

**PLANNING BOARD  
MAY 23, 2013  
MINUTES**

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

Members present: Giger, Barringer, Burke, Perkins, and Svarczkopf

Member absent: Parent and Wilson

**ROCKY HILL LOT RELEASES**

The Board received a letter dated May 20, 2013 from Attorney Robert Collins requesting release of Lots 14, 15, 16 and 17 in the Rocky Hill subdivision. The Board is holding a tripartite agreement on the subdivision roads. The motion was made by Burke, seconded by Perkins, to release Lots 14, 15, 16 and 17. The motion passed unanimously.

**ACADEMY HILL BOX CULVERT**

The Board received a letter dated May 13, 2013 from Peter Ogren of Hayes Engineering regarding his qualifications as a structural engineer. The Board had questions for Mr. Ogren because his stamp indicates that he is a Professional Civil Engineer rather than a Professional Structural Engineer.

The Board will ask Academy Hill to provide evidence from the manufacturer of the box culvert certifying the integrity of the culvert.

**PUBLIC HEARING (continuation) – BOYNTON MEADOWS SPECIAL PERMIT MODIFICATION**

The Board held the continuation of the public hearing to consider the special permit for the proposed modification of the Boynton Meadows special permit. Applicants Robert France and David Valletta were present.

Chairman Giger read the letter dated May 23, 2013 from David and Sherri Dean of Bliss Bakery stating their plans to have ten (10) seats at the bakery and the email dated May 23, 2013 from Attorney Robert Ancil including an attached Shared Parking Agreement with Lawrence Academy. Attorney Ancil said they are awaiting Lawrence Academy's signature on the agreement. The shared parking with Nashoba Vision will not be finalized until more details and plans are provided.

Mr. France said he is requesting a waiver of the required number of parking spaces based upon the Shared Parking Agreement with Lawrence Academy. There are 21 spaces on site now, 34 spaces will be available at Lawrence Academy's Shumway Field site, and there is credit for five spaces on Main Street. The two restaurants will have a total of 105 seats (10 for Bliss Bakery and 95 for the new restaurant).

Chairman Giger said the Lawrence Academy fields will be used in the late afternoon for athletic events and the restaurant will be busiest in the evening.

Member Svarczkopf asked if Lawrence Academy's parking lot behind the First Parish Church would be used as mentioned at the previous hearing. Mr. France said, "no," because there are safety concerns because there are no sidewalks.

Member Barringer asked if patrons could park their own cars at Lawrence Academy or only use valet parking. Mr. France said people could self-park.

Member Perkins asked if the residents would have reserved parking spaces. Mr. France said, "no."

Member Burke asked how many employees would work at the restaurant and if they could park off-site. Mr. France said there will be five employees. He agreed that they could park on Main Street.

Abutter George Pergantis asked where people are going to park. He said if they park on Main Street, there will be too many cars. The street is too narrow and there will be accidents. He said he is against the proposed restaurant.

Abutter Karen Corey said there is no guaranteed parking for the residential condominium units. The parking lot at the Lawrence Academy fields is nowhere near 134 Main Street. People will not know where the Shumway Fields are located.

Selectman Anna Eliot said the design guidelines anticipated shared parking and cooperation between landowners for a more congenial atmosphere.

Member Barringer said with the 34 spaces at Lawrence Academy, no parking waiver is required. Mr. France said, "correct."

Member Svarczkopf said the Shumway Fields are not convenient enough to 134 Main Street and he would prefer to grant a parking waiver. Other members said the Shared Driveway Agreement should be considered as part of the parking plan.

Mr. France said he is also requesting a waiver of the Condition 18 which states:

"The vehicular access easement connecting to the property line of Map 113, parcel 5, and the property line of Map 113, parcel 10, shall be constructed by the applicant prior to issuance of any occupancy permits or funds shall be placed in an escrow account held by the Town. The amount to be held in escrow shall be determined by the Planning Board based upon a cost-to-complete construction of the vehicular access. The cost estimate shall be prepared by the Planning Board's consulting engineer."

He asked the Board to defer this condition until Building G is sold because the connecting access will not have any purpose if Buildings E and F are never constructed.

Member Burke agreed that the Planning Board is protected by approved plan and the conditions of the special permit regarding the connection to adjoining properties. Other members agreed that there is no urgency to construct or bond the connecting access at this time.

Mr. Pergantis said it is not alright for the developer to touch his property. He must stay on his own property. Member Burke reminded Mr. Pergantis that there is a similar condition in his special permit to provide access to the adjoining lot at 134 Main Street.

The Board voted unanimously to close the public hearing.

The Board discussed the draft findings and conditions and will vote on May 30, 2013.

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The Board voted unanimously to approve the minutes of May 9, 2013 and May 16, 2013.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner