

**PLANNING BOARD
MAY 30, 2013
MINUTES**

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

Members present: Giger, Barringer (remotely), Burke, Parent, Perkins, Svarczkopf, and Wilson

SPECIAL PERMIT DECISION – BLUESTONE DRIVE SITE PLAN REVIEW

The motion was made by Burke, seconded by Wilson to grant a special permit to Gerald and Joan Croteau to utilize the provisions of Groton Zoning By-law Section 218-25 Site Plan Review to construct nine (9) units as shown on the plan entitled, "Definitive Special Permit Plan in Groton, Bluestone Drive Condominium," prepared by Ducharme & Dillis, Civil Design Groups, Inc., dated November 7, 2012, with revisions through May 6, 2013, with the following waivers, findings and conditions:

Waivers:

1. **Section 218-25G(2)(e) and Section 381-39.0.** Submission of a traffic study because the proposed residential use will generate less traffic than the previous quasi-industrial use of the property as a stoneyard.
2. **Section 218-25G(2)(f) and Section 381-39.1.** Submission of a landscape plan prepared by a Registered Landscape Architect because a landscape plan designed by Ducharme and Dillis Civil Design Group was submitted with the site plan.
3. **Section 218-25G(2)(g).** Submission of a Development Impact Report because the impact from the proposed development is minimal and a fiscal impact analysis was submitted with the Special Permit for Flexible Development.
4. **Section 218-25G(2)(h).** Submission of a locus plan showing properties within 500 ft of the site because most of land within 500 ft is undeveloped.
5. **Section 218-25H(1)(h).** Submission of a plan showing landscaping around the perimeters of each of the structures because such landscaping will be left up to the individual homeowners because the applicant agreed to submit a planting plan for each structure for the Board's review and approval.
6. **Section 218-25H(1)(m) and Section 381-39J.** Submission of information to demonstrate that there is sufficient water supply to serve the proposed development. The applicant agreed to abide by the local Board of Health Regulations which exceed state requirements.
7. **Section 381-39A.** Submission of a locus map at a scale of 1" = 100' because the locus map at 1"=1000' is sufficient for this site.
8. **Section 381-39H –** Submission of a cut and fill analysis because the site has been altered during the last sixty years and pre- and post-construction grades shown on the site plan comply with the regulations.

9. **Section 381-40.B.** Submission of a plan showing street lights because each driveway will be served by a post lantern as shown on the site plan. However, the applicant shall provide a standard street light at the intersection of North Street and Bluestone Drive.
10. **Section 381-39(D)(7)** . Requiring the use of granite curbing because a Low Impact Development (LID) stormwater system will be utilized. The applicant agreed to install granite curbing at the roundings of the intersection of North Street and Bluestone Drive.
11. **Section 352-11B(5).** Submission of a Revised Universal Soil Loss Equation as part of stormwater calculations. This waiver is no longer requested because the information has been submitted.
12. **Section 381-24.** Requiring sidewalks because pedestrian pathways will be provided as shown on the revised site plan.
13. **Setbacks.** The structures will be setback as shown on the site plan. Building #1 will not be closer than 34 ft and Building #2 will not be closer than 48 ft from Bluestone Drive,

Findings:

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law § 218-25 and 218-32.1:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by creating nine units in five buildings on the premises. One of the units in the proposed triplex will be affordable as defined in Section 218-26B.
2. **Traffic flow and safety:** The Board determined that traffic flow and safety concerns for the nine proposed units were addressed satisfactorily by the applicant. The proposed development will generate less traffic than the previous use of the site as a stoneyard.
3. **Adequacy of utilities:** Utilities will be provided with two shared on-site sewage disposal systems and shared, private wells.
4. **Neighborhood character:** The neighborhood character will be not be negatively impacted by the proposed "New England" style residential development. The proposed residential use will replace the existing non-conforming business use and will be more compatible with the surrounding neighborhood.
5. **Impacts on the environment:** The proposed plan preserves 7.55 acres (Parcel B) with a permanent conservation or agricultural restriction. This area contains a perennial stream, a 200-ft riparian zone, bordering vegetated wetlands, and 6.63 acres of uplands.
6. **Fiscal impact on the Town:** The Board determined that the fiscal impact analysis submitted by the applicant for the Special Permit for Flexible Development showed a higher cost to the municipality with the proposed development. However, the proposed development may result in fewer children being enrolled in the school district given the modest size of the units. Additionally, the access road will be maintained by the Condominium Trust and not by the Town resulting in some cost savings to the Town.

Conditions:

1. The name of the access road is "Bluestone Drive." The road name cannot be changed unless the change is approved by the Town Manager because changing the name may result in confusion for dispatching emergency vehicles to the site. The street sign shall be installed prior to the issuance of any building permits.
2. The access road is a private way to be maintained by unit owners as specified in the "Bluestone Drive Condominium Trust." The access road is not eligible for acceptance as a public way.
3. The applicant shall submit a planting plan for each individual structure prior to the Planning Board for its review and approval prior to the issuance of a building permit for that structure.
4. The applicant shall submit information to the Board of Health demonstrating compliance with all local and state requirements prior to the issuance of any building permits.
5. The applicant shall work with the Groton Electric Light Department to install a standard street light at the intersection of North Street and Bluestone Drive at the applicant's expense.
6. The applicant shall install granite curbing at the roundings of the intersection of North Street and Bluestone Drive. The curbing at the roundings shall meet the specifications of Section 381-39(D)(7) of the Subdivision Regulations.
7. There shall be no net increase in the rate or volume of storm water runoff from the site, during or after construction, as required in Section 218-25G(1)(c).
8. The Applicant shall submit an application for a Stormwater Management Permit to the Earth Removal-Stormwater Advisory Committee for its review and approval as required in Chapter 198 Stormwater Management – Low Impact Development.
9. The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions.
10. This site plan is subject to Special Permit 2011-13 granted by the Planning Board and filed with the Town Clerk on March 7, 2012. All conditions of the special permit are applicable to the Bluestone Drive Condominium development.
11. Lots 1, 2 and 3 shown on the site plan shall be labeled "Building Areas." Parcels A, B, C, and D shown on the site plan shall be created by either a definitive subdivision plan or Approval Not Required plan to be recorded at the Registry of Deeds prior to conveyance of any interests in said parcels.
12. 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).
13. This special permit shall not be in effect until a certified copy of the special permit decisions (PB 2011-13 and 2013-01), approved site plan, and conservation restriction (or conveyance of

the open space to the municipality) are 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.

14. This special permit shall lapse in 24 months (from the date the decision is filed with the Town Clerk and the 20-day appeal period expires), 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.
15. The recording of the special permit decisions (PB 2011-13 and 2013-01), approved site plan, and conservation restriction (or conveyance of the open space to the municipality) shall constitute commencement of substantial use.
16. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously by roll call vote with Giger, Barringer (participating remotely), Burke, Parent, Perkins, Svarczkopf, and Wilson

SITE PLAN REVIEW - GROTON SCHOOL

The Board reviewed the site plan submitted by Groton School for renovations to the historic Schoolhouse building. Attorney Robert Collins presented the Level I plan with a request to waive further review.

Attorney Collins described the proposed changes to the Schoolhouse building. The Historic Districts Commission has reviewed the renovations and will hold a public hearing in June. Attorney Collins showed how additional parking and pedestrian access would be provided. The science wing will be used as temporary classrooms during construction.

Member Burke asked about the existing and proposed number of parking spaces. Attorney Collins said there are 20 spaces on each side of the building for a total of 40 proposed parking spaces.

Town Planner Michelle Collette asked about compliance with the Architectural Access Board Regulations and the Americans with Disabilities Act. Attorney Collins said the new entrances will comply, but a variance from the Architectural Access Board may be required for the historic façade on the front of the building.

The Fire Chief sent an email message stating, "The fire alarm and/or sprinkler systems may need to be modified depending on the type/amount of renovations being done." Attorney Collins agreed.

The motion was made by Wilson, seconded by Burke, to waive further review beyond Level I for the Schoolhouse renovations.

The motion passed unanimously by roll call vote with Giger, Barringer (participating remotely), Burke, Parent, Perkins, Svarczkopf, and Wilson.

The motion was made by Wilson, seconded by Parent, to approve the site plan entitled, "Schoolhouse Addition & Renovation, Groton School, 282 Farmers Row, Groton, MA 01450," prepared by Shepley Bulfinch Richardson and Abbott (Architects) and Samiotes Consulting (Civil engineer), dated March 1, 2013, and described in the letter dated May 28, 2013 from Attorney Robert Collins. The motion passed unanimously by roll call vote with Giger, Barringer (participating remotely), Burke, Parent, Perkins, Svarczkopf, and Wilson.

SPECIAL PERMIT DECISION – BOYNTON MEADOWS

(Member Wilson stepped down and did not participate.)

The motion was made by Perkins, seconded by Parent to MODIFY the special permit granted to Mount Laurel Development LLC for the development as shown on the plan entitled, "Town Center Overlay District, Mixed Use/Residential Development, Boynton Meadows," prepared by GPR, Inc., dated July 18, 2011, revised on October 25, 2011, with further revisions on plans prepared by Mangel Associates, dated August 7, 2012, (Sheet A.201), September 19, 2012 (Sheet A.101, and October 26, 2012 (Sheets A-01 and A-02)., based upon the following findings and conditions:

Findings:

1. **Social, economic and community needs:** The proposed addition of the restaurant in the basement of the historic structure will enhance the vitality of the Groton Center by providing another small business within walking distance of Town Center. The proposed restaurant will add to the balance of commercial and residential uses in the Boynton Meadows mixed-use development.

The opportunity for small businesses to be located in the Groton Center will support local business and encourage economic development thereby advancing the CMP goal to "provide incentives to encourage new business development and to retain existing businesses."

2. **Traffic flow and safety:** As stated in the original Special Permit, PB 2011-15, both the MDM report, submitted by the applicant, & FST report, prepared by the Planning Board's consulting engineer, agreed that "adequate capacity is available along the Route 119/225 corridor to accommodate the modest projected traffic increases for the proposed mixed-use development."

3. **Parking:** Pursuant to Sections 218-23 and 218-30.2, the proposed new restaurant in the mixed-use facility requires 29 parking spaces, in addition to the 37 spaces required in the original application, for a total of 66 parking spaces. The Board waived 17 parking spaces when it granted Special Permit, PB 2011-15; **therefore, 49 parking spaces are required.**

The applicant submitted the "Shared Use Agreement for Parking Facilities" executed by Mount Laurel Development and Lawrence Academy for use of the parking facilities located next to Lawrence Academy's Shumway Fields, shown on Assessors Map 113, Parcel 17.

The Board determined that there is sufficient parking for the proposed restaurant based upon the following:

Parking lot on site	20 spaces provided
Shared parking agreement	34 spaces provided

Credit for on-street parking

5 spaces provided

Total available parking spaces 59 spaces

The Board also agreed that there is ample on-street parking available and that Main Street is wide enough to accommodate parking on both sides of the street. As offered by the applicant, employees will be encouraged to park off site.

4. **Adequacy of utilities:** There are adequate utilities to serve the proposed new restaurant in addition to the other uses in the development. The Sewer Commission agreed that there is sufficient sewer capacity.
5. **Neighborhood character:** The preservation of an important historic structure is a benefit to the Town's historic and cultural resources. The proposed restaurant will enhance the vibrancy of Groton Center and will foster social interaction and contribute to a sense of community.
6. **Impacts on the environment:** The addition of the new restaurant in the mixed-use development promotes pedestrian activity. The shared parking arrangement with Lawrence Academy accommodates the need for additional parking without adding impervious asphalt and increasing stormwater runoff.
7. **Fiscal impact on the Town:** The additional commercial use will add to the Town's commercial tax base. The Affordable Housing Trust, an investor in the project, supports the proposed restaurant because it "should be financially beneficial to the development because there would be an additional space to lease or sell and the restaurant would increase the attractiveness of the development to other condominium owners." (See letter dated March 28, 2013 from the Affordable Housing Trust to the Planning Board.)

Conditions:

1. The Special Permit Modification is subject to Special Permit, PB #2011-15, granted by the Planning Board, and filed with the Town Clerk on December 21, 2011. All conditions remain in full force and effect unless modified herein.
2. Condition #18 of Special Permit, PB #2011-15, 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."

The condition is hereby modified as follows:

"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 for units in Buildings E or F 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."

3. The Special Permit, PB #2011-15, approved for mixed use under 2011-15 included:

- One retail service establishment with ±1225 square feet
- One business/professional office with ±1000 square feet
- One restaurant with ±900 square feet
- 18 residential units

This special permit modification allows a restaurant in the basement of the historic structure with ±2450 gross square feet. As offered by the applicant, the proposed new restaurant shall not contain more than 95 seats and shall be located only in the basement of the building. The bakery and market on the first floor is allocated 10 seats for a total of 105 seats in the historic building. The seating capacity cannot be changed unless approved by the Planning Board. A reallocation of seating between businesses requires a waiver from the Planning Board, without a public hearing, provided that the total does not exceed 105 seats. An increase in the number of seats requires a modification of the special permit with a public hearing in accordance with the provisions of Chapter 40A, §§ 9 and 11, M. G. L.

4. The Board recommends that the applicant continue to explore shared parking arrangements in closer proximity to the Boynton Meadows site.
5. 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.
6. The applicant must submit any proposed change in the above referenced plans to the Planning Board for its review and approval before the change is implemented.
7. This special permit shall not be in effect until certified copies of the special permit decision and plans are 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 and Building Commissioner by the Applicant.
8. This special permit shall lapse in 24 months (from the date the decision is filed with the Town Clerk and the 20-day appeal period expires), 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.
9. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously by roll call vote with Giger, Barringer (participating remotely), Burke, Parent, Perkins, and Svarczkopf.

(Member Barringer discontinued participating remotely.)

ACADEMY HILL BOX CULVERT

The Board discussed remediation plans for the box culvert in the Academy Hill subdivision. Bruce Wheeler of Academy Hill, LLC; design engineers Peter Ogren of Hayes Engineering and Dr. Desheng Wang of Creative Land and Water Engineering, and the Board's consulting engineer Tim McGivern of Nitsch Engineering were present.

Chairman Giger read the letter dated May 14, 2013 from the Planning Board to Academy Hill, LLC, regarding issuance of building permits, surety reductions, and lot releases, and the letter dated May 14, 2013 from the Planning Board to Academy Hill, LLC, regarding Hayes Engineering and the requirement that the plans be stamped by a structural engineer, the response from Hayes Engineering to the Planning Board, and the letter dated May 30, 2013 from the Conservation Commission.

Chairman Giger said the box culvert is not functioning and the Planning Board has questions about its structural integrity.

Dr. Wang submitted a letter dated May 16, 2013 to the Conservation Commission. He described the proposed changes to the stream bed in the box culvert and swales along the side of the road that are contributing to the flow. Dr. Wang said he would like to work with the Conservation Commission to correct the situation by installing clay under the footings. The developer must bring the area into compliance with the wetlands crossings requirements in the Order of Conditions issued by the Conservation Commission. He said there are no significant safety or functionality issues.

Mr. McGivern stated that the stream crossing is also subject to an Army Corp of Engineers (ACOE) General Permit. The wetland must be continuous from one side of the culvert to the other. Member Burke asked if the stone placed in the culvert severed that connection. Mr. McGivern said the applicant must continue to work with the ACOE and Conservation Commission on compliance. The previous solution using clay, leaves, and logs clearly failed as witnessed this spring. Water is impounded on the upstream side of the culvert resulting in water by-passing the culvert and seeping underneath through the crushed stone.

Member Svarczkopf asked if digging under the structure would compromise the structural integrity of the culvert. Mr. McGivern said the Board must see the proposed solution shown on a plan prepared by a structural engineer.

Chairman Giger emphasized that the burden of proof is on the design engineer, not the Board's peer review engineer. He asked Academy Hill, LLC, to submit a structural engineer's assessment of the proposed solution to the problem along with proof that the engineer is qualified in the Commonwealth of Massachusetts as a structural engineer. Mr. Wheeler agreed to do so.

Member Burke said the Board requires a comprehensive solution that addresses both the Planning Board and Conservation Commission/ACOE concerns. At this point, tearing the culvert down and replacing it may be the best approach. Other Board members agreed.

Member Parent asked if the proposed changes to the culvert must go back to the ACOE for approval. Mr. McGivern said it is not clear at this time. The proposed changes may trigger a review above a Category 1. Member Burke said it depends upon the final solution.

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Member Parent asked who will make that decision. Mr. McGivern said the design engineer must review the ACOE criteria and make that determination.

Mr. Ogren explained the process for becoming certified as an engineer that was in effect when he obtained his license as a civil engineer. He said the Commonwealth did not have categories in place at this time. He said he has the experience and qualifications to practice as a structural engineer. There has been no movement of the pre-cast retaining wall. There may be hairline cracks but there has been no movement of the wall. The box culvert was designed to be installed higher than the existing topography on the original plan.

Bruce Easom of the Conservation commission said the ACOE process is separate from the Town's process under the Wetlands Protection Act. The Commission determined that the crossing had to meet stream crossing guidelines as stated in the Order of Conditions. Pooling at the inlet is not helpful to wildlife. Water flowing along the uphill side of the road is not consistent with pre-development conditions. He suggested that the developer look at the box culvert at Robin Hill Road as a good example. He said the Commission would like to see the box culvert in Academy Hill removed and replaced.

Mr. Wheeler said he would like to work with all concerned parties to resolve the situation.

Chairman Giger said the Planning Board and Conservation Commission want to see a comprehensive solution as well. The homeowners have the expectation that the road will be accepted by the Town as a public way. In the meanwhile, the Board will not sign off on any building permits, release any lots or reduce any surety in the Academy Hill subdivision.

Member Wilson asked about the anticipated time frame. Mr. Wheeler said it should take 2-3 weeks to complete the plans. Chairman Giger added that the time line must also include time for Nitsch Engineering to review the proposed plans. The Board scheduled the matter for a follow-up discussion at its meeting on June 14, 2013.

MINUTES

The Board voted unanimously to approve the March 28, 2013 and April 4, 2013 minutes.

Meeting adjourned at 10 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner

