

**PLANNING BOARD
SEPTEMBER 26, 2013
MINUTES**

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

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

PUBLIC HEARING - SQUANNACOOK HALL CONCEPT PLAN & REZONING

In accordance with the provisions of Chapter 40A, §§ 5 and 11, M. G. L., the Groton Planning Board held a public hearing to consider the concept plan submitted by Halsey Platt & Chris Brown, Squannacook, LLC, to renovate Squannacook Hall into four dwelling units as shown on the plan entitled "Squannacook Hall, 33 West Main Street, Groton, MA," prepared by Platt Builders, dated September 3, 2013. The proposed project is located at 33 West Main Street, Assessors' Map 101 Parcel 22, on the northerly side of West Main Street. The concept plan was submitted under the provisions of Chapter 218 Zoning, section 218-27C Planned Multifamily Residential Development, of the Code of the Town of Groton. The

In accordance with the provisions of Chapter 40A, §§ 5 and 11, M. G. L., the Groton Planning Board held a public hearing to consider the following proposed rezoning :

ARTICLE: To see if the Town will vote to amend Chapter 218 of the Code of the Town of Groton to rezone from Public Use (P) to Residential-Agricultural (R-A) a parcel of land located at 33 West Main Street consisting of approximately 0.50 acres, being shown on Assessors Map 101, Parcel 22, or take any action thereon.

Chairman Giger called the public hearings to order. Clerk Svarczkopf read the legal notice posted with the Town Clerk on September 3, 2013 and published in the September 6 & 13, 2013 issues of the *Groton Herald*. Applicants Halsey Platt and Chris Brown, Selectman Peter Cunningham, and many abutters were present.

Mr. Platt said he responded to the Town's Request for Proposals (RFP) for the sale of Squannacook Hall. The proposed project is the renovation of the building into four residential apartments: three 1-bedroom units and one 4-bedroom unit. Mr. Platt said he is working with the Board of Selectmen on the details of the project. Fire sprinklers may be required and a fire escape will be installed on the side of the building. David Ross Associates designed a sewage disposal system that will be installed in the front of the site. The existing access ramp in the front of the building will be removed.

Member Barringer asked if any exterior lights would be installed. Mr. Platt said, "yes," lights would be installed for the parking areas in the front and rear of the building.

Member Barringer asked if there is an easement for the shared driveway with the Christian Union Church on the abutting property. Mr. Platt said he did not know at this time. He said they would work with the Christian Union Church just like he worked with the Union Congregational Church when he developed 214 Main Street.

Member Barringer asked if there are any other changes to the building. Mr. Platt said, "no."

Member Parent asked about parking for the residential units and events at the church. Member Parent said there are nine spaces shown on the plan. He asked how many parking spaces are on the site today. Mr. Brown said the parking spaces are not delineated today.

Member Svarczkopf said this is a great project for the Town. Mr. Platt said he is requesting that the Town hold back \$50,000 in taxes over the next five years to make the project financially viable.

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Member Svarczkopf asked about landscaping. Mr. Platt said he will discuss landscaping plans with the Planning Board at a later date.

Member Wilson said this project is a wonderful adaptive reuse of an existing building. The units will add to the Town's rental housing stock.

Member Barringer asked if the site is very wet in the rear of the building. Mr. Platt said, "yes," the only work will be regrading the area for parking.

Member Burke asked if the four units would be market rate rental. Mr. Platt said, "yes."

Member Burke asked if the Board of Health approved the sewage disposal system design plan. Mr. Platt said the Board of Health approved the plan for 530 gpd. Dan Wolfe of David Ross Associates will meet with the Board of Health on October 7, 2013 and request approval for 550 gpd.

Member Burke asked if this was a conventional or "Presby" system typically used where there is high groundwater. Mr. Platt said it is a Presby system.

Member Burke said he thinks the project is worth moving forward for a vote at Town Meeting.

Chairman Giger read the Conservation Commission comments dated September 25, 2013.

Town Planner Michelle Colette noted that a lot area variance is needed for the multifamily project.

Member Barringer asked if the units would be age-restricted. Mr. Platt said, "no."

Joan Denaro of the Christian Union Church, 37 West Main Street, said the church is preparing a survey of the side property line between the church and Squannacook Hall. She expressed concern about access to the rear of the site.

Carl Rodrigues of the Christian Union Church said the church was not notified about the project. He said the church may have been interested in purchasing the property. He questioned the accuracy of the acreage stated in the public hearing notice. The legal notice says the lot is 0.50 acres, but it is only 0.25 acres. He said the site contains wetlands and high groundwater.

Member Wilson said the access easements are a legal matter to be resolved by the two parties.

Town Planner Michelle Collette said notice of the public hearing was sent to the church as an abutter.

Member Svarczkopf asked about advertising for the RFP. Selectmen Peter Cunningham said the RFP was advertised twice and discussed at Town Meeting. Mr. Rodrigues said the church never received notice of the RFP.

Chairman Giger reiterated that the Planning Board cannot negotiate disputes between abutters regarding easements. Member Burke added that the Board cannot take away any property rights that exist.

Mr. Platt said the size of the lot was taken from the Town's RFP. He said he did not respond to the first RFP and waited for the second RFP before submitting a proposal.

Chairman Giger said the Board must make a recommendation to Town Meeting. A 2/3 vote of Town Meeting is required. The concept plan is only the first step in the process. It is not the final plan.

Mr. Rodrigues expressed concern about the use of the Presby system. He said they would like to be good neighbors.

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Member Svarczkopf asked if there were any restriction on the property other than the Demolition Delay By-law. Town Planner Michelle Collette said, "no," she is not aware of any restrictions.

Member Parent noted that the Town's GIS/Assessors Map shows the parcel as 0.50 acres.

Member Barringer said the church uses the Squannacook Hall parking and access today. There must be some cooperation between neighbors.

Selectman Cunningham said the Town is confident about the accuracy of the size of the lot. The goal of the Town is to sell the property for adaptive reuse. The town will work cooperatively with the neighbors. If the project does not succeed, the building may be demolished.

Member Barringer asked about the dimensions of the parking spaces. Mr. Platt said the number of parking spaces is based upon Feasibility Study prepared for the Town by Kang Associates in 2008.

Judy Cushman of the Christian Union Church said she is concerned about whether the church could park on top of the Presby system. The church was denied parking in the rear of its property because of wetlands issues. *(Note: There are no records in the Conservation Commission files regarding an application submitted by the church to create parking at the rear of its property – mc)*

Abutter Ken Haynes, 29 West Main Street, said the Town has done a good job with the redevelopment of the mill (Rivercourt) and Hale Village. He expressed concern about removal of old growth trees, water, and drainage. Member Barringer said it is the applicant's job to provide information on these issues during the Site Plan Review process.

Abutter George Wheatley, 16 West Main Street, said the lot is 65 ft x 190 ft which is 12,190 SF – a quarter acre rather than a half-acre. He said this is not a good location for four apartments. People will have to park on the street for Saturday night church suppers. He asked the town to find a commercial use and to rezone the property B-1 rather than R-A. He said he supports the demolition of Squannacook Hall so the church can use the property as a parking lot.

(Member Perkins arrived.)

Member Barringer noted that there is a small, five-space parking lot at the intersection of West Main Street and Townsend Road that is available for parking.

The Board voted unanimously to close the public hearing.

The motion was made by Burke, seconded by Wilson, to recommend that Town Meeting approve the concept plan so the plan may move forward in the permitting process.

The plan as submitted is preliminary and conceptual in nature by definition. As such the Planning Board reserves all rights and prerogatives as a Special Permit Granting Authority pursuant to MGL Chapter 40 A and the Groton Zoning By-law to modify and refine said plan based on its review of detailed plans with supporting technical data and comments received by Town Departments and the public. The special permit /site plan review process is iterative in nature and involves the consideration of detailed technical data including but not limited to: stormwater management; traffic; parking; circulation; topography; grading; adequacy of public utilities; sight distances; lighting; landscaping; visual impact; compatibility with surrounding uses; snow removal; and other such issues. Town Meeting by its nature as a legislative/policy body of government does not possess the organizational structure or technical capacity for the iterative and detailed technical review of a development plan. Concept Plan approval by Town Meeting is performed without the benefit of detailed plans or technical information and should not preclude or prevent the Special Permit Granting Authority from performing its statutory

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responsibilities in its review and consideration of detailed development plans and issuance of a decision to approve, approve with conditions/modifications, or deny said plan.

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

The motion was made by Parent, seconded by Svarczkopf, to recommend that the Town Meeting approve the proposed rezoning from Public Use (P) to Residential Agricultural (R-A).

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

PUBLIC HEARING – CHAMBERLAIN MILLS SPECIAL PERMIT

The Board held the continuation of the public hearing to consider the special permit for Flexible Development for the Chamberlain Mills subdivision. Applicant Robert Kiley, Attorney Robert Collins and design engineer Stan Dillis were present.

Attorney Collins submitted same deeds and deed restrictions to the Board. The 13.9 open space parcel will be conveyed by a Deed in Trust to the Groton Water Department.

The Board received a letter dated September 25, 2013 from Ducharme & Dillis Civil Design Group regarding monumentation and a letter dated September 25, 2013 from Attorney Collins with the sample deeds.

Attorney Collins said the increase in traffic generated by the subdivision is only 0.005% so there is a minimal change in the Level of Service. Sight distances exceed the requirements in the regulations. If the subdivision road is located off Lowell Road (Route 40) rather than Schoolhouse Road, the amount of land donated to the Groton Water Department would be reduced. Mr. Dillis added that the proposed Flexible Development plan keeps the developed area outside the Zone II of the public water supply.

Attorney Collins said the scenic streetscape along Route 40 remains unchanged with the access off Schoolhouse Road.

Chairman Giger said how many of the existing trees would remain. Mr. Dillis said the trees would be located on the definitive plan. The proposed plan keeps development away from the steeper slopes and will permit natural vegetation to remain.

Member Burke requested that any significant trees with a caliper greater than 10" be shown on the plan. Attorney Collins said the definitive plan will show a clear limit of disturbance based upon topography and soils. Mr. Dillis said soil testing was not done in the area of the specimen trees.

Member Svarczkopf said the abutters and townspeople are concerned about trees and do not want to see the site denuded.

Member Burke reiterated his requests that the specimen trees and trees to be removed be shown on the plan. Mr. Dillis said the specimen trees to be removed will be marked in the field and shown on the plan for the Board's review.

Chairman Giger said the Board also received a report dated September 26, 2013 from Nitsch Engineering with a list of waivers that are necessary. Attorney Collins said they would respond to the Nitsch report.

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Abutter Matt Novak asked if the areas used for soil testing would be returned to a natural state. Mr. Dillis said they would identify any trees removed to date.

Mr. Novak asked if those trees would be replanted. Mr. Dillis said, "no," because they used existing cart roads and only removed brush to do the soil testing. Attorney Collins said the land disturbed for testing would return to nature.

Chairman Giger said there cannot be any disturbance within the 50 ft buffer zone. Mr. Dillis agreed and said everything was moved out of the buffer zone.

Member Perkins asked about the size of the ANR lot with the existing house on Route 40. Mr. Dillis said it is a 53,000 square foot lot that is part of the subdivision. A waiver for the size of the lot has been requested.

Abutter Bob Woodward requested that a traffic study be done for Lowell Road, not Schoolhouse Road. He stated that Schoolhouse Road is used as a cut through. He urged the Board to take a closer look at traffic issues and to consider using Route 40 as access.

Mr. Dillis described the additional disturbance to the steeper slopes on the site and reduction in the amount of open space if the road is located on Route 40. Board members agreed that the subdivision road on Schoolhouse road is preferable to a subdivision road on Route 40. Member Barringer said fewer intersections on Route 40 is safer. He noted that he lives in a six lot subdivision and they rarely see a car on the road. Traffic generated by such a subdivision is very light.

Attorney Collins said a subdivision road on Route 40 would create headlight glare on homes on the opposite side of Route 40.

Chairman Giger said the Board needs additional information including a response to the Nitsch Engineering report dated September 26, 2013 and the flagging of the specimen trees on the site.

The Board voted unanimously to continue the public hearing on October 24, 2013 at 7:30 PM.

(Member Barringer left the meeting.)

ACADEMY HILL UPDATE

Box culvert - The Board met with George Gallagher of Academy Hill LLC to discuss progress on repairs to the box culvert on Cherry Tree Lane. Mr. Gallagher said construction began on August 20, 2013 but was delayed by the manufacturer of the precast sections of the culvert. The culvert is in place now and has been inspected by the Board's consulting engineers Val Prest of Groton Engineering and Tim McGivern of Nitsch Engineering. The culvert will be backfilled and finished next week. Mr. Gallagher asked for an extension of the October 1, 2013 deadline.

The motion was made by Burke, seconded by Wilson, to extend the deadline to October 15, 2013 with the condition that Academy Hill provide an update to the Planning Board at its October 3, 2013 meeting. The motion passed unanimously.

Affordable housing – The Board received a memorandum dated September 26, 2013 from Housing Coordinator Fran Stanley regarding the status of affordable housing at the Academy Hill subdivision. Ms. Stanley said the first three affordable units have been sold, a proposal has been submitted to the DHCD for the next three affordable units. However, the DHCD has not approved the Regulatory

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Agreement yet. Another affordable unit in Academy Hill will be required soon. DHCD would like to see a plan showing all the affordable units. Mr. Gallagher said they would submit a plan showing all the affordable units before October 3, 2013.

Chairman Giger said the Board would plan showing all the affordable units as well as a timeline for build-out of all the units on Lot B.

Meeting adjourned at 10 PM

Very truly yours,

Michelle Collette
Land Use Director/Town Planner