

**PLANNING BOARD
JUNE 26, 2014
MINUTES**

Vice Chairman Perkins called the meeting to order at 7:30 PM at the Town Hall

Members present: Burke, Giger, Perkins, Vega and Wilson.
Chairman Barringer participated remotely

Member absent: Svarczkopf

PUBLIC HEARING (con't) – ROCKY HILL SUBDIVISION

The Board held the continuation of the public hearing to consider the application submitted by Fox Meadow Realty Corporation to modify the special permit for the Rocky Hill subdivision. The Board received a letter dated June 4, 2014 from Attorney Robert Collins requesting a continuation of the public hearing to September 18, 2014 to allow more time for soil testing.

The Board voted unanimously to continue the public hearing on September 18, 2014 at 7:30 PM.

TOWN CENTER OVERLAY DISTRICT DESIGN REVIEW COMMITTEE APPOINTMENTS

The Board voted unanimously to appoint the following members to the TCOD Design Review Committee:

Dan Barton	Term to expire in 2017
Lorayne Black	Term to expire in 2016

The Board voted unanimously to appoint the following alternates to the TCOD Design Review Committee:

Maureen Giattino	Term to expire in 2015
Jason Parent	Term to expire in 2015

Fay Raynor is presently a member of the Committee. Her term expires in 2015.

LIAISONS

The Board voted unanimously to appoint the following liaisons:

Carolyn Perkins	Affordable Housing Trust
Tim Svarczkopf	Park Commission

NESSP TEMPLE

The Board reviewed the preliminary proposal from Markey and Rubin to use an existing cart path in the woods as the walking path from the NESSP Temple parking area to the intersection of the access road and Boston Road.

The condition of the Site Plan Approval stated:

“The applicant shall submit a final landscaping plan showing the street trees and other plantings for the Board’s review and approval prior to issuance of an occupancy permit. The plan shall include a walking path/trail from the intersection of the access road and Boston Road to the sidewalk around the loop road.”

The Board agreed that the proposed cart path would be a good solution. However, steps made have to be installed in the steepest area of the path near the parking lot.

PUBLIC HEARING – SEPECIAL PERMITS, CROSSROADS PLAZA

In accordance with the provisions of Chapter 40A, §§ 9 and 11, M. G. L., the Groton Planning Board held a public hearing on Thursday, June 26, 2014, at 8:00 PM, to consider the application submitted by Nam Hang, LLC to renew Special Permit 2010-06 granted by the Groton Planning Board under the provisions of Groton Zoning By-law Section 218-25 Site Plan Review for the Level II site plan entitled, “Permit Plan, 788 Boston Road, Crossroads Plaza, Groton, MA,” prepared by GPR, Inc., dated April 2006, revised June 29, 2006. The proposed project is located on Assessors’ Map 133, Parcel 54, located on the westerly side of Boston Road and southerly side of Sandy Pond Road.

In accordance with the provisions of Chapter 40A, §§ 9 and 11, M. G. L., the Groton Planning Board held a public hearing on Thursday, June 26, 2014, at 8:00 PM, to consider the application submitted by Nam Hang, LLC to renew Special Permit 2010-05 granted by the Groton Planning Board, to utilize the provisions of Groton Zoning By-law Section 218-30 Water Resource Protection Districts for an on-site wastewater disposal system with a design capacity greater than 110 gallons per day (GPD) per 10,000 SF lot area and aboveground storage of hazardous materials in quantities greater than normal household use in a Water Resource Protection District III. The proposed project is shown on the plan entitled, “Permit Plan, 788 Boston Road, Crossroads Plaza, Groton, MA,” prepared by GPR, Inc., dated April 2006, revised June 29, 2006. The proposed project is located on Assessors’ Map 133, Parcel 54, located on the westerly side of Boston Road and southerly side of Sandy Pond Road.

Vice Chairman Perkins called the public hearing to order. Clerk Vega read the notices posted with the Town Clerk on June 3, 2014 and published in the June 6 and 13, 2014 issues of the *Groton Herald*. Attorney Robert Ancil represented the applicant at the hearing.

Attorney Ancil said the applicant is requesting an extension for both special permits, originally granted in 2006, and subsequently extended by the Board in 2008 and 2010. The special permits were covered through July 2014 by the Permit Extension Act. Attorney Ancil said the Conservation Commission’s Order of Conditions is still in effect, and the applicant requested an extension of the Stormwater Permit and Board of Health permit.

Member Wilson asked about sewer for the project, since the Lost Lake sewer system was voted down by Town Meeting. Attorney Ancil said the applicant understands that the sewer project will not go forward and will install the on-site sewage disposal system.

Member Giger said this plan has been around since 2006. He asked the Board if it should have further review. Attorney Ancil said the applicant would like to maintain the status quo and keep all the permits current so the applicant does not lose the value of the property. The Lowell Five Bank is no longer interested in the site, and Dunkin Donuts may not build there either. The applicant will work with the Board of the details of proposed uses prior to the issuance of building permits. There are no commitments from any users at this time.

Member Burke said it works to the Town's advantage if revisions to the plan require modification of the special permit by the Planning Board.

Member Giger reminded the applicant that any modifications to the site plan require new Site Plan Review by the Planning Board and that building elevations must be submitted to the Board for review and approval prior to the issuance of building permits. Attorney Ancil agreed.

The Board voted unanimously to close the public hearing.

The motion was made by Burke, seconded by Wilson, to grant the special permits for Site Plan Approval as shown on the site plan entitled, "Permit Plan, 788 Boston Road, Crossroads Plaza, Groton, MA," prepared by GPR, Inc., dated April 2006, revised June 29, 2006, with the original findings and conditions in the 2006 special permit and the following additional conditions:

1. The applicant shall submit architectural elevations to the Planning Board for its review and approval prior to the issuance of building permits.
2. 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.

The motion passed unanimously.

The motion was made by Burke, seconded by Wilson, to grant the special permits for Water Resource Protection Districts as shown on the site plan entitled, "Permit Plan, 788 Boston Road, Crossroads Plaza, Groton, MA," prepared by GPR, Inc., dated April 2006, revised June 29, 2006, with the original findings and conditions in the 2006 special permit

The motion passed unanimously.

SPECIAL PERMIT DECISION – CHAMBERLAINS MILL SHARED DRIVEWAY

(Chairman Barringer participated remotely; Member Vega stepped down because he is an abutter.)

The motion was made by Giger, seconded by Burke, to grant a special permit to utilize the provisions of the Code of the Town of Groton, Chapter 218 Zoning, Section 218-23D Shared Driveways to construct a shared driveway as shown on the plan entitled, "Shared Driveway Plan – Chamberlains Mill, Lots 7, 8 & 9, Groton, Massachusetts," prepared by Ducharme & Dillis, Civil Design Group, dated May 9, 2014, with the following findings and conditions:

Findings:

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law § 218-23.1 and 218-32.1:

1. **Social, economic and community needs:** The shared driveway results in less disturbance to the land and neighborhood than a longer subdivision road or three individual driveways.
2. **Traffic flow and safety:** The driveway shown on the "Shared Driveway Plan," results in one rather than three driveway cuts, on the cul de sac of Chamberlains Mill Lane.

3. **Adequacy of Utilities:** The proposed shared driveway will not have a negative impact on utilities.
4. **Neighborhood character:** There will be no adverse impact on neighborhood character resulting from construction of the shared driveway.
5. **Impacts on the environment:** The use of a shared driveway minimizes stormwater runoff, land clearing, and grade changes to the land located in the Water Resource Protection District.
6. **Fiscal impact on the Town:** There will be no change in fiscal impact on the Town from the shared driveway.

Conditions:

1. The applicant shall utilize the shared driveway serving Lots 7, 8 and 9 order to reduce driveway cuts, minimize land disturbance and mitigate stormwater runoff. Individual driveways will not be permitted.
2. The applicant applied for a Stormwater Management Permit for the Chamberlains Mill subdivision. The construction of the driveway and development of the lots is subject to the Stormwater Management Permit.
3. The building numbers shall be displayed on the "Proposed Street Number Post" as shown on the plan. The numbers shall be displayed in accordance with Chapter 258 Street Naming and Building Numbering, Section 258-10 Display of street signs, numbers and unit.
4. 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.
5. 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.
6. 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: Burke – yes, Wilson – yes, Giger – yes, Barringer – yes, and Perkins – yes.

PUBLIC HEARING (con't) – GROTON INN SPECIAL PERMITS

The Board held the continuation of the public hearing to consider the application submitted by 128 Main Street, LLC, for special permits to redevelop the Groton Inn and associated improvements to the property located at 128 Main Street.

Applicants Chris Ferris and Rich Cooper, Attorney Robert Ancil, Design Engineer Jesse Johnson of David E. Ross Associates, Landscape Architect Lorayne Black, Architect Peter Pitman of Pitman & Wardley, and Real Estate Broker John Amaral were present.

The Board received the revised photometric plan as requested at the June 12, 2014 public hearing.

Vice Chairman Perkins read the Nitsch Engineering report dated June 26, 2014.

Chairman Barringer asked if there would be baffles on the parking lot lamps near the stable. Mr. Johnson said, "yes," noting that the foot candles will be 0 – 0.1 at that lot line.

Mr. Johnson said the photometric diagram shows that the plan exceeds the Site Plan Review requirements. The plan was revised to add the universal parking space near the carriage house. There will be a total of 92 spaces so a waiver of parking requirements is not needed.

Member Burke asked if the connection with 134 Main Street would be for pedestrian access rather than vehicles. Mr. Johnson said, "yes."

Member Giger asked about the pavement encroachment at the driveway entrance between the Groton Inn and 134 Main Street. Mr. Johnson said the new driveway cut will be done without encroaching on the 134 Main Street property.

Chairman Barringer requested that the applicant work with the Tree Warden and DPW to relocate the street trees planted by the Friends of the Trees, if possible.

Vice Chairman Perkins asked if a bicycle rack would be installed. Mr. Johnson said they could put the bicycle rack near the carriage house.

The Board voted unanimously to close the public hearing by roll call vote: Burke – yes, Wilson – yes, Giger – yes, Barringer – yes, and Perkins – yes.

SPECIAL PERMIT DECISION – GROTON INN

The motion was made by Giger, seconded by Vega, to grant the following special permits to 128 Main Street, LLC:

- Special permit under the provisions of Section 218-25 Site Plan Review to redevelop the Groton Inn and associated improvements to the property located at 128 Main Street as shown on the plan entitled, "Site Plan of Land in Groton, Massachusetts, 128 Main Street," prepared by David E. Ross Associates, dated April 21, 2014, revised June 19, 2014.
- Special permit under the provisions of Section 218-13 Schedule of Use Regulations for "Motel, hotel, or inn," and Section 218-18 Special Permits for Business or Manufacturing Use to

redevelop the Groton Inn and associated improvements to the property located at 128 Main Street as shown on the plan entitled, "Site Plan of Land in Groton, Massachusetts, 128 Main Street," prepared by David E. Ross Associates, dated April 21, 2014, revised June 19, 2014.

- Special permit under the provisions of Section 218-27 Planned Multifamily Residential Development to redevelop the Groton Inn and associated improvements to the property located at 128 Main Street as shown on the plan entitled, "Site Plan of Land in Groton, Massachusetts, 128 Main Street," prepared by David E. Ross Associates, dated April 21, 2014, revised June 19, 2014.

Findings:

Section 218-18 Major Projects

The Planning Board determined that the proposed development of a "Motel, hotel, or inn" is consistent with the concept plan approved at the 2013 Fall Town Meeting.

Section 218-24B Promotion of Harmonious Development

The Planning Board reviewed the architectural elevation prepared by Pitman and Wardley, dated April 22, 2014, under the provisions on Section 218-24B Promotion of Harmonious Development. The Board is satisfied that the proposed buildings are harmonious with the architectural integrity of Town Center.

Section 218-27C Planned Multifamily Residential Development

The Planning Board determined that the proposed development of the proposed long-term rental units is consistent with the concept plan approved at the 2013 Fall Town Meeting.

Section 218-32.1C Special Permit Criteria

1. **Social, economic and community needs:** The proposed mixed-use development will enhance the vitality of the Groton Center by recreating the historic Groton Inn, which burned in a fire on August 2, 2011. In addition, the project will provide long-term rental units within walking distance of Town services and local businesses. The re-creation of the historic Groton Inn and six rental units serves an important community need. The project meets the CMP goal to "encourage and promote new housing developments that create a sense of place, promote social interaction, and a sense of community." The location of the project on Main Street, adjacent to the Boynton Meadows mixed use development, will enhance a sense of place in the Groton Center.
2. **Traffic flow and safety:** The MDM report, submitted by the applicant, determined that the proposed project will generate up to 25% fewer trips than the historic use of the site. The driveway design will facilitate pedestrian safety and will improve the existing sidewalk on Main Street.
3. **Adequacy of utilities:** The Planning Board received comments from Town Departments. The Water and Sewer Departments have no issues or concerns provided that the project meets all the required specifications. The proposed stormwater management system will be connected to the municipal separate storm sewer system (MS4) as approved by the DPW Director and Stormwater Advisory Committee.
4. **Neighborhood character:** The recreation of the Groton Inn is a benefit to the Town's historic and cultural resources. The Groton Center neighborhood will be improved because the Groton Inn will

be restored in a historically appropriate manner. The views of Gibbet Hill from Main Street will be preserved. The scenic vista is a significant feature of Groton's Main Street.

5. **Impacts on the environment:** The installation of the stormwater system with minimal work in the 100 ft wetlands buffer zone and the remediation of the former on-site trash disposal area will address environmental impacts.
6. **Fiscal impact on the Town:** The redevelopment of the site with a project of substantial value will have a positive fiscal impact on the Town.

WAIVERS

The Planning Board voted to grant waivers, as requested by the applicant, after determining that said waivers would be in the public interest and would not be inconsistent with the intent and purpose of the Zoning By-Law.

1. Section 218-25G(3)(c) requiring submission of a scale model.
2. Section 218-27C Planned Multifamily Development requiring a setback of 100 ft from any property line. The Board granted a waiver of side-yard setbacks for the long-term rental units as depicted on the site plan.
3. Section 218-18.D.1.(c)[2] – Topographic change will not result in cuts or fills exceeding 7 feet.
The proposed excavations exceeding 7 feet are required to mitigate the fill/trash mixture on the site.
4. Section 218-25.H.(1)(a) – Preserve trees 12 inches' caliper or larger unless it can be demonstrated that such removal is necessary and that there are no alternatives to said removal.
The site is proposed to be re-graded within the limit of work as shown on the site plans. All vegetation within those limits, regardless of size, will have to be removed in order to establish grades and install infrastructure.
5. Section 218-27.C.(4).(d) – States that no parking associated with a multifamily proposal shall be within 100 feet of any property line.
The applicant requested waiver is for a reduction to 26 feet from a property line to a parking area. The Board granted a waiver to modify that to a reduction of 24 feet.

CONDITIONS

1. 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.
2. Bicycle racks shall be installed in a location to be approved by the Planning Board.
3. The pedestrian walking trail at the rear of the property will connect with the trail from the adjacent lot (Map 113, parcel 9). The location of the trailhead posts shall be determined in consultation with the Conservation Commission.
4. A pedestrian access to Boynton Meadows shall be established in the general vicinity of the 18 ft wide access easement shown on the plan. The final location and construction specifications of the pedestrian access shall be submitted to the Planning Board for its review and approval.

5. Snow banks and stockpiles shall not exceed a height of three (3) feet at any time. Snow in excess of three feet in height shall be removed from the site and disposed of properly within 48 hours of a storm.
6. The Historic Districts Commission and Planning Board shall review the specifications of features, including but not limited to the following, prior to installation:

- Signage
- Lighting
- Fences
- Bicycle racks
- Other streetscape amenities

7. Site lighting shall be allowed in accordance with the following schedule. Changes in the lighting schedule shall not be permitted without prior approval of the Planning Board.

Dusk - closing: All commercial lighting shall be allowed on from dusk to one-half hour after closing time of the restaurant and spaces open to the general public.

Dusk – dawn: All residential lighting shall be allowed. 10% of the pole-mounted fixtures throughout the site shall be allowed to remain on overnight.

8. The height of new buildings shall not exceed 35 ft.
9. The installation of the public water and sewer systems shall conform to the specifications of the Groton Water and Sewer Departments.
10. The applicant agreed to grant a “Stormwater Management Easement” to the Town to allow the Town and its agent’s access to the stormwater management system to maintain, or repair the system due to the failure of the developer or condominium association or any agent thereof to adequately operate, maintain, or repair the same. The developer or condominium association or any agent thereof shall be required to reimburse the Town for any expenses the Town incurs in such operations, maintenance or repair.
11. The Planning Board and Town Counsel shall review and approve all easements prior to the recording of said easements at the Registry addendum including:
 - “Grant of Conservation Trail Easement” including the pedestrian trail to the adjacent property line (Map 113, Parcel 9)
 - Pedestrian access to connecting to the adjacent property line (Map 113, Parcel 9)
 - “Stormwater Management Easement” as referenced in Condition #16.
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. 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.
14. The Planning Board shall review the project one year after the granting of the occupancy permit to assure compliance with the Special Permit and to determine if any reasonable modifications are warranted.

15. 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.
16. 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.
17. 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: Burke – yes, Wilson – yes, Giger – yes, Barringer – yes, and Perkins – yes.

(Chairman Barringer stopped participating remotely.)

COMPREHENSIVE MASTER PLAN

The Board discussed the outstanding work to be completed with the Comprehensive Master Plan including the Town Center Overlay District Design Guidelines. The Board has a total of \$15,000 remaining in the Town Meeting appropriation accounts. The contract with Communities Opportunities Group (COG) expired on December 31, 2013.

The motion was made by Burke, seconded by Vega, to forward the COG contract to Town Counsel to confirm that the contract has expired and to complete the outstanding work with Judi Barrett of RKG Associates and Peter Flinker of Dodson and Flinker. The motion passed unanimously.

Meeting adjourned at 9:00 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner