

**PLANNING BOARD
DECEMBER 11, 2014
MINUTES**

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

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

COMMENTS TO MEPA – BADDACOOK WELL ENF

Water Superintendent Tom Orcutt met with the Board to explain the Environmental Notification Form (ENF) submitted by the Groton Water Department to install two small, infiltration lagoons at the Baddacook Well. *(See email from Tom Orcutt sent on December 3, 2014 and ENF prepared by Caron Environmental Consulting, submitted to MEPA on November 28, 2014.)*

Mr. Orcutt said the public water supply is treated with chlorine. Iron and manganese are filtered out of the water supply with backwashed water pumped into a tank and then pumped back into the well. This practice results in iron bacteria so the well must be cleaned annually. The construction of the infiltration lagoons will provide an alternative location for the backwash. The resulting sludge will be trucked to a disposal facility.

Member Burke asked what happens to the iron and manganese. Mr. Orcutt said it is filtered out of the water as required by the Department of Environmental Protection (DEP).

Member Svarczkopf asked if the lagoons would be located adjacent to the wells. Mr. Orcutt said the lagoons are only near one well. There are no wetlands in the area so the water circulates back into the water table.

Member Giger asked if discharging water into the lagoons would result in Baddacook Pond flooding. Mr. Orcutt said the lagoons are located in natural swales, 1-1.5 ft deep. They will monitor the situation and shut the system down if Baddacook Pond is going to flood. They would not backwash the system during heavy rains.

Chairman Barringer asked if a fence would be installed around the lagoons since the finished depth of the lagoons is about 4 ft. Member Giger suggested that Mr. Orcutt discuss this concern with the Town's insurance company. Mr. Orcutt said he would do so.

The motion was made by Giger, seconded by Wilson, to send a letter to MEPA stating that the Board has no concerns with the proposed project. The motion passed unanimously.

SPECIAL PERMIT DECISION – STATION HOUSE

The Board reviewed and edited the draft special permit decision for the Station House located at 20 Station Avenue. Attorney Collins, representing the applicant, was present.

The motion was made by Vega, seconded by Wilson, to grant a special permit to Daniel and Lori McElroy for a Special Permit to utilize the provisions of Section 218-30.2 Town Center Overlay

District for the rehabilitation of the former Fire Station as shown on the plan entitled, "Site Plan, 20 Station Avenue, Groton, Massachusetts," prepared by Ducharme & Dillis Civil Design Group, dated September 12, 2014, with revisions through November 20, 2014, and "Exterior Views, 20 Station Avenue, Groton, MA 01450," (Sheets A1, A2, A3, and A4) prepared by Lincoln Architects, dated November 20, 2014, based upon the following findings and conditions:

Findings:

The Planning Board made the following findings based upon the criterion set forth in Zoning By-Law §218-30.2 Town Center Overlay District TCOD and §218-32.1 Special Permits:

Section 218-30.2 Town Center Overlay District

A Special Permit may be granted for a Town Center Overlay District Development only if the Special Permit Granting Authority shall find:

1. That the proposed Development is in harmony with the purposes of the TCOD

The proposed reuse of the former Center Fire Station is an excellent example of a project envisioned by the Town Center Overlay District Design Guidelines. The mixed use project with retail uses on the first floor and a residential unit on the second floor is consistent with the purposes stated in Section 218-30.2B:

"The purpose of the TCOD is to promote a socially and economically vibrant town center by enabling civic, commercial and residential development that is consistent with the design guidelines for the district and with the Town's Comprehensive Master Plan....."

2. That the proposed Development contains a use or a mix of uses that enhance the village center character of the District

The proposed development utilizes the flexibility of the TCOD provisions to create a development plan that is compatible with the historic character and land use patterns of Groton Center.

3. That the proposed architectural and site design elements are consistent with the published Design Guidelines or, in the event of inconsistency, that the inconsistency is necessitated by changed conditions or earlier error and that the departure does not result in a less beneficial development for the TCOD;

The architectural elements of the proposed new buildings are exemplary. The front façade is reminiscent of historic Main Street store fronts. The message dated November 20, 2014 from the Design Review Committee favors the proposed architectural and site design.

4. That the proposed Development is consistent with, and maximizes realization of, the applicable goals and objectives for Natural Resources, Cultural and Historic Resources, Recreation, Transportation, Land Use, Housing and Residential Development, Town

Services and Facilities, as set forth in the Comprehensive Master Plan (CMP) adopted at the 2012 Spring Town Meeting.

The Planning Board finds the proposed development is consistent with and maximizes realization of the applicable goals and objectives as set forth in the CMP for:

Natural Resources – The project includes a Low Impact Development (LID) stormwater management system that will provide effective treatment and improve water quality in James Brook. The rear of the property is located within the 200 ft riverfront area of James Brook. The Conservation Commission reviewed the project and issued a negative Determination of Applicability on August 27, 2014.

Cultural and Historic Resources – The proposed architectural design evokes the history of the area by utilizing the design features that resemble historic Main Street store fronts. The project preserves the former Odd Fellows Hall, constructed in the early twentieth century and converted to a fire station in the 1940's. The building has played a significant role in the Town's history.

Recreation - The site plan includes provisions for an attractive and accessible pedestrian access and an attractive pedestrian seating area. The proposed bike shop is easily accessible to the Nashua River Rail Trail.

Transportation – The site is within convenient walking distance from commercial, educational, and pedestrian amenities in Groton Center including the Town Hall, the Groton Public Library, the Lawrence Playground and the Nashua River Rail Trail. The anticipated traffic generation will not significantly affect traffic levels of service in the Town Center.

Land Use – The proposed retail use, including a bike shop and restrooms, is consistent with the Land Use recommendation to encourage economic development in the existing villages. As determined by the Design Review Committee, the design is consistent with the Town Center Overlay District Design Guidelines.

Housing and Residential Development – The proposed apartment on the second floor will help meet the need for smaller scale housing units in the Town Center.

Town Services and Facilities – The proposed facility will be served by Town water, sewer, natural gas, and electric – all of which have indicated available capacity to accommodate the project.

Section 218-32.1 Special Permit Criteria

- 1. Social, economic and community needs:** The proposed facility enhances a civic use in the Town Center. It will encourage other small businesses to locate in the Groton Center and supports economic development.
- 2. Traffic flow and safety:** There will be minimal impact on traffic flow and safety. The proposed retail use will be supported by pedestrian activity. The Town is working with property owners in the Town Center to provide municipal parking and promote shared parking.
- 3. Adequacy of utilities:** The existing water and sewer utilities are adequate to meet the needs of the proposed facility. The proposed Low Impact Development (LID) stormwater management system will result in a meaningful improvement to the existing situation.
- 4. Neighborhood character:** The aesthetic design of the building, attractive streetscape and pedestrian seating area will enhance the vibrancy of Groton Center.
- 5. Impacts on the environment:** The improved LID stormwater system and minimization of work in the 100 ft wetlands buffer zone all address environmental impacts.
- 6. Fiscal impact on the Town:** There will be positive fiscal benefit to the Town from the proposed project which converts a tax exempt property to a taxable property with enhanced value.

CONDITIONS

1. As offered by the applicant, the applicant will consult with the TCOD Design Review Committee or its designee(s) once construction documents have been developed as to design detail matters which are not fully developed as of this date so as to arrive at design details which are mutually agreeable; should there be the need for clarification, the Department shall consult with the Planning Board, which as Special Permit Granting authority shall have continuing jurisdiction with the Town of Groton Building Commissioner/Zoning Enforcement Office to determine compliance with the Special Permit.
2. In accordance with Section 218-23 Off-Street Parking and Loading, subsection B Number of Spaces, the Board determined that four (4) parking spaces in the parking lot with available on-street parking will be adequate.
3. 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. There shall be one universally accessible parking space in each parking lot for a total of two accessible parking spaces as required by the Architectural Access Board, 521 CMR.

Signage for the parking space and construction of the accessible parking space shall conform with 521 CMR which states:

23.4.4 Surface: Spaces shall have a uniform, paved or hard packed smooth surface.

23.6.2 The sign shall show the international symbol of accessibility.

23.6.3 Van accessible spaces shall include the words: "Van-Accessible".

23.6.4 Such signs shall be permanently located at a height of not less than five feet (5' 1524mm), nor more than eight feet (8' = 2438) to the top of the sign.

4. Chapter 119 Signs, Section 196-6 - The applicant applied for signage in the form of letters applied to the panels above the windows as shown on the "Exterior Views, 20 Station Avenue." The total square footage of the signs shall not exceed 20 square feet. There shall be no halo lights or internal illumination of the lettering of the signs.
5. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h). Lights shall be shut off one hour after closing.
6. The installation of the sewer connection shall comply with the specification of the Groton Sewer Department.
7. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
8. Landscaping plantings shall not consist of plantings that are identified as an invasive species in the publication entitled, "The Evaluation of Non-Native Plant Species for Invasives in Massachusetts (with annotated list)," prepared by the Massachusetts Invasive Species Advisory Group, dated April 1, 2005. The publication is available at:

http://www.massnrc.org/mipag/docs/MIPAG_FINDINGS_FINAL_042005.pdf
9. 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).
10. No permanent occupancy permits shall be issued until the Planning Board receives an As-Built Plan prepared by a Professional Land Surveyor along with certification from a Registered Professional Engineer that all construction (including utilities) has been done in accordance with the approved site plan.
11. Special Permit 2012-17 shall not be in effect until a certified copy of the Special Permit decision is 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.

12. 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.

13. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

SPECIAL PERMIT DECISION – MOBIL STATION

The Board reviewed and edited the draft special permit decision for the Mobil Station located at 6 Boston Road. Attorney Collins, representing the applicant, was present.

Member Burke said if it is reasonably feasible, he would like to see the sidewalk installed along Boston Road (Route 119). Attorney Collins clarified the applicant agreed to provide an easement for the sidewalk, but MassDOT approval is required for sidewalk construction because Route 119 is a State Highway.

Member Svarczkopf said the Board should have a complete picture of the engineering and timeframe for constructing the sidewalk.

Member Giger said the CVS/Emerson Medical Offices site plan (approved in 1998) included an easement for a sidewalk along Route 119. The PC Myette site plan (approved in 2013) included construction of a sidewalk along Route 119.

Member Burke said the Mobil Station site is an opportunity to add a portion of the sidewalk where feasible. Member Giger said there is not enough room on the site without going into the MassDOT right-of-way.

Chairman Barringer noted that the sidewalk construction would go through the landscaped island. Attorney Collins noted that the Board already reviewed the landscaping plans for the site.

Chairman Barringer polled the Board on whether or not the Board should require that the sidewalk be constructed. Members Barringer, Giger, Perkins, and Svarczkopf said they would be satisfied with the easement. Members Burke, Vega, and Wilson said they wanted the sidewalk constructed. Member Burke said he would not vote in favor of the special permit without the condition to require construction of the sidewalk.

Waivers

The Planning Board voted unanimously to grant the following waivers in accordance Chapter 218 Zoning, Section 218-23 Off Street Parking and Loading, Chapter 218 Zoning, Section 218-25 Site Plan Review, and Chapter 381 Planning Board Regulations, Part 5 - Site Plan Review:

1. **Section 218-25G(2)(e)** requiring submission of a traffic analysis because the traffic counts at the site will not substantially increase as a result of the rehabilitation of the building. The level of service on Route 119 will remain unchanged.
2. **Section 218-25G(2)(g)** requiring submission of Development Impact Report because the site is being rehabilitated with a slightly smaller building and the same number of fueling stations.
3. **Section 218-23B** requires eight parking spaces. Seven parking spaces are provided.
4. **Section 381-39H** requiring a cut and fill analysis because topographic changes are minimal.
5. **Section 381-39.O** requiring submission of a traffic analysis because the traffic counts at the site will not substantially increase as a result of the rehabilitation of the building. The level of service on Route 119 will remain unchanged.
6. **Section 381-40A(3)** requiring planting areas of a minimum width of four feet along the perimeter of the building. Size limitations on the site prevent such a planting area but the proposed landscaping will be a significant improvement over existing conditions.

The applicant also requested a waiver of Section 381-40B requiring confinement of lighting to the site itself, thus eliminating glare to abutting properties. There was a location where lighting intruded onto the adjacent property. The applicant revised the plan to eliminate the glare in this location. Therefore, this waiver is no longer necessary.

Chairman Barringer polled members again prior to the motion to act on the special permit. Again, Members Barringer, Giger, Perkins, and Svarczkopf said they would be satisfied with the easement. Members Burke, Vega, and Wilson said they wanted the sidewalk constructed. The Board formulated the wording of the condition on the construction of the sidewalk.

The motion was made by Giger, seconded by Vega, to grant a special permit to Alliance Retail/Global Montello Group for a special permit under the provisions of Section 218-25 Site Plan Review to replace the structure and rehabilitate the site of the Groton Mobil Station for a filling station and associated retail store as shown on the plan entitled, "Proposed Site Improvement Plans Prepared for Global Montello Group Corp.," prepared by MHF Design Consultants, dated June 6, 2014, with revisions through December 8, 2014 based upon the following findings, waivers, and conditions:

Findings:

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

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by upgrading the existing, non-conforming gasoline station. The Zoning Board of Appeals granted a special permit on November 13, 2013 to alter a nonconforming structure on Lot 115-40 which is zoned Residential-Agricultural (R-A).
2. **Traffic flow and safety:** The existing traffic flow pattern is undefined and can be very dangerous. The proposed facility will address traffic flow and safety issues by defining the curb cuts on Boston Road (Route 119). There will be no increase in the number of pumps at the site. The easement for a future sidewalk along Route 119 will enhance pedestrian safety on the heavily travelled road. The Planning Board received comments from its consulting engineer, Nitsch Engineering, Inc. regarding the traffic impact of the proposed plan.
3. **Adequacy of utilities:** The proposed gasoline station/retail store will be served by public water. The applicant stated that the property would be connected to the municipal sewer system as shown on the site plan.
4. **Neighborhood character:** The facility is located on land zoned Residential-Agricultural (R-A). The proposed changes to the facility will improve the condition of the site by upgrading the existing building, canopy, landscaping, lighting, and stormwater management system. The overall appearance of the site will be improved. Fencing and landscaping will screen the abutting residential area. Lighting glare on abutting properties will be eliminated as required in the regulations.
5. **Impacts on the environment:** There is no surface or stormwater management system on the site today. The improvements to the site include installation of a new stormwater management system. Stormwater runoff and snowmelt will be directed to the new drainage system. As stated by the applicant, the underground fuel storage tanks will be replaced in six (6) years.
6. **Fiscal impact on the Town:** The proposed development will have a positive fiscal impact on the Town because the assessed value of the property and tax revenue will increase.

Waivers:

The Planning Board voted to grant the following waivers in accordance Chapter 218 Zoning, Section 218-23 Off Street Parking and Loading, Chapter 218 Zoning, Section 218-25 Site Plan Review, and Chapter 381 Planning Board Regulations, Part 5 - Site Plan Review:

1. **Section 218-25G(2)(e)** requiring submission of a traffic analysis because the traffic counts at the site will not substantially increase as a result of the rehabilitation of the building. The level of service on Route 119 will remain unchanged.
2. **Section 218-25G(2)(g)** requiring submission of Development Impact Report because the site is being rehabilitated with a slightly smaller building and the same number of fueling stations.
3. **Section 218-23B** requires eight parking spaces. Seven parking spaces are provided.
4. **Section 381-39H** requiring a cut and fill analysis because topographic changes are minimal.
5. **Section 381-39.O** requiring submission of a traffic analysis because the traffic counts at the site will not substantially increase as a result of the rehabilitation of the building. The level of service on Route 119 will remain unchanged.
6. **Section 381-40A(3)** requiring planting areas of a minimum width of four feet along the perimeter of the building. Size limitations on the site prevent such a planting area but the proposed landscaping will be a significant improvement over existing conditions.

The applicant also requested a waiver of Section 381-40B requiring confinement of lighting to the site itself, thus eliminating glare to abutting properties. There was a location where lighting intruded onto the adjacent property. The applicant revised the plan to eliminate the glare in this location. Therefore, this waiver is no longer necessary.

Conditions:

1. The easement for the future sidewalk along Boston Road shown as "Prop. 4' Wide Easement for Future Sidewalk" on Sheet 3 of 7 on the plan shall be recorded at the Registry of Deeds. Evidence of recording the easement shall be submitted to the Planning Board and Building Commissioner prior to issuance of a building permit.
2. The applicant shall apply to MassDOT for a permit for construction of the sidewalk where reasonably feasible, i.e. along Boston Road from the intersection of Boston Road and Old Ayer Road to the 100' wetland buffer as shown on Sheet 3 of 7 on the plan. If MassDOT denies the permit, the applicant is not obligated to construct the sidewalk. If MassDOT approves the permit, the applicant may defer construction of the sidewalk until the underground storage tanks are replaced. If the sidewalk is approved, the applicant shall submit an alternative landscape plan to the Planning Board for its review and approval.

3. The applicant shall install a riser to the overhead utilities in the public way and underground utilities on the site.
4. The underground fuel tanks and monitoring system must comply with all applicable regulations and the requirements of the Groton Fire Chief. The entire site must be repaved when the existing underground fuel tanks are replaced to prevent any pavement patching.
5. As offered by the applicant, the building shall be connected to the municipal sewer system prior to issuance of an occupancy permit.
6. If snow banks exceed 2.5 feet, snow banks and stockpiled snow shall be removed from the site within 48 hours after plowing is finished.
7. The building shall be constructed as shown on the above-referenced building elevation plan entitled, "Alliance Energy Corporation, New Gas Station and Convenience Store, 6 Boston Road, Groton, MA 01450, Conceptual Building Elevations (Drawing A2 & A3)" prepared by Cindy A. Larson, dated June 2, 2014.
8. The canopy shall be painted the same color as the building to minimize its visibility.
9. There shall be no net increase in the rate or volume of storm water runoff from the site as required in Section 218-25G(1)(c). The stormwater management system shall be maintained in accordance with Operation and Maintenance Plan Prepared for Global Montello Group, prepared by MHF Design Consultants, Inc. dated September 17, 2014, revised October 20, 2014.
10. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h). Lighting shall be installed as shown on the lighting plan showing "Canopy Lights" and "Wall Mounted Lights" prepared by RLA, Sheets 1 and 2. Lights must be shielded and pointed downward. The lights shall be warm temperature lights of 3500 degrees or less.
11. Parking for the disabled and access to the building shall comply with the requirements of the Architectural Access Board Regulations, 521 CMR, and the Americans with Disabilities Act. Signage for the parking space and construction of the accessible parking space shall conform to 521 CMR which states:

23.4.4 Surface: Spaces shall have a uniform, paved or hard packed smooth surface.

23.6.2 The sign shall show the international symbol of accessibility.

23.6.3 Van accessible spaces shall include the words: "Van-Accessible".

23.6.4 Such signs shall be permanently located at a height of not less than five feet (5' 1524mm), nor more than eight feet (8' = 2438) to the top of the sign.

12. The hours of operation will be between 6 AM and 9 PM as required in the Zoning Board of Appeals Special Permit 14-13.
13. If any prepared food is sold at the retail store, the applicant must obtain a common victualler's license from the Board of Selectmen.
14. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton. The Sign Committee granted a permit for a "Special and Unique Sign" on January 23, 2012. The sign may not be altered or replaced unless a new sign permit is granted.
15. Three copies of the final site plan approved by the Planning Board shall be submitted to the Board for endorsement as required in Section 218-25H(3).
16. The installation of the sewer connection shall comply with the specification of the Groton Sewer Department.
17. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
18. Landscaping plantings shall not consist of plantings that are identified as an invasive species in the publication entitled, "The Evaluation of Non-Native Plant Species for Invasives in Massachusetts (with annotated list)," prepared by the Massachusetts Invasive Species Advisory Group, dated April 1, 2005. The publication is available at:

http://www.massnrc.org/mipag/docs/MIPAG_FINDINGS_FINAL_042005.pdf
19. 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).
20. No permanent occupancy permits shall be issued until the Planning Board receives an As-Built Plan prepared by a Professional Land Surveyor along with certification from a Registered Professional Engineer that all construction (including utilities) has been done in accordance with the approved site plan.
21. Special Permit 2012-17 shall not be in effect until a certified copy of the Special Permit decision is 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.

22. 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.

23. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

EXECUTIVE SESSION

The motion was made by Giger, seconded by Perkins, to enter executive session, pursuant to M.G.L. c.30A, Sec. 21(3) "To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares" and that the Board would not return to open session. The motion passed by roll call vote with Burke – yes, Svarczkopf – yes, Perkins – yes, Vega – yes, Wilson – yes, Giger – yes, and Barringer – yes.

The motion was made by Giger, seconded by Perkins, to end executive session and to adjourn the meeting. The motion passed by roll call vote with Burke – yes, Svarczkopf – yes, Perkins – yes, Vega – yes, Wilson – yes, Giger – yes, and Barringer – yes.

Meeting adjourned at 9:20 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner

December 11, 2014

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