

**PLANNING BOARD  
OCTOBER 1, 2015  
MINUTES**

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

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

**ANR PLAN – CHAMBERLAINS MILL LANE**

*(Member Vega did not participate because he is an abutter.)*

Attorney Robert Collins presented an Approval Not Required (ANR) plan to the Board and inquired about applying for a variance for four lots on a shared driveway. He said Lots 7, 8 and 9 will be served by a shared driveway. He asked about adding a fourth lot to the same driveway to reduce curb cuts on the cul de sac of Chamberlains Mill Lane with a variance from the Zoning Board of Appeals.

Chairman Perkins asked how far apart the curb cuts would be. Attorney Collins said about 8-10 ft.

Member Wilson asked about cut and fill. Surveyor Stan Dillis said there is no change in cut and fill but there would be less pavement with the shared driveway.

Member Svarczkopf said there would be more potential conflict with four homeowners on a shared driveway.

Member Barringer said two parallel driveways can be intrusive during snow storms.

Member Burke asked if the driveways for Lots 5 & 6 could be shared instead. Attorney Collins said the driveway on the left of the house on Lot 6 so it would be difficult to share with Lot 5.

Attorney Collins decided not to apply for the variance.

The Board reviewed the Approval Not Required plan to change a lot line between Lot 9 and the open space parcel to be deeded to the Groton Water Department. The motion was made by Wilson, seconded by Burke, to endorse the plan entitled, "Lot Line change, Plan of Land in Groton, Massachusetts, Record Owner: Regulas Realty Trust," prepared by Ducharme & Dillis Civil Design Group, dated August 24, 2015. The motion passed unanimously by roll call vote with Perkins – yes, Barringer – yes, Burke – yes, Giger – yes, Svarczkopf – yes, Wilson – yes.

**PUBLIC HEARING – SITE PLAN REVIEW, TARBELL SCHOOL CONVERSION, 73 PEPPERELL ROAD**

The Board held the continuation of the public hearing to consider the proposed conversion of the Tarbell School, 73 Pepperell Road, to three residential condominium units. Applicant Kevin McGoniagle was not present. The motion was made by Wilson, seconded by Svarczkopf, to continue the public hearing on October 15, 2015 at 7:30 PM. The motion passed unanimously by roll call vote with Perkins – yes, Barringer – yes, Burke – yes, Giger – yes, Svarczkopf – yes, Vega – yes, Wilson – yes.

### **CHAMBERLAINS MILL CONSTRUCTION UPDATE**

The Board met with Attorney Robert Collins and design engineer Stan Dillis to discuss construction at the Chamberlains Mill subdivision in response to concerns expressed by abutters.

Town Planner Michelle Collette said she visited the site with developer Robert Kiley, design engineer Stan Dillis, the Board's engineer Tim McGivern, and builder Peter Bradley. The limits of disturbance were flagged in the field. The stockpile of earth material encroached in the limit of disturbance by 4-5 feet in one location. Mr. Dillis noted that this location had a deep hole and percolation test pit, so was previously disturbed. It would cause more damage to move the stockpile than to leave it in place.

Mr. Novak expressed concerns that the limit of disturbance marking should remain in place. Mr. Dillis said he would replace any missing flagging.

Mr. Novak said "trees to remain" as shown on the plan had been cut. Member Burke said the Board would make the determination on such trees when the as built plans are submitted.

Chairman Perkins said she is concerned about breaching of the limits of disturbance and trees that should not have been removed.

### **PUBLIC HEARING – FLEXIBLE DEVELOPMENT & SHARED DRIVEWAY, DERMODY, OLD DUNSTABLE RD**

The Board held the continuation of the public hearing to consider the applications for special permits submitted by Michael Dermody to utilize the provisions of Flexible Development to create three new lots served by a shared driveway at 530 Old Dunstable Road. Applicant Michael Dermody, Attorney Robert Collins, and design engineer Stan Dillis were present.

Mr. Dillis said the limits of disturbance have been added to the plan as requested by the Planning Board. He said concrete bounds are required by the Natural Heritage and Endangered Species Program.

Member Burke asked about the other line on the plan. Mr. Dillis said it is a metes and bounds line showing the clearing limitation.

Member Burke said the revised plan has one curb cut with houses set back from a scenic way. Mr. Dillis added that no trees or stone walls will be removed.

Member Vega asked about the temporary construction entrance. Attorney Collins said they would use the existing driveway for construction because it is available now.

Member Burke asked if a Stormwater Permit is required. Town Planner Michelle Collette said, "Yes."

Chairman Perkins said she would like to see a landscaping plan and reminded the applicant that only non-invasive species should be planted.

Mr. Dermody said he plans to install an irrigation system for lawns and will replace the trees that are removed during lot development.

Attorney Collins said it is a nicely wooded site now, but a certain amount of clearing is needed.

Chairman Perkins said a landscaping plan is a requirement of Flexible Development.

Member Burke said he would prefer to see significant trees preserved, and he agrees that a landscaping plan should be submitted. Member Barringer agreed as well.

The motion was made by Wilson, seconded by Giger, to continue the public hearing on October 15, 2015 at 7:45 PM. The motion passed unanimously by roll call vote with Perkins – yes, Barringer – yes, Burke – yes, Giger – yes, Svarczkopf – yes, Vega – yes, Wilson – yes.

#### **SPECIAL PERMIT DECISION – STATION HOUSE, 14 & 20 STATION AVENUE**

The Board reviewed the draft special permit decision for the Station House at 14 & 20 Station Avenue.

The motion was made by Burke, 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, “Grading Plan, 14 & 20 Station Ave, Groton, Massachusetts,” prepared by Ducharme & Dillis Civil Design Group, dated November 20, 2014 with revisions through September 10, 2015, and “The Station House, 20 Station Avenue, Groton, MA 01450,” (Sheets A1, A2, A3, and A4) prepared by Lincoln Architects, with revisions through July 28, 2015, based upon the following waivers, findings and conditions:

#### **Waivers:**

1. The Board voted to determine that the 26 parking spaces shown on the plan will be sufficient to serve the square footage of the building as approved by this decision.
2. The Board voted to waive the requirement of Section 218-23C(7) for interior parking lot plantings because there will be a pedestrian walkway in the shared parking lot at 14 Station Avenue. The walkway will be constructed with pavers as shown on the above-referenced plan.

#### **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 September 10, 2015 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 on the 20 Station Avenue lot that will provide effective treatment and improve water quality in James Brook. There is an existing StormTec infiltration system that will be utilized in the shared parking lot on the 14 Station Avenue lot. The rear of both lots are located within the 200 ft riverfront area of James Brook. The Conservation Commission reviewed the project and issued a negative Determination of Applicability on July 29, 2015 for both 14 and 20 Station Avenue.

**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 project 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. The proposed shared parking lot will serve the businesses at 20 Station Avenue, the Town Hall, and other establishments in the Town Center. Pedestrian access in the Town Center will be enhanced by increasing available parking.

**Land Use** – The proposed retail use, coffee/ice cream shop, and/or restaurant are 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/restaurant use will be supported by pedestrian activity. The proposed shared parking lot will provide additional parking and enhance pedestrian access in the Town Center.
3. **Adequacy of utilities:** The existing water and sewer utilities are adequate to meet the needs of the proposed facility. The proposed stormwater management systems will result in a meaningful improvement to the existing conditions.
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. The applicant shall submit the final design detail of the proposed pavers to the Planning Board for its review and approval prior to installation. The pavers will be located in the front of the building at 20 Station Avenue, at the curb cut of the parking lot, and the internal pedestrian access in the parking lot as shown on the approved site plan.
3. In accordance with Section 218-23 Off-Street Parking and Loading, subsection B Number of Spaces, the Board determined that proposed number of parking spaces on 14 and 20 Station Avenue will be adequate to serve the proposed uses.
4. 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 two universally accessible parking spaces in the parking lot at 14 Station Avenue (with additional accessible parking spaces in the Town Hall parking lot) 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.*
5. 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 "The Station House, 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.
6. 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.
7. The installation of the sewer connection shall comply with the specification of the Groton Sewer Department.

8. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
9. 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](http://www.massnrc.org/mipag/docs/MIPAG_FINDINGS_FINAL_042005.pdf)
10. 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).
11. 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.
12. Special Permits 2018-18 & 2015-19 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.
13. These special permits 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 with Perkins – yes, Barringer – yes, Burke – yes, Giger – yes, Svarczkopf – yes, Wilson – yes.

*(Member Barringer stopped participating remotely.)*

#### **MINUTES**

The Board voted unanimously to approve the minutes of August 6, 2015; August 20, 2015; September 10, 2015; and September 17, 2015.

Meeting adjourned at 8:30 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner