

**PLANNING BOARD
OCTOBER 15, 2015
MINUTES**

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

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

PUBLIC HEARING – SITE PLAN REVIEW, TARBELL SCHOOL

The Board held the continuation of the public hearing to consider the proposed conversion of the Tarbell School to three residential condominium units. Applicant Kevin McGoniagle and abutters Alison Manugian and Ruth St. Pierre were present.

Mr. McGoniagle submitted a letter dated September 24, 2015 from David Ross Associates with runoff calculations for the 25-year storm.

Chairman Perkins read the letter dated October 6, 2015 from David Ross Associates requesting a waiver from Chapter 352 and Chapter 381 requiring submission of calculations for the 100-year storm.

Member Giger asked if the dry well recommended by David Ross Associates would be installed. Mr. McGoniagle said, "Yes," and asked the Board to include it as a condition.

Members Wilson, Vega, and Burke had no questions.

Abutter Alison Manugian said she did not object to using the 25-year storm for the design, but she did object to the waiver for calculating other storm events. The road has problems and floods now.

Land Use Director/Town Planner Michelle Collette asked if the applicant plans to install electric utilities underground. Mr. McGoniagle said they are underground now from the existing pole near the end of the driveway which is 40-50 ft away from the new leaching field as shown on the Sewage Disposal System plan prepared by David Ross Associates. He said he would install utilities underground from the existing pole.

Member Burke asked about the landscaping plan. Land Use Director/Town Planner Michelle Collette said a plan prepared by the applicant was submitted to the Board at the hearing on July 23, 2015.

The Board voted unanimously to close the public hearing.

The motion was made by Burke, seconded by Barringer, to grant the following waivers:

1. Chapter 381 Planning Board Regulations, Section 381-40C Stormwater Management requiring that stormwater management design mitigate the peak rate and volume from the one-hundred year storm. The proposed project is a redevelopment of the existing building with an additional 800 square feet of paved area in the rear of the site.
2. Chapter 352 Stormwater Regulations, Section 352-18 Peak Control, requiring the evaluation of the one-hundred year, twenty-four hour storm event. The rate of runoff was calculated for the 25-year storm event.
3. Section 218-25G(2)(e) requiring the submission of an Assessment of traffic impacts and safety conditions prepared by a traffic engineer. The Board determined that the conversion of the school to three residential units would have minimal traffic impact.
4. Section 218-25G(2)(f) requiring a landscaping plan prepared by a registered landscape architect. The landscaping plan was prepared by the applicant.
5. Section 218-25G(2)(h) requiring a photometric lighting plan. The applicant submitted cut sheets of the "Dark Sky" compliant lighting fixtures and plan showing the location to the lights on the buildings.
6. Section 218-25G(2)(i) requiring the submission of a development impact report. The Board determined that such a report is not necessary given the scale of the proposed project.
7. Section 218-25G(2)(l) requiring an analysis of impacts on [1] the natural environment, [2] public services, and [3] economics. The Board determined that such an analysis is not necessary given the scale of the proposed project.

The motion passed unanimously.

The motion was made by Burke, seconded by Wilson, to grant a special permit under the provisions of Section 218-25 Site Plan Review to Kevin McGoniagle to redevelop the Tarbell School into three dwelling units, construct three two-car garages, and associated improvements to the property located at 73 Pepperell Road as shown on the plan entitled, "Sewage Disposal System, 73 Pepperell Road, Groton, Massachusetts," prepared by David E. Ross Associates, and revised by the applicant, submitted on May 26, 2015 (Plan B), and shown on the plan entitled, "Landscape Plan, 73 Pepperell Road, Groton, MA," prepared by Kevin McGoniagle, dated July 20, 2015, with the following findings, and conditions:

Findings:

The Planning Board made the following findings based upon the criterion set forth in Zoning By-Law §§ 218-27C(2)(b) and 218-32.1:

1. Social, economic and community needs: The proposed project will provide moderately-priced housing for people looking for an alternative to single-family housing. In addition, the project will rehabilitate the former Tarbell School, a structure with historic significance, located in the West Groton village.
2. Traffic flow and safety: The project was reviewed by the Town's public safety officials who expressed no concerns about traffic flow or safety from the proposed conversion to three residential units.
3. Adequacy of utilities: The utilities are adequate to serve the proposed project. The site will be served by the West Groton Water Supply District. A new on-site sewage disposal system was approved by the Groton Board of Health and installed by the Town of Groton in 2011.
4. Neighborhood character: The proposed conversion to three residential units will preserve the integrity of the existing historic structure in the West Groton village. The Zoning Board of Appeals granted a special permit, Case #8-15 filed with the Town Clerk on June 24, 2015, to alter a nonconforming structure and to allow conversion of the existing structure to three dwelling units.
5. Impacts on the environment: There will be no adverse impact on the environment because the applicant will implement the Low Impact Development (LID) stormwater management techniques recommended by David E. Ross Associates.
6. Fiscal impact on the Town: The project will not have a significant adverse impact on taxes.

Conditions:

1. The applicant will install dry well as recommended in the letter dated September 24, 2015 from David E. Ross Associates. The Director of Public Works (DPW) must approve the construction of the dry well prior to issuance of an occupancy permit. There shall be no net increase in the rate or volume of storm water runoff from the site for the 25-year storm event.
2. All lighting fixtures shall comply with International Dark Sky Association certification standards and shall be installed so there is no glare onto abutting properties or the public way.
3. The access driveway from St. James Avenue shall be curved toward the westerly direction to prevent headlight glare on the house located at 32 St. James Avenue. Additionally, a

solid tongue and groove fence shall be installed as shown on the "Landscape Plan," prepared by Kemco Construction, Inc., dated July 20, 2015.

4. 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

5. All signs must conform with the Sign By-Law, Chapter 196 of the Code of the Town of Groton.
6. All new utilities shall be placed underground as agreed by the applicant. Electric utility installation is subject to the approval of the Groton Electric Light Department.
7. This special permit 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 MGL, 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 Building Commissioner by the applicant.
8. 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.
9. This Special Permit is only for the specific use proposed by Kevin McGoniagle approved herein. This special permit is non-transferrable and does not apply to successors in interest, successors in control, or beneficial interests.

Members Perkins, Barringer, Burke, Vega, and Wilson in favor; Members Giger and Svarczkopf opposed.

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

The Board held the continuation of the public hearing to consider the applications for special permits for Flexible Development to create three lots served by a shared driveway submitted by Michael Dermody. Attorney Robert Collins and design engineer Stan Dillis were present.

Attorney Collins said the revised plan includes a landscaping plan with trees to be planted along Old Dunstable Road. The Flexible Development plan is better than a conventional plan because it will provide screening for the country road with houses set back farther away from the road.

Member Burke said the 4-6 ft trees will take 10-20 years to grow. Attorney Collins said the white pines will grow quickly. Mr. Dillis said smaller trees take hold better and grow quickly.

Member Svarczkopf asked about existing trees to remain. Mr. Dillis said none of the trees in the area beyond the "limit of disturbance" will be removed, but trees in the area to be disturbed will be cut.

Member Svarczkopf asked why the developer does not want to preserve existing trees. He added that he would like to see more variety in the trees to be planted.

Member Vega said he agreed and would like to see more trees and a greater variety of trees to be planted.

Member Wilson said oak and pine trees will do well in sanding soil. He suggested adding other trees such as spruce and a mix of species to screen the lower areas.

Member Giger asked about the number of trees to be planted. Attorney Collins said, "32." Member Giger said he counted 29 trees on the plan. He suggested planting trees at the construction entrance and area of the existing house to be razed. Attorney Collins said they would add three (3) trees to the construction entrance location but would leave the existing house area for landscaping by the new homeowners.

Member Wilson asked when the house would be razed. Attorney Collins said next year. Mr. Dillis said the house is available for rental until a permit is issued to build a new house on the lot.

Town Planner Michelle Collette said the existing house will be non-conforming if it remains on the newly created lot with reduced area and frontage. Attorney Collins agreed that no building permits should be issued until the existing house is razed.

Chairman Perkins said she would like to see 3-4" caliper oak trees along with a mix of pines, spruce, and hardwood trees. She said the trees to be saved should be shown on the plan. Mr. Dillis said there are pine and oak trees on the site today.

Member Giger asked where the exiting well is located. Mr. Dillis pointed it out on the plan and said a new well will be installed.

Town Planner Michelle Collette asked who would own the protected open space. Attorney Collins said it would be deeded to the Conservation Commission or subject to a conservation restriction.

The Board voted unanimously to continue the public hearing on October 29, 2015 at 7:30 PM.

PUBLIC HEARING – PROPOSED ZONING AMENDMENT

The Board continued the public hearing on the proposed amendment to Section 218-26 Flexible Development.

Attorney Collins said Flexible Development has worked well in Groton for 35 years and has resulted in the protection of more than 2500 acres of open space. He said most developers are very cautious and will not apply for a special permit at the definitive plan stage with the amount of expensive engineering required. He said if the Board compares conventional plans to special permit plans, the special permit plans are always preferable.

Mr. Dillis agreed that developers would not apply for special permits with the definitive plans.

Selectman Anna Eliot agreed and urged the Board to leave the special permit based upon preliminary plans as it is now.

Member Burke said he agreed that the Flexible or Cluster Development plans are the desired outcome, but there is not sufficient information with preliminary plans. The Board should not make a decision before final grading, stormwater and traffic information is submitted. The “proof” plan, submitted with the special permit application, is not scrutinized before a special permit is granted. Approval of a conventional plan is not certain when waivers are requested for things like grading and cut and fill.

Member Wilson asked what other towns require. Member Burke said it is more common to apply for the special permit at the definitive plan stage. Attorney Collins said that may be the case in more urban settings, but developers in Groton would not risk the expense of definitive plan engineering with a special permit. They would submit by-right conventional plans instead.

Member Burke said, once the special permit is granted, the Board cannot change it. He said the same thing could be accomplished with pre-submission review.

Member Giger said he is concerned that developers often answer the Board’s question with “that will be determined at the definitive plan stage.”

Member Barringer said it is up to the Board to ask for more information with the special permit application if the Board determines it is needed.

Selectman Eliot said there is still considerable open land that could be developed. The Board should consider the impact on the town and neighborhoods that may result if the amendment passes.

The Board reviewed the spreadsheet prepared by the Town Planner showing all conventional and special permit subdivisions since 1974 and the amount of open space protected with each subdivision.

Member Barringer said since there is no consensus on the proposed amendment, the Board should move to postpone the article and come back at the 2016 Spring Town Meeting.

Member Burke said the Board can still negotiate waivers with conventional plans so the outcome is not certain. Attorney Collins cited examples of definitive plans approved without waivers including Ames Meadow, Gibbet Hill, and Angus Hills.

The Board voted unanimously to close the public hearing.

ACADEMY HILL TOWNHOUSES

The Board met with developer Bruce Wheeler of Academy Hill Realty Trust to discuss proposed changes to the townhouses including the affordable units located on Lots B and B-1 in the Academy Hill subdivision. Housing Coordinator Fran Stanley was present.

Mr. Wheeler said he would like to reconfigure the townhouse units and eliminate the triplexes shown on the approved plan. This would eliminate the middle units. The new plan shows six (6) duplexes and five (5) single-family units. The market-rate units will have two-car garages and a master bedroom on the first floor.

Chairman Perkins asked about the size of the market-rate units compared to the affordable units. Mr. Wheeler said the two-car garages and master bedrooms on the first floor results in larger first floors for the market-rate units.

Member Svarczkopf asked if the total number of units has changed. Mr. Wheeler said, "No," there is no change in the number of market-rate or affordable units. The number is the same as the permit in 2005.

Member Barringer asked if the affordable units have one-car garages. Mr. Wheeler said, "Yes."

Member Burke asked if the Department of Housing and Community Development (DHCD) had vetted the proposed changes. Mr. Wheeler said the proposed plan was submitted to DHCD, but it has not been approved yet.

Member Burke expressed concern that the affordable units are smaller in size than the market-rate units. Member Svarczkopf agreed.

Mr. Wheeler said he cannot make the affordable units larger because the affordables are all a fixed price.

Chairman Perkins reminded Mr. Wheeler that this project was not approved under Chapter 40B. The development included incentive units to be constructed as affordable.

Housing Coordinator Fran Stanley said the units must meet DHCD guidelines to be included in the Subsidized Housing Inventory. The exterior views should be indistinguishable.

Mr. Wheeler said he would like to come back to the Planning Board at a future meeting.

REPORTS TO TOWN MEETING

The Board discussed its recommendations to Town Meeting on the Articles 11, 12, 13 and 14 - zoning amendments.

Article 11 - Chairman Perkins will present the article.

The Planning Board held a public hearing October 8, 2015 to consider the proposed zoning amendment described in Article 11 to modify the provisions of Section 218-9 Location of Districts. The Board voted unanimously to recommend adoption of the amendment to the Town Meeting.

Article 12 - Member Barringer will present the article.

The Planning Board held a public hearing October 8, 2015 to consider the proposed zoning amendment described in Article 12 to amend Sections 218-23 Off Street Parking and Loading. The Board voted unanimously to recommend adoption of the amendment to the Town Meeting.

Article 13 - Member Giger will present the article.

The Planning Board held a public hearing October 8, 2015 to consider the proposed zoning amendment described in Article 13 to amend Sections 218-25.1 Personal Wireless Services Facilities. The Board voted unanimously to recommend adoption of the amendment to the Town Meeting.

Article 14 - Member Burke will present the article.

The Board discussed its recommendation on Article 14. Member Burke suggested amending the article on the floor of Town Meeting. The motion was made by Burke, seconded by Barringer, to amend Item (1) under Section 218-26D as follows:

- (1) Where the flexible development is a subdivision of land, a development plan consistent with the requirements set forth in the Subdivision Rules and Regulations¹ shall be submitted to the Planning Board. Final engineering details regarding flexible development shall be provided as specified by the Planning Board during the course of plan review. In the event that the flexible development does not involve the subdivision of land, the development plan shall conform to the requirements for the applicable plan as set forth in such rules and regulations.

The motion passed unanimously.

The Planning Board held a public hearing on October 8, 2015, continued on October 15, 2015, to consider the proposed amendment to Section 218-26 Flexible Development. In response to concerns expressed at the public hearing, the Board voted unanimously to propose an amendment to the main motion under Article 14. The Board voted unanimously to recommend adoption of the main motion, as amended.

COMMENTS TO THE ZBA 211 WHILEY ROAD

The Board reviewed the application for a special permit submitted by Sculley to alter a non-conforming structure at 211 Whiley Road, on property owned by Robbin Lawrence. The notice from the Conservation Commission states that the existing house will be demolished and replaced with a new house. The Board will ask for clarifications and recommend that the application be denied and that the applicant seek a variance rather than a special permit.

Meeting adjourned at 9:45 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner

¹ See Chapter 381, Part 1, Subdivision Rules and Regulations