

**PLANNING BOARD
NOVEMBER 21, 2013
MINUTES**

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

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

Members absent: Svarczkopf and Wilson

PUBLIC HEARING – SCENIC ROADS PERMIT

In accordance with the provisions of § 184-3 of the Code of the Town of Groton, the Planning Board and Tree Warden held a public hearing to consider the application submitted by Jeff Vaughn to remove a tree within the right-of-way of Maple Avenue along the frontage of 157 Maple Avenue, Assessors Map 212, Parcel 142.

Chairman Giger called the public hearing to order. Clerk Parent read the legal notice published in the November 8, 2013 issue of the Groton Herald. Tree Warden Tom Delaney and applicants Jeff Vaughn and Larry Vaughn were present.

Jeff Vaughn said he would like to remove a tree that will interfere with construction of the driveway serving his new home on Maple Avenue. He said he could not relocate the driveway because there is ledge on the site.

Chairman Giger read the letter hand delivered on November 21, 2013 from Jeff and Olga Box objecting to the removal of the tree. Mr. Delaney said he cannot permit the removal of the tree under the Public Shade Tree Act, MGL Chapter 87, section 4, if anyone objects. The matter must be referred to the Board of Selectmen.

Larry Vaughn said the tree is causing a problem turning into the driveway. They would like to pave the driveway next week. Jeff Vaughn said he did not want to blast again to remove ledge at the site.

Member Burke said the Board is holding its public hearing under the Scenic Roads Act, MGL Chapter 40, section 15 C, and not under the Public Shade Tree Act. Chairman Giger read the reference to Chapter 40, section 15C, in the Code of the Town of Groton Chapter 184 Scenic Roads.

Member Barringer asked if the applicant could move the driveway to avoid removing the tree. Mr. Vaughn said the sight distances are not adequate if they move the driveway.

Member Barringer said the tree cannot be removed without the Selectmen's approval. He suggested meeting collectively with the Selectmen, Tree Warden, and Planning Board.

The motion was made by Barringer, seconded by Parent, to refer the matter to the Board of Selectmen for its review under the provisions of Chapter 87, section 4, and that the Planning Board hold a joint public hearing with the Selectmen at the earliest convenience. The motion passed unanimously.

PUBLIC HEARING – PC MYETTE, 120 BOSTON ROAD, SIGN PERMIT

In accordance with the provisions of Chapter 196 Signs of the Code of Groton, the Planning Board will hold a public hearing to consider the application submitted by PCM Realty Trust to utilize the provisions of Section 196-8 Special and Unique Circumstances for signs on property owned by PCM Realty Trust, located at 120 Boston Road, Assessors Map 222 Parcel 15.

Chairman Giger called the public hearing to order. Member Barringer read the legal notice published in the November 8, 2013 issue of the Groton Herald. At the request of the applicant, the Board voted unanimously to continue the public hearing on December 5, 2013 at 7:30 PM.

PUBLIC HEARING – SPECIAL PERMIT/SITE PLAN REVIEW, PCM REALTY, 120 BOSTON ROAD

Chairman Giger called to order the continuation of the public hearing to consider the PC Myette application for site plan approval of the proposed medical office building located at 120 Boston Road. At the request of the applicant, the Board voted unanimously to continue the public hearing on December 5, 2013 at 7:30 PM.

ROCKY HILL SUBDIVISION

Waiver - The Board received a letter dated November 18, 2013 from Attorney Robert Collins requesting a waiver of Section 381-22I of the Subdivision Regulations to allow paving after November 15, 2013. The motion was made by Parent, seconded by Parent, to allow paving of Mockingbird Hill road in the Rocky Hill subdivision after November 15, 2013 depending upon weather conditions and approval of the Planning Board's consulting engineer. The motion passed unanimously.

Tripartite Agreement – Attorney Collins said the Board received a report dated September 11, 2013 from Nitsch Engineering with updated estimates on the cost to complete construction at the Rocky Hill subdivision. The total of all phases is \$955,449.48. The motion was made by Burke, seconded by Parent, to approve the amount of \$955,449.48 to secure remaining work at the Rocky Hill subdivision for lots to be released at a future date. The motion passed unanimously.

The motion was made by Burke, seconded by Barringer, to execute the "Agreement and Contract, Town of Groton Planning Board & Middlesex Savings Bank," signed by the Middlesex Savings Bank on November 14, 2013 and developer David Moulton on November 21, 2013. The motion passed unanimously.

PRE-SUBMISSION REVIEW – MOBIL STATION

Attorney Collins met with the Board to discuss submission of a site plan for the Mobil Station located at the intersection of Boston Road and Old Ayer Road. The Zoning Board of Appeals granted a special permit to alter the non-conforming structure and expand the non-conforming use. The by-law requires nine parking spaces, but five should be sufficient: one for the employee, one accessible, and 2-3 additional spaces.

Member Parent asked if the footprint of the building is shrinking. Mr. Collins said, "yes," the repair bays will no longer exist. The retail area will expand, but it will become a convenience store.

Member Burke suggested showing greenbanked parking spaces that could be installed in the future if the need arises.

Mr. Collins said he will request a waiver for the scale model. The Board agreed that a digital model is fine.

Mr. Collins asked if the applicant could use MRPC traffic counts rather than submitting a traffic study. The levels of service and sight distances are not changing.

Member Burke said access points to the site should be consolidated and a pedestrian access should be added along the frontage.

Chairman Giger asked if MassDOT curb cuts are required. Mr. Collins said, "yes."

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Chairman Giger stated that the Planning Board did not vote to grant any waivers – this was simply a conversation with the applicant’s representative. Mr. Collins agreed.

UPCOMING MEETINGS

December 5, 2013 – The Board will vote on the Chamberlain Mills special permit decision.

December 12, 2013 – Meeting with Peter Flinker to discuss Design Guidelines.

Saturday, December 14, 2013 – Work session at Legion Hall to discuss the Schedule of Use Regulations and Zoning Map changes.

December 19, 2013 – Meeting with Judi Barrett to discuss Zoning Amendments.

Meeting adjourned at 8:45 PM

Respectfully submitted,

Michelle Collette
Land use Director/Town Planner