Planning Board will urge the Selectmen to consider the applicant's record of non-compliance prior to acting on the request for a liquor license at this facility. The motion passed unanimously.

Meeting adjourned at 9:15 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner