

**PLANNING BOARD
DECEMBER 10, 2015
MINUTES**

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

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

Members absent: Svarczkopf

PUBLIC HEARING – SPECIAL PERMIT/SITE PLAN REVIEW, GROTON INN

The Board held the continuation of the public hearing to consider the application submitted by 128 Main Street, LLC, to modify the special permits for the reconstruction of the Groton Inn. John Amaral of 128 Main Street, LLC, design engineer Robert Oliva of David E. Ross Associates, and architect Peter Pitman of Pitman and Wardley were present.

Chairman Perkins read the letter dated November 10, 2015 from the Earth Removal Stormwater Advisory Committee and the letter dated November 25, 2015 from the Conservation Commission.

Mr. Oliva said they had addressed all the comments in the Nitsch Engineering report dated November 18, 2015. He submitted a revised site plan dated December 10, 2015. The lighting plan and an updated stormwater management Operations and Maintenance plan have been submitted. The landscaping plan is now part of the Site Plan set. The Historic Districts Commission requested that a porch roof be added on the side of the building. Parking spaces had to be relocated so a tree could be planted in this area. The mechanical cooling tower and bicycle rack have been shown on the revised site plan. Architectural elevations for the proposed restaurant were submitted as requested by the Planning Board.

Mr. Amaral said the hours of lighting during the evening will be reduced by 30% for the Inn for safety and security reasons. The lights for the restaurant will go down one hour after closing.

Member Barringer asked about the parking calculations. Mr. Oliva said 118 spaces are required. The chart, shown on sheet 3 of the site plan, delineates a total of 137 spaces including 106 paved spaces, 21 spaces on a “green” lawn area, and 5 universally accessible spaces.

Member Barringer asked if the 120 seat function hall in the Inn was included in the calculations. Mr. Amaral said the function hall will be for people staying at the Inn or for day-time business meetings. The function hall will be closely managed by the Migis Group.

Member Barringer asked about cut sheets for lighting. Mr. Oliva said the lighting is the same as the 2014 approved plan.

Member Barringer asked about snow storage. Mr. Oliva said snow would be stored on the lawn area in the location where the tent will be installed during the summer.

Member Barringer asked whether two dumpsters are required – one for trash and another for food waste. Land Use Director Michelle Collette said she asked the Nashoba Associated Boards of Health and only one dumpster is required. However, two dumpsters are best practice.

December 10, 2015

Page 2

Member Barringer asked about the emergency vehicle access over the easement with 134 Main Street with the bollard shown on the plan. Mr. Amaral said there is slope and curbing on the 134 Main Street property. The Fire Chief said it is not necessary.

Member Giger asked about the cooling tower with noise generated in a location close to residential abutters. Mr. Amaral said the HVAC engineering meets all required decibel levels at the property line. The noise is reduced from the previously approved plan. The cooling tower will be fenced as required by the HDC.

Member Giger said the noise level must comply with DEP requirements. Member Burke said the noise cannot be more than 10 dB above ambient noise levels.

Member Wilson asked about screening around the cooling towers. Mr. Oliva said screening would be required by the HDC. Member Wilson said the cooling tower should not be visible from the 134 Main Street second-floor residences. Mr. Amaral said the cooling towers will be visible because the units need air circulations.

Mr. Amaral said they could move the cooling towers closer to the easement area and assured the Board that it would meet all DEP noise regulations.

Member Burke asked about the bicycle rack. Mr. Oliva noted where it was shown on the plan but added that the owners could move the bicycle rack to accommodate guests at the Inn.

Architect Peter Pitman showed the elevations for the restaurant. The barn-like structure will have a view of Gibbet Hill. The building will have clapboard siding and stable doors on the side. There may be limited office space on the second floor.

Member Burke asked if the restaurant would be integrated into the Groton Inn business. Mr. Amaral said, "Yes," the Migis Group would run both the Inn and the restaurant. Member Burke said it is important that the site function as an entity.

Member Giger asked about the height of the restaurant building. Mr. Pitman said the height is 29 ft with a cathedral ceiling and no occupancy on the second floor other than limited space for offices.

Chairman Perkins asked about the Fire Chief's comments on emergency vehicle access and the easement. The Board will follow up with the Fire Chief.

Member Giger said he would like more information on the cooling tower location near the easement. He also asked for a comparison on the MDM traffic analysis with the traffic impact from the previously approved plan. Mr. Amaral said he would ask MDM to submit the information.

The Board voted unanimously to close the public hearing.

PUBLIC HEARING – DERMCO SPECIAL PERMIT, 530 OLD DUNSTABLE ROAD

The Board held the continuation of the public hearing application submitted by Michael Dermody for Flexible Development and a Shared Driveway to serve three new lots on Old Dunstable Road. Attorney Collins represented the applicant at the public hearing.

Attorney Collins described the revised planting plan, dated October 26, 2015, showing 81 trees and shrubs to be planted along the frontage of the lots. The trees are a variety of species and sizes.

Board members agreed that the new planting plan is a significant improvement.

The Board voted unanimously to close the public hearing.

DECISION

The motion was made by Wilson, seconded by Giger, to grant a special permit for Flexible Development and a special permit for a Shared Driveway to Michael Dermody, Dermco, LLC, to create three lots for single-family dwellings served by a shared driveway as shown on the plan entitled, "Special Permit Plan, Groton, Massachusetts, Owner: Dermco, LLC," prepared by Ducharme & Dillis Civil Design Group, Inc., dated May 1, 2015, with revisions through October 26, 2015, with the following findings and conditions:

Findings:

1. **Social, economic and community needs:** The proposed Flexible Development plan with three lots with single-family dwellings results in less disturbance to the neighborhood and surrounding woodlands than the "Conventional ANR Plan." The proposed 87,023 SF of protected open space on the Flexible Development plan will provide a natural, wooded buffer from abutting lots and along a portion of Old Dunstable Road. Additional trees and shrubs will be planted, as shown on the special permit plan, to enhance the natural screening.
2. **Traffic flow and safety:** The proposed shared driveway will minimize the number of curb cuts on Old Dunstable Road. The proposed curb cut meets sight distance requirements.
3. **Adequacy of utilities:** Utilities will be provided with on-site sewage disposal systems and private wells. Other utilities are available to serve the proposed lots.
4. **Neighborhood character:** There will be no adverse impact on neighborhood character from the creation of the three lots with single-family dwellings served by a shared driveway.

5. **Impacts on the environment:** The creation of three new lots will result in less environmental impact than the conventional ANR plan because there will be less disturbance to the land. Stormwater management, provisions including “wick drains,” will be installed as shown on the special permit plan.
6. **Fiscal impact on the Town:** The fiscal impact to the Town is not greater from the Flexible Development plan than from the conventional ANR plan.

Conditions

1. The existing, four-unit dwelling, shown on the plan must be demolished prior to the issuance of any building permits for lots shown on the plan because the existing house does not conform with the requirements of this special permit.
2. The proposed shared driveway shall meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996, revised March 22, 2007.
3. The construction entrance shown on the plan shall be removed after completion of site work, i.e. rough grading, foundation construction, and installation of sewage disposal systems.
4. As required in Chapter 258 Street Naming and Building Numbering, directional markers, with house numbers, shall be placed at the entrance of the shared driveway and at the junction between individual driveways. The design and placement of the markers is subject to the approval of the Fire Chief. The building numbers shall be shown on the Special Permit-ANR plan prior to endorsement of the plan by the Planning Board.
5. The applicant shall submit a copy of the recorded easement and maintenance agreement to the Planning Board prior to construction of the shared driveway.
6. The applicant shall install the plantings shown on the special permit plan, revised on October 26, 2015. If the plantings do not survive for two years, it is the applicant’s and applicant’s successors’ responsibility to replace the plantings within one growing season.
7. As offered by the Applicant, the 87,035 SF or 35% of the total land area will be protected as open space. The “Open Space” parcel shall be donated to the Town of Groton Conservation Commission or shall be made subject to a permanent Conservation Restriction held by the Town of Groton pursuant to MGL Chapter 184, §§ 31-33. The protected open space parcel shall be shown on the Approval Not Required Plan (ANR) prior to endorsement by the Planning Board. The deed conveying the open space or the Conservation Restriction for the open space must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Commissioner prior to the issuance of any building permits.

8. Prior to commencement of site construction, permanent markers shall be provided and installed designating open space parcel. The markers shall be installed every 200 feet back from the road or at the rear corners of the adjacent lots. The location of the markers shall be shown on the ANR plan. Signs and markers shall conform to the specifications of the Groton Conservation Commission.
9. Prior to the commencement of site construction, the applicant shall install conservation markers to delineate the Open Space parcel. These markers shall be confirmed in the field by the Conservation Commission or its agent. Conservation markers consist of a four-inch diameter white metal or durable plastic disk with permanent green lettering which reads: "No disturbance beyond this point." Said conservation markers shall remain in place during and after construction, in perpetuity.
10. The applicant and the applicant's successor shall maintain in good condition any bounds, monuments, markers and signs demarcating the boundaries of the Open Space, and shall repair or replace said monuments and signage on an as-needed basis.
11. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed ANR plan 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.
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. The recording of the deed conveying the open space to the Town of Groton Conservation Commission or the Conservation Restriction for the open space shall constitute commencement of substantial use as long as continued progress is demonstrated on site development.
13. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

ROCKY HILL SUBDIVISION

The Board met with Attorney Robert Collins to discuss outstanding issues at the Rock Hill subdivision. The Board received a letter dated September 16, 2015 from Attorney Collins regarding waivers, a letter dated July 8, 2015 from Tree Warden Tom Delaney, a letter dated July 9, 2015 from design engineer Russ Wilson regarding grade changes, and a report dated December 9, 2015 from Nitsch Engineering.

The motion was made by Wilson, seconded by Giger, to approve the grade changes, as described in the letter dated July 9, 2015 from Russ Wilson and the letter dated September 16, 2015 from Attorney Collins, as a filed change. The motion passed unanimously.

The motion was made by Burke, seconded by Barringer, to eliminate the guardrail on Robin Hill Road from Station 7+75 to Station 16+00 because the shoulder and grades are sufficient. The motion passed unanimously.

The motion was made by Giger, seconded by Barringer, to waive the installation of street lights as required in the letter dated September 16, 2015 from Attorney Collins. The motion passed unanimously.

The motion was made by Burke, seconded by Barringer, to reduce the amount held in the "Agreement and Contract – Town of Groton Planning Board, Middlesex Savings Bank" for the Rocky Hill subdivision, as detailed in the report dated December 9, 2015 from Nitsch Engineering, as follows:

Robin Hill Road	(Station 0+00 to 3+75)	0.00
Robin Hill Road	(Station 3+75 TO 20+50)	\$89,327.77
Robin Hill Road	(Station 20+50 to 30+50)	\$156,914.18
Quail Ridge Road	(Station 0+00 to 8+30.34)	0.00
Cardinal Lane	(Station 0+00 to 6+71)	\$25,642.60
Mockingbird Hill	(Station 0+30 to 15+75)	\$388,152.58
TOTAL:		\$660,037.13

The motion passed unanimously.

ESCROW ACCOUNT REFUNDS

Amandas Way – The motion was made by Barringer, seconded by Wilson, to refund the remaining balance of \$2734.30, plus any accrued interest, deposited in a "593 Account" for the Amandas Way subdivision. The motion passed unanimously.

Anytime Fitness - The motion was made by Barringer, seconded by Wilson, to refund the remaining balance of \$1585.25, plus any accrued interest, deposited in a "593 Account" for the Anytime Fitness Site Plan Review. The motion passed unanimously.

MEETING WITH THE PLANNING BOARD, ZBA, BOARD OF HEALTH

The Board discussed the December 3, 2015 meeting with Town Counsel, the ZBA and Board of Health to discuss the non-use provisions to the Zoning Board. Town Counsel David Doneski will prepare a first draft of a proposed amendment. When the Board receives the draft, it will discuss it with a working group with members of the Planning Board, ZBA and Building Commissioner.

ZBA Member Bruce Easom was present and thanked the Board, as an individual and not as a member of the ZBA, for its effort to provide clarity to the non-use versus abandonment issues.

December 10, 2015

Page 7

MINUTES

The Board voted unanimously to approve the minutes of October 29, 2015; November 5, 2015; and November 19, 2015.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette, AICP
Land Use Director/Town Planner