

**PLANNING BOARD
AUGUST 6, 2015
MINUTES**

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

Members present: Perkins, Giger, Barringer (participating remotely), Burke, and Wilson

Members absent: Svarczkopf and Vega

PUBLIC HEARING – SPECIAL PERMIT, STATION HOUSE, 14 & 20 STATION AVENUE

The Board held the continuation of the public hearing to consider the applications for special permits submitted by Dan and Lori McElroy for Town Center Overlay District and Site Plan Review to renovate the former center fire station located at 20 Station Avenue and to upgrade the shared parking lot on vacant land at 14 Station Avenue. Attorney Robert Collins, architect Dan Quaile, and design engineer Stan Dillis represented the applicant at the hearing.

Attorney Collins presented revised architectural plans eliminating the proposed new addition at the rear of the building. The Design Review Committee has not reviewed the latest revised plans. There will be a new door and vestibule on the east side of the building. The interior space will be multi-use including an ice cream shop, counter for take-out food, and a retail space. One residential unit will be on the second floor. The site plan for the parking lot has been modified as well. The accessible parking space was moved into the shared parking lot. The patio in front of the building has been expanded to include grass and benches. The bicycle rack will be on the side of the building. The driveway on the west side has been eliminated and replaced with grass. The amount of pavement in the 200-ft riverfront area of James Brook has been reduced. The Conservation Commission issued a negative Determination of Applicability.

Member Giger asked about the angle of the dumpster and truck access. Mr. Dillis said trucks will pull up to the front of the dumpster and back out.

Member Giger asked where access to the second floor apartment would be located. Mr. Collins said it would be at the middle door in the front of the building. Member Giger said on-street parking spaces are for the general public. He asked where parking for the apartment would be located. Attorney Collins said on the street or in the shared parking lot and he would request a waiver for the number of parking spaces.

Member Wilson said he likes the new plan because it seems to work very well.

Member Burke asked why there are so many changes to the plan. Attorney Collins said Mr. and Mrs. McElroy are exploring all options. The previous plan was not fully vetted. He said he will present more information at the continuation of the public hearing.

Chairman Perkins said she appreciates the additional green space. She asked where the loading dock would be located. Attorney Collins said deliveries would be through the doors so there is no loading dock.

Chairman Perkins asked if there would be any change to lighting. Attorney Collins said, "no," the lighting plan is the same. Architect Dan Quaile said the lights in the vestibule will be LED lights like the lights on the front of the building.

Abutter Bud Robertson said he liked the plan. He asked if Town Hall could still use the parking lot. Attorney Collins said, "yes," it will be a shared parking lot.

Selectman Anna Eliot said the plan represents a great effort by the applicant. The project will be a real amenity.

The Board voted unanimously by roll call vote with Perkins – yes, Burke – yes, Giger – yes, Wilson – yes, and Barringer (remotely) – yes, to continue the public hearing on September 10, 2015 at 8 PM.

PUBLIC HEARING – SPECIAL PERMIT RENEWAL, BLUESTONE DRIVE

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Gerald & Joan Croteau to renew special permits PB 2011-13 and PB 2012-20 to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development and 218-25 Site Plan Review to create seven (7) units as shown on the plan entitled, "Bluestone Drive Condominium Site Plan, Groton, Massachusetts," prepared by Ducharme & Dillis Civil Design Group, dated June 20, 2011, with revisions through December 26, 2011. The proposed development is on land owned by Gerald & Joan Croteau, Assessors' Map 229, Parcels 33, 34 & 35, located on the northerly side of North Street.

Chairman Perkins called the public hearing to order. Member Giger read the public hearing notice posted with the Town Clerk on July 13, 2015 and published in the July 17 & 24, 2015 issues of the Groton Herald. Attorney Robert Collins and design engineer Stan Dillis of Ducharme & Dills presented the application.

Attorney Collins said Mr. Croteau is getting ready to retire and sell his property. He is requesting that both special permits, PB 2011-13 for Flexible Development, and PB 2012-20 for Site Plan Review, be extended so they will expire on the same date.

Member Barringer confirmed that there are no changes to the plan. Attorney Collins said, "yes."

The motion was made by Burke, seconded by Giger, to close the public hearing. The motion passed unanimously by roll call vote Perkins – yes; Burke – yes; Giger – yes, Wilson - yes, and Barringer (remotely) – yes.

The motion was made by Burke, seconded by Wilson, to extend the special permit for Flexible Development (#PB 2011-13) for two years with the same findings and conditions. The motion passed unanimously by roll call vote Perkins – yes; Burke – yes; Giger – yes, Wilson - yes, and Barringer (remotely) – yes.

The motion was made by Burke, seconded by Wilson, to extend the special permit for Site Plan Review (#PB 2012-20) for two years with the same waivers, findings and conditions. The motion passed unanimously by roll call vote Perkins – yes; Burke – yes; Giger – yes, Wilson - yes, and Barringer (remotely) – yes.

SPECIAL PERMIT DECISION – NAM HANG, LLC, 788 BOSTON ROAD, SITE PLAN REVIEW

The motion was made by Burke, seconded by Giger, to grant the special permit for Site Plan Approval as shown on the site plan entitled, “Site Plan of Land in Groton, Massachusetts, 788 Boston Road, Prepared by for Nam Hang, LLC,” prepared by David E. Ross Associates, dated June 2, 2015, revised July 16, 2015, with the following findings and conditions:

Findings:

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law § 218-25 and 218-32.1:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by constructing two new buildings for business use in a location zoned Business (B-1) since zoning districts were adopted in 1963.
2. **Traffic flow and safety:** The rebuilt and signalized intersection at Routes 119 and 225 provide for adequate and safe traffic flow. The proposed roadway improvements include sidewalks to facilitate pedestrian traffic. The Planning Board reviewed the “Traffic Impact Study,” prepared by Conley Associates, with the previous application in April 2006, as well as the “Traffic Generation Report for 788 Boston Road, Groton, MA,” prepared by David E. Ross Associates, dated June 1, 2015. The Board determined that the traffic flow and safety issues were addressed satisfactorily by the applicant.
3. **Adequacy of utilities:** The proposed development will be served by Town water and sewage disposal system approved by of the Board of Health.
4. **Neighborhood character:** The project is located on land zoned Business (B-1) located at an intersection with similar business uses. The character of the neighborhood will be maintained because the proposal specifies architectural design, landscaping, and lighting consistent with the surrounding neighborhood. It also maintains a business use within the Business District.
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 low impact development drainage system. There will be no construction activity or alterations within 100 ft of wetlands.
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. Additionally, the proposed development will appropriately utilize the site and create a number of job opportunities. This is a fiscal benefit to the Town of Groton and the local population.

Waivers:

1. **§ 218-25G(3)(c)** requiring the submission of a scale model prepared by a registered architect or landscape architect.
2. **§ 218-25G(2)(e)** requiring the submission of an assessment of traffic impacts prepared by a traffic engineer. The Board relied on the traffic Study prepared by Conley Associates in 2006 and the information updated by David E. Ross Associates. The scale of the 2015 project is one-third of the gross square footage and number of parking spaces from the site plan approved in 2006.
3. **§ 218-23C(7)** requiring that at least 15% of the interior of the parking lot having more than 40 spaces be maintained with landscaping, including trees, in plots of at least four feet in width. The 71-space parking lot was designed to blend into the landscape and to provide safe vehicular and pedestrian circulations. The parking lot has been designed to incorporate landscaped islands with ornamental trees and shrubs. A Low Impact Development (LID) stormwater management system will provide three separate rain gardens at the perimeter of the parking area.
4. **§ 218-25H(1)(a)** requiring the preservation of trees 12 inches' caliper or larger unless such removal is necessary. The majority of the proposed site layout is within the limits of the previously disturbed area of the site.
5. **§ 381-40D(7)** requiring vertical granite curbing at the edges of all surfaced areas for the areas where stormwater runoff from the paved area sheet flows into the proposed rain gardens as shown on the above-referenced plan. Vertical granite curbing shall be installed in the locations as shown on the site plan.

Conditions:

1. The drainage system shall be constructed and function in compliance with the "Massachusetts Department of Environmental Protection - Stormwater Management, Volume One: Stormwater Policy Handbook, and Volume Two: Stormwater Technical Handbook," dated February 2008, and Chapters 198 and 352 Stormwater Management of the Code of the Town of Groton.
2. The applicant shall submit a signed copy of the "Stormwater Collection and Treatment System, Operation and Maintenance Plan," dated June 2015, revised July 2015, to the Planning Board and Earth Removal Stormwater Management Advisory Committee prior to the commencement of construction.
3. Snow shall be stockpiled in the area designed "Snow Storage" on the site plan. Snow shall be removed within 48 hours after the end of a storm if the snow bank exceeds three (3) feet in height. Snow banks and stockpiles shall not exceed a height of three (3) feet at any time. Within 48-72 hours of a storm, snow in excess of three feet in height shall be removed from the site and disposed of in an area that is not within a Water Resource Protection District. Snow shall not be plowed into the detention basins or drainage swales.

4. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h). As stated by the applicant, lighting shall be on from dusk until one hour after closing. Changes in the lighting schedule shall not be permitted without prior approval of the Planning Board.
5. 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.
6. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
7. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton. The applicant shall submit a Sign Permit application to the Planning Board for its review prior to the installation of the sign or any supporting components.
8. The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions.
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 for any building or structure, or portion(s) thereof, 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 for the particular building (including utilities) have been done in accordance with the approved site plan. No permanent occupancy permit shall be issued for the last building until said plan and certification are provided for said building and the entire site.
11. The Planning Board shall review the project one year after the granting of the first occupancy permit to assure compliance with the special permit and to determine if any reasonable modifications are warranted.
12. This special permit shall not be in effect until certified copies of the special permit decision 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 by the applicant.
13. 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.
14. 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 Perkins – yes; Burke – yes; Giger – yes, Wilson - yes, and Barringer (remotely) – yes.

SPECIAL PERMIT DECISION – NAM HANG, LLC, 788 BOSTON ROAD, WATER RESOURCE PROTECTION DISTRICTS

The motion was made by Barringer, seconded by Giger, to grant the special permit for the Water Resource Protection Districts as shown on the site plan entitled, “Site Plan of Land in Groton, Massachusetts, 788 Boston Road, Prepared by for Nam Hang, LLC,” prepared by David E. Ross Associates, dated June 2, 2015, revised July 16, 2015, with the following findings and conditions:

Findings:

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

7. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by constructing two new buildings for business use in a location zoned General Business. The 4672 SF, 102-seat restaurant and 2000 SF, 20 seat restaurant will be a welcome addition to the community.
8. **Traffic flow and safety:** The rebuilt and signalized intersection at Routes 119 and 225 provides adequate and safe traffic flow. The proposed roadway improvements include sidewalks to facilitate pedestrian access. The Planning Board reviewed the “Traffic Impact Study,” prepared by Conley Associates, submitted with the previous application in April 2006, as well as the recent “Traffic Generation Report for 788 Boston Road, Groton, MA,” prepared by David E. Ross Associates, dated June 1, 2015. The Board determined that the traffic flow and safety issues were addressed satisfactorily by the applicant.
9. **Adequacy of utilities:** The proposed development will be served by Town water and sewage disposal system approved by of the Board of Health. If the municipal sewer system is extended to the Four Corners area in the future, the development will be able to tie into the new sewer system.
10. **Neighborhood character:** The project is located on land zoned General Business located at an intersection with similar business uses. The character of the neighborhood will be maintained because the proposal specifies architectural design, landscaping, and lighting consistent with the surrounding neighborhood. It also maintains a business use within the General Business District.
11. **Impacts on the environment:** The applicant submitted MSDS for the chemicals that will be used in the restaurant operations. The Board determined that the chemicals are normally utilized in restaurants. There is no surface or stormwater management system on the site today. The improvements to the site include installation of a new low impact development drainage system. There will be no construction activity or alterations within 100 ft of wetlands. The proposed plan creates less sewage flow than the previously approved plan for this site. The project may be able to tie into the new municipal sewer system in the future, if and when it is constructed.

12. **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. Additionally, the proposed development will appropriately utilize the site and create a number of job opportunities. This is a fiscal benefit to the Town of Groton and the local population.

Conditions:

1. All chemicals stored on site in quantities larger than that normally associated with single family domestic use shall be inventoried and listed; and that said inventory list shall be provided to Board of Health and Planning Board (as Special Permit Granting Authority) for review before occupancy and yearly thereafter and that said boards retain authority and control to regulate, proscribe, and otherwise limit use of any and all such chemicals on site. There shall be no bulk storage or outdoor storage of any chemicals.
2. Floor stripping materials and waste products shall be removed from on-site buildings after all cleaning operations. No floor stripping products or floor stripping waste products will be disposed into sinks or restroom facilities that drain to the onsite sewage disposal system.
3. The drainage system shall be constructed and function in compliance with the "Massachusetts Department of Environmental Protection - Stormwater Management, Volume One: Stormwater Policy Handbook, and Volume Two: Stormwater Technical Handbook," dated February 2008, and Chapters 198 and 352 Stormwater Management of the Code of the Town of Groton.
4. The applicant shall submit a signed copy of the "Stormwater Collection and Treatment System, Operation and Maintenance Plan," dated June 2015, revised July 2015, to the Planning Board and Earth Removal Stormwater Management Advisory Committee prior to the commencement of construction.
5. Snow shall be stockpiled in the area designed "Snow Storage" on the site plan. Snow shall be removed within 48 hours after the end of a storm if the snow bank exceeds three (3) feet in height. Snow banks and stockpiles shall not exceed a height of three (3) feet at any time. Within 48-72 hours of a storm, snow in excess of three feet in height shall be removed from the site and disposed of in an area that is not within a Water Resource Protection District. Snow shall not be plowed into the detention basins or drainage swales.
6. All dumpsters shall be covered and sealed to prevent runoff from the dumpster from infiltrating the ground.
7. The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions.
8. 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).

9. No permanent occupancy permits shall be issued for any building or structure, or portion(s) thereof, 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 for the particular building (including utilities) has been done in accordance with the approved site plan. No permanent occupancy permit shall be issued for the last building until said plan and certification are provided for said building and the entire site.
10. This special permit shall not be in effect until certified copies of the special permit decision 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 by the applicant.
11. 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.
12. 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 Perkins – yes; Burke – yes; Giger – yes, Wilson - yes, and Barringer (remotely) – yes.

PUBLIC HEARING – SPECIAL PERMITS, MICHAEL DERMODY, 530 OLD DUNSTABLE ROAD

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Dermco, LLC; Michael Dermody, Manager, to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development and Section 218-23D Shared Driveways to create four (4) lots served by a shared driveway as shown on the plan entitled, “Preliminary Plan of Land in Groton, Massachusetts, Owner: Darling Living Trust” prepared by Ducharme & Dillis Civil Design Group, dated May 1, 2015. The proposed development is on land owned by Dermco, LLC, Assessors’ Map 247, Parcels 53, located on the easterly side of Old Dunstable Road.

Chairman Perkins called the public hearing to order. Member Giger read the public hearing notice posted with the Town Clerk on July 13, 2015, and published in the July 17 and 24, 2015 issues of the *Groton Herald*. Applicant Michael Dermody, Attorney Robert Collins, design engineer Stan Dillis, and several abutters were present.

Attorney Collins presented the plan to create four lots, one with an existing house and three to be served by a shared driveway. He said Flexible Development allows the three new houses to be clustered so they will have minimal visual impact. The existing four-unit house will be converted to two or three affordable units. The project is similar to Amandas Way off Lowell Road. The affordable units will count on the Town’s subsidized housing inventory. Attorney Collins said the conventional plan has three ANR lots with no affordable units and no protected open space.

Town Planner Michelle Collette said the proposed conversion of an existing house is similar to the single-family affordable unit at 960 Lowell Road developed by James Patierno, with four new houses on Amandas Way, and the two affordable units in the duplex at 680 Townsend Road developed by James Casella with two new houses on Townsend Road. In both cases, the existing houses were converted to affordable units.

Member Wilson said he liked the conversion of the existing house to create affordable units and the protected open space along Old Dunstable Road. He asked where people in the affordable units would park. Mr. Dillis said parking would be in the rear of the existing house. Parking is in front of the house today.

Member Wilson asked about the number of bedrooms. Attorney Collins said the sewage disposal systems are all designed for five bedrooms for the new four bedroom houses. Mr. Dillis noted that Title Five requires 10,000 SF per bedroom so the number of bedrooms is limited by the size of the property.

Member Burke asked why the special permit was submitted with a preliminary rather than final design plan. He said the submission is conceptual; therefore the application is incomplete. The Board should have final design plans and all the required information. The Board should either deny the application or continue the hearing for more information.

Attorney Collins said the special permit is schematic at this stage. The design for the shared driveway has not been done yet. Member Burke said there is no grading and no test pits shown on the plan. Mr. Dillis said the design has not been done yet because they did not know if the existing house would stay or be demolished.

Member Barringer said he is in favor of continuing the public hearing for more information.

Member Giger said the applicant usually decides what to propose when they submit an application. He said he wanted to hear from the abutters.

Chairman Perkins said a waiver is required for the applicant to use Flexible Development because there is no subdivision road with this plan. She said the 35% open space is not contiguous to other open space so she is not sure what the public benefit will be. There are trees in this area today, but the trees may not be there in the future when the area becomes the homeowner's front yard. She said she is concerned that the shared driveway is located on only one lot.

Abutter John Garside, 566 Old Dunstable Road, said he does not have a problem with new houses being constructed, but he is concerned with the use of Flexible Development. He said he looked for a list of requested waivers with the application and found none. He is concerned about the 50 ft "no disturb" buffer required in the by-law.

Chairman Perkins said additional information must be added to the plan as noted by Member Burke and the applicant must submit a written request for waivers.

Mr. Garside said the existing house is an anomaly and is not consistent with the other houses in the neighborhood. He asked about sight distance on Old Dunstable Road, especially because there have been many accidents on the narrow, winding road.

Abutter Brad Cain, 6 Wildflower Lane, said he agrees with Mr. Garside's comments. This is a dense development for the area. If the new houses have four or five bedrooms, the conversion of the existing house will be out of character with the new houses. He said the applicant would probably have trouble selling the new houses situated in the rear of the existing house. He stated that the proposed plan has four houses on five acres. The Wildflower Lane subdivision has nine houses on 55 acres. He added that EMT's respond frequently to accidents on Old Dunstable Road. The shared driveway must be carefully planned. The proposed Flexible Development plan, whether it meets the letter of the law or not, is out of context with the neighborhood.

Abutter Greg Warren, 4 Wildflower Lane, expressed concerns about the Flexible Development plan. He said the conventional ANR plan is more consistent with the neighborhood. He said the Planning Board should not grant any waivers. He said he agrees with the concerns about the safety of Old Dunstable Road.

Chairman Perkins said the Board should do a site walk on the property.

Attorney Collins requested that the Board continue the public hearing to September 10, 2015 so they can revise the plan.

Member Burke explained that the Board must choose between the conventional, ANR plan with no amenities and the Flexible Development plan with amenities such as protected open space.

Member Giger noted that the conventional plan has three curb cuts – one for each lot – and the Flexible Development plan uses a shared driveway. He asked the applicant to reduce the number of curb cuts on Old Dunstable Road.

The Board voted unanimously by roll call vote with Perkins – yes, Burke – yes, Giger – yes, Wilson – yes, and Barringer (remotely) – yes, to continue the public hearing on September 10, 2015 at 8:30 PM.

PUBLIC HEARING – SPECIAL PERMIT, TARBELL SCHOOL SITE PLAN REVIEW

Applicant Kevin McGoniagle requested a continuation of the public hearing so he could have more time to work with an engineer on stormwater management issues. The Board voted unanimously by roll call vote with Perkins – yes, Burke – yes, Giger – yes, Wilson – yes, and Barringer (remotely) – yes, to continue the public hearing on September 10, 2015 at 7:30 PM.

ZONING AMENDMENTS

The Board reviewed the list of possible zoning amendments to be presented at the 2015 Fall Town Meeting including:

- Off-Street Parking & Loading
- Update Zoning Map
- Personal Wireless Services Facilities
- Non-use

The Board agreed to move forward with the above amendments except the “non-use” provisions of Section 218-6 Nonconformance, subsection 218-6B which states:

“B. Nonuse. Wherever a nonconforming use or structure has not been used for a period of more than two years, it shall not be reestablished, and any future use or structure shall conform to this chapter.”

The Board decided that more time is needed before proposing an amendment to this section. Board members will work with the Zoning Board of Appeals (ZBA) and the Building Commissioner to propose an amendment at a future Town Meeting.

Member Burke stated that the Planning Board has been very proactive by sending comments to the ZBA on its applications.

Member Wilson said ambiguities will happen, and the non-use section seems clear to him. Member Giger noted that the parties in the Planning Board & Board of Health v. the Zoning Board of Appeals and Thomas Roche agreed to nullify the ZBA decision.

Member Perkins suggested amending the Flexible Development provisions to require a minimum area and frontage. She said lots with no frontage make no sense and are in conflict with State Statute such as the Subdivision Control Law. Member Burke suggested amending Flexible Development to require that special permits be submitted with definitive plans rather than preliminary plans.

Meeting adjourned at 9:00 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner