

**PLANNING BOARD  
JUNE 27, 2013  
MINUTES**

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

Members present: Giger, Barringer Burke, Svarczkopf and Wilson

Members absent: Parent and Perkins

**COMMENTS TO THE ZBA – JPO DOGS**

The Board met with Jillian O'Brien of JPO Dogs regarding her application to the Zoning Board of Appeals (ZBA) to modify the Groton Residential Gardens Comprehensive Permit to permit a dog care and boarding facility at 501 Main Street, the commercial unit in the affordable housing development.

Chairman Giger read the comments dated June 25, 2013 from the Fire Chief.

Ms. O'Brien said she met with the Fire Chief and she agreed to install double doors to the chain-linked fence for the outside runs. The fencing will be 6 ft high around the perimeter of the dog-run area. The surface is presently paved and will contain  $\frac{3}{4}$ " crushed stone on top of the asphalt. The area will be sprayed and cleaned every night. All solid waste will be picked up and double-bagged daily. The waste will be disposed in a dumpster that will be emptied twice a month. New walls will be installed inside the building to create an indoor play area for the dogs. The day-care dogs will be picked up by 7 PM. Boarding dogs will be taken outside at 10 PM for a bathroom break and will stay in their crates overnight until 6 AM.

Member Barringer asked about the type of fencing to be used. Ms. O'Brien said it would be white, solid vinyl.

Member Barringer asked about lighting. Ms. O'Brien said there would be lights on the side of the building facing the outdoor dog runs. Member Barringer said the lights must be shielded to prevent glare onto other properties. Chairman Giger added that cut sheets with information on the fixtures should be submitted to the ZBA.

Member Barringer asked how a snowblower would be run on pea stone and where snow would be stockpiled. Kyle Allen said the snow would be plowed out and removed from the site.

Member Wilson expressed concerns about drainage and water quality in the stormwater management system. Ms. O'Brien said they would clean out the catch basins regularly. There will be no solids in the stormwater system because they will be picked up regularly.

Member Barringer said the nitrates and phosphates will not be controlled and may result in degradation of water quality in the stormwater system and a concentrated discharge to the Nashua River. He suggested that Ms. O'Brien meet with the Board of Health and Agricultural Commission to discuss best management practices.

Member Svarczkopf asked about the location of the dumpster and truck access to the dumpster. He asked how many parking spaces would be taken up by the outdoor dog runs. Ms. O'Brien said they would lose 6 or 7 spaces.

Member Svarczkopf said the snow should not be stored near the retention area in light of past flooding problems on Anthony Drive. Ms. O'Brien said they would remove snow right away.

Chairman Giger expressed concern about only emptying the dumpster with dog waste twice a month. He asked if the waste would be co-mingled with paper and other trash, noting that the dumpster is close to residential units.

Chairman Giger said some dogs are more aggressive than others and asked how the applicant will manage noise. Ms. O'Brien said the dogs will be supervised outside at all times. When they are indoors, the dogs will be resting. Curtains and tapestries will be used to mitigate noise indoors, and the vinyl fencing will reduce noise outdoors.

Member Burke asked about the capacity of dogs in day care and staying overnight. Ms. O'Brien said they will take care of up to 70 dogs during the day and up to 30 dogs will be boarded overnight.

Member Burke asked if the kennel would be staffed 24 hours a day. Ms. O'Brien said no one would stay overnight, but the facility has sprinklers and a security system. The dogs will be crated from 10 PM to 6 AM. Member Burke asked if the dogs would always be supervised outside. Ms. O'Brien said, "yes."

Member Burke asked about sound attenuation at night. Ms. O'Brien said the dogs play all day so they sleep well at night. Puppies are boarded in a separate room.

Member Burke expressed concerns about waste removal from the 2500 SF area outside. Ms. O'Brien said the waste would be picked up, bagged, and contained in a bucket until it is disposed of in the dumpster. Member Burke expressed concern about runoff and water quality in the stormwater management system.

Chairman Giger opened the meeting for comments from the public.

Abutter Ray Capes, 10 Anthony Drive, said he shared all the concerns expressed by the Planning Board. He asked if the Fire Chief's memo referred to access on foot or by vehicles. The Board will request clarification from the Fire Chief. Mr. Capes said he does not think emptying the dumpster with dog waste twice a month is frequent enough. He said the proposed fencing would be 16 feet from his property line and 56 ft from his house. He expressed concern about the impact on the stormwater management system and asked how the system would function. He reminded the Board about the serious flooding problems on his property when the Groton Residential Gardens project was under construction.

Chairman Giger said the Board will send its recommendation to the ZBA for the public hearing on July 9, 2013. Planning Board members will attend the ZBA hearing to present the Board's concerns. He said the ZBA must consider 360° around the building for light and noise impacts.

#### **ACADEMY HILL BOX CULVERT**

The Board met with Bruce Wheeler and George Gallagher of Academy Hill, LLC, and design engineer Peter Ogren to discuss plans to remediate the box culvert at Academy Hill. Mr. Ogren of Hayes Engineering presented the plan to remove and reinstall the box culvert at the elevation it should have been placed according to the original design. The channel bed and substrate must be replaced and a second drop manhole installed. Mr. Ogren described the methodology that would be used to break out and remove the box culvert and then install a new box culvert at the original grade. New channel substrate with silty material will be used in the stream bed. Crushed stone may not be proper material for wildlife. Coco fabric and river rock will be used to stabilize the base. Mr. Ogren said there are no structural issues with the culvert and no signs of weakness.

Mr. Wheeler said they are looking to cooperate with the Town but they have signed several Purchase and Sales Agreements. They need building permits and a bond reduction to pay the sub-contractors.

Member Burke said the Board is reviewing the culvert plan from a functional point of view and the Conservation Commission is reviewing it from an environmental point of view. Both must be satisfied before the work goes forward. The Board must also send the plan to its engineers for peer review.

Mr. Wheeler noted that the Board sent him a letter in May stating no building permits would be issued and no bond reductions. He said they cannot make ends meet to pay people and asked the Board to work cooperatively.

Member Burke urged the developer to meet with the Conservation Commission as soon as possible. The Board agreed that it would send the plans to its engineers and ask the Conservation Commission to review the plans. The Board will continue its discussion at its meeting on July 11, 2013.

### **ZONING WORKING GROUPS**

Board members reported on progress made by the various working groups. Member Burke reported on the Parking Working Group's presentation that he and Member Barringer made to the Groton Board of Trade on parking. Members Burke and Barringer will attend the Board of Selectmen's meeting on July 1, 2013 when the Selectmen discuss parking on Main Street. The Board will forward the MRPC's "Walkability" study for the Selectmen's review.

The Concept Plan Working Group met with Judi Barrett to discuss replacing the concept plan provisions with Planned Development Districts. Ms. Barrett will present her draft of the new provisions at the Board's meeting on July 18, 2013.

The Use Regulations Working Group met with Judi Barrett and reviewed the Use Regulations from several other communities including Lexington.

The Site Plan Review Working Group has drafted proposed changes to the Site Plan Review provisions for the Board's discussion at the July 18, 2013 meeting.

### **GELD POST MORTEM**

The Board discussed the misstatement of facts by the Groton Electric Light Department at the Selectmen's meeting. The Board will wait until the post mortem on the permitting process is completed before sending a letter to the Selectmen. Member Barringer said he will no longer be the Board's liaison to GELD.

### **COMMENTS TO THE ZBA ON JPO DOGS**

The Board discussed its recommendations to the ZBA on JPO Dogs' application to amend the Comprehensive Permit for Groton Residential Gardens to allow the commercial building at 501 Main Street to be used as a dog day care and boarding facility.

The Board did not make a recommendation on whether or not the ZBA should approve the proposed modification. Rather, the Board asked a number of Site Plan Review related questions and raised the following concerns:

1. **Access** - The Board received the memorandum dated June 25, 2013 from the Fire Chief and questioned if the Fire Chief's memo regarding the fenced area and gates referred to access to the building by firefighters on foot or by emergency vehicles. This point should be clarified by the Fire Chief.
2. **Lighting** - The applicant should submit a proposed lighting plan to the ZBA showing locations and wattage of all outdoor lights. The cut sheets of the fixtures should be submitted to demonstrate that the lights will be shielded and pointed downward so there is no glare on abutting properties or public ways. The lighting must be "Dark-Sky" compliant.
3. **Noise** – The applicant stated that the dog day care facility would accommodate up to 70 dogs and that up to 30 dogs may be boarded overnight, especially during holidays. The Board expressed concern about noise, both during day-time hours and overnight, with the proposed number of dogs. The applicant should submit a detailed noise attenuation plan, for noise generated both internal and external to the facility, to the ZBA.
4. **Snow Removal** – The proposed JPO Dogs facility will utilize six or seven existing parking spaces for fenced-in dog runs. The contained area is approximately 2500 square feet. The Board asked where snow from the parking lot and the dog run area would be stockpiled. The snow storage area should not be in the detention basin because it would put additional burden on the stormwater management system. The snow should be removed from the site within 48 hours of a snow storm and should not be stockpiled in parking spaces. The applicant should address snow removal and snow storage issues.
5. **Stormwater Management System** – The Board is particularly concerned about impact on the stormwater management system. As you know, there were serious problems with the stormwater management system during construction and after occupancy of the residential units. The stormwater problems resulted in severe flooding of abutting properties. Eventually, the ZBA and Housing Appeals Court approved a connection to the MassDOT catch basin and stormwater system in Route 119. Since the applicant expressed intent to dispose of dog waste (urine and non-solid feces) directly into the parking area where it would be allowed to run to one of the storm drains, the impact of additional runoff to the Groton Residential Gardens stormwater system from daily hosing and chemical application to the dog run area must be considered. More importantly, the degradation of water quality in the stormwater system from washing down the area containing dog waste (feces and urine) with chemicals must be taken into account. There is no pre-treatment or filtering of stormwater proposed in the applicant's plans which means these discharges may result in excessive nutrient loading and degradation of water quality. The connection to the MassDOT system flows directly to the Nashua River from the outlet near Nod Road. In addition, the Board of Health needs to be engaged by the ZBA with regard to the appropriateness of free standing, untreated dog waste fluids standing on and running through parking areas frequented by vehicles and pedestrians.
6. **Waste Disposal** – The Planning Board recognizes that it has no jurisdiction over waste disposal matters and that such issues are in the purview of the Board of Health. (Please see email message dated June 13, 2013 from Health Agent Ira Grossman.) However, the Board is very concerned about the disposal of dog waste in the dumpster on site. The applicant stated that the dumpster would be emptied every two weeks. This may result in odors and other nuisance conditions. The Board questioned where the dumpster would be located, how a truck would access the dumpster for servicing, and whether emptying the dumpster once every two weeks is frequent enough. The dumpster should be screened appropriately with fencing or landscaping.

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**WETLANDS BY-LAW REVIEW COMMITTEE**

The Wetlands By-Law Review Committee will present the proposed changes to the local Wetlands By-law, Chapter 215 of the Code of the Town of Groton, to the Planning Board at its meeting on July 11, 2013.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner

