

**PLANNING BOARD
JUNE 23, 2016
MINUTES**

John Giger called the meeting to order at 7:05 PM at the Town Hall. Russ Burke arrived at 7:10 pm taking over for Giger.

Members present: Barringer (via phone), Burke, Giger, Perkins, Wilson, and Vega
Member absent: Svarczkopf

INDIAN HILL MUSIC

Gary Shepherd, the Applicant, introduced the project team and explained the status of the project. He explained that the team will take into account neighborhood feedback received at the June 9th and June 23rd meetings and the site visits held on June 18th and June 23rd during Phase II of the project. The project team is committed to providing a year round screen to limit the impact of headlights and the project to abutters.

Giger reminded all present about the limited scope of the Phase I application.

Barringer expressed concerns about the significant breaks in vegetation along the Peabody Street frontage. As soon as possible, he wants vegetation planted to fill in the gaps and the existing tube gate replaced with a stockade fence to obscure views of the site from Peabody Street. Shepherd stated that he is willing to do this during the early part of Phase II. Barringer replied that he is amenable with that timeframe.

Tim McGivern, the Planning Board's consulting engineer from Nitsch Engineering, provided an overview of his comments explaining that most comments are related to stormwater and erosion/sedimentation issues. Todd Morey of Beals Associates, Inc. responded to McGivern's comments. Morey explained that he met with the Land Use Committee and McGivern earlier in the week and they resolved the bulk of the comments at that time. Remaining comments will be addressed through plan changes.

Bonavita provided an overview of her draft conditions of approval.

Vega asked if any trees will be removed within the limit of disturbance along the Peabody Street frontage. Morey responded "no". The point is to maintain the swale- not to remove trees or hedgerow in this area.

Burke read a letter from Kelli Ann Robertson dated June 23, 2016 into the record.

Steve Robinson, 135 Peabody Street, stated that the bulk of his concerns are geared towards the next phase. He hopes that the Applicant abides by his commitment to provide screening along Peabody Street.

Jim Antonellis, 13 Temple Drive, stated that his biggest concern is being left in the dark as this project advances. He appreciates the Applicant's improved communication and the site visit. He asked when the breaks in the vegetation along Peabody Street will be addressed. Burke responded that they will be addressed during the front end of Phase II. Shepherd responded that installation of the opaque fence at the Peabody Street entrance will occur now and the vegetation will be planted during the front end of Phase II.

Antonellis asked when the Applicant will file the Notice of Intent with the Conservation Commission. Shepherd responded that site work will proceed once the Planning Board's approval is in play, but they won't perform any work within the Conservation Commission's jurisdiction until the Conservation Commission issues that approval. Giger and Burke responded that that is appropriate.

Antonellis asked whether clearing at the Peabody Street entrance will be performed to improve site distance. Bonavita explained and Morey confirmed that the Applicant is not intending to use this entrance during Phase I of the project, therefore clearing at this location is unnecessary at this time. Bonavita confirmed that she eliminated a condition to that effect from the draft decision.

Antonellis asked about construction hours. Bonavita explained that she specified in the draft decision that the construction hours would be Monday – Friday, 7 am to 5 pm and Saturday, 8 am to 4 pm.

Robert Hargraves, 21 Temple Drive recommended requiring the Applicant to install gates that would prevent full use of the loop road during Phase 2 and access from the rail trail.

Bonavita asked the Planning Board to specify the work to be covered under the performance guarantee-work that would be deconstructed if the owner fails to proceed beyond Phase I. Shepherd suggested specifying that the site would be restored to its pre-existing condition. The Planning Board was amenable to incorporating that language within draft conditions #8 and #9, the two conditions pertaining to the performance guarantee.

Mark Bobrowski, attorney for the Applicant, requested changes to draft conditions 8 and 9. Specifically, he wanted language included in draft condition #8 requiring the Planning Board's consulting engineer to discuss the cost estimate with Beals Associates, Inc. prior to finalizing it. He also suggested adding clarifying language to draft condition #9 specifying that only "substantial" changes, as defined by the Planning Board, shall be submitted to the Planning Board for their Planning Board review and approval. The Planning Board was amenable to these changes.

To address Vega's comment about screening the work from Peabody Street, Bonavita suggested adding a condition prohibiting removal of trees or hedgerow along the Peabody Street frontage.

DECISION

The motion was made by Perkins, seconded by Wilson, to **GRANT** a site plan review permit to construct a gravel loop road, gravel laydown area, curtain drains and other stormwater facilities as shown on the plan entitled: "Plans to Accompany Permit Applications for The Music Center At Indian Hill – Phase 1, Old Ayer Road, Groton, Massachusetts", prepared by Beals Associates, Inc., dated June 3, 2016, subject to conditions 1-14 with discussed additions and corrections.

FINDINGS

Section 218-25 Site Plan Review

The Planning Board determined that the site plan complies with the criteria of Chapter 218, Zoning, Code of the Town of Groton, Section 218-25 Site Plan Review, subsection 218-25H Decision (shown in italics):

- a) *Preserve trees twelve (12) inches caliper or larger unless it can be demonstrated that such removal is necessary for the location of structures, roads, driveways, and utilities, and it can be further demonstrated that there were no alternatives to said removal.*

The site plan depicts the removal of a minimal number of large trees. The remaining area will be left in its natural state including the wooded areas, wetlands and hedgerow along the Peabody Street frontage.

- b) *Provide for landscaping around the perimeter of all structures and the parcel as a whole, including parking areas, to the satisfaction of the Planning Board.*

Not applicable - no parking areas or structures are proposed as part of this Phase I project.

- c) *Meet the requirements of § 198 of the Code of the Town of Groton relating to Stormwater Management.*

The Earth Removal Stormwater Advisory Committee granted a Stormwater Permit on June 21, 2016 under the provisions of Chapter 198 of the Code of the Town of Groton.

- d) *Integrate the development into the existing terrain and surrounding landscape and protect abutting properties and community amenities. Project sites shall be buffered from adjacent uses if required by the Board, preferably with a natural landscaped buffer. Impacts to hilltops and steep slopes shall be minimized in accordance with § 218-30.2, Hilltop and slope overlay district, if applicable. Obstruction of scenic views from publicly accessible locations shall be minimized. Unique historic and cultural amenities, and stone walls shall be preserved to the greatest extent possible.*

The Board is satisfied that the proposed limit of disturbance will protect abutting properties and the views from the public ways.

- e) *Allow no net increase in the rate or volume of stormwater runoff from the 100-year storm event across the boundaries of the site unless provisions have been made to tie into public storm drains with the approval of the appropriate authority and the Planning Board has determined that all reasonable provisions have been made to minimize any changes to runoff from the site. Compliance with all applicable federal, state and local regulations and guidelines including, but not limited to, the Department of Environmental Protection Stormwater Management Policy, as it may be amended, shall be demonstrated.*

The Board's consulting engineer, Nitsch Engineering, reviewed the site plan and drainage calculations for compliance with stormwater runoff requirements. The Board approved the grant of the waiver from Chapter 218.25(H)(1)(e)(3) of the Town of Groton Code, which requires soil testing to be witnessed by a Town representative. All soil testing performed on the site as part of this Phase I application was exploratory in nature or done for geotechnical and structural data collection. The Board is satisfied that these requirements have been met.

- f) *Maximize pedestrian and vehicular convenience and safety both within the site and in relation to adjacent ways. Internal and external traffic circulation, and pedestrian and bicycle access shall be provided to the satisfaction of the Board. Potential traffic impacts shall be mitigated as prescribed by the Board including, but not limited to, measures designed to reduce automobile trip generation, especially on roadways with demonstrated deficiencies in capacity.*

No pedestrian and bicycle access is proposed as part of this Phase I project. The Board's consulting engineer, Nitsch Engineering, reviewed the site plan for vehicular access and circulation. The Board is satisfied that these issues are adequately addressed.

- g) *Minimize the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned.*

No parking is proposed as part of this Phase I project. The Board determined that the limit of disturbance will minimize visibility of storage areas from the public way.

- h) *Minimize glare from headlights through plantings or other screening. Minimize lighting intrusion on to other properties and public ways with proper arrangement and shielding, while providing for security and public safety.*

The Board is satisfied that headlight glare will be minimized by site topography and the surrounding wooded area.

- i) *Noise levels shall not exceed dB standards established in the Site Plan Review Regulations.*

Not applicable.

- j) *Minimize lighting intrusion on to other properties and public ways with proper arrangement and shielding, while providing for security and public safety.*

No site lighting is proposed as part of this Phase I project.

- k) *Minimize departure from the character and scale of building in the vicinity, as viewed from public ways. Architectural style shall be in harmony with the prevailing character of the neighborhood to the maximum extent feasible as required in § 218-24B Promotion of Harmonious Development.*

No buildings are proposed as part of this Phase I project.

- l) *Prevent contamination of groundwater from on-site wastewater disposal systems (must meet requirements of Title 5 of the State Environmental Code (310 CMR 15.000 et seq.) and applicable Board of Health regulations, as they may be amended). Contamination also shall be prevented from operations on the premises involving the use, storage, handling, transport or containment of toxic or hazardous substances as defined in § 218-30B and regulations of the Department of Environmental Protection and the U. S. Environmental Protection Agency, as they may be amended.*

No wastewater disposal systems are proposed as part of this Phase I project.

- m) *Demonstrate that an adequate water supply is available and that there shall be no significant impact to groundwater levels. Groundwater recharge shall be provided for throughout the development and impervious surfaces shall be kept to a minimum.*

The property may be served by a temporary water supply to assist with the control of dust. No

additional permanent water supply is proposed as part of this Phase I project.

- n) *Demonstrate that there shall be no excessive demands on local infrastructure and the ability of the Town to provide services to the development.*

The Planning Board requested comments from the Police Chief, Fire Chief, the Groton Electric Light Department, and the Groton Water Department. The Town's public safety officials did not indicate that they anticipate any excessive demands on their departments' ability to provide services.

CONDITIONS

The Board approved the site plan subject to conditions, safeguards and limitations on time or use as follows:

1. Prior to commencement of construction, the Applicant shall modify the plan for Planning Board review and approval as follows:
 - a. Indicate the location and origin of any service lines;
 - b. All turn radii shall be R 30 or larger;
 - c. In compliance with Section 381-39.C., identify if streets are public or private and the widths of all streets within 300 feet of the site;
 - d. Incorporate the applicable recommendations contained in the Nitsch Engineering report dated June 20, 2016.

Three copies of the final site plan (control plan) shall be submitted to the Board for endorsement as required in Section 218-25G(3).

2. The Applicant is responsible for obtaining any other permits (including but not limited to) those required by the Board of Selectmen, Board of Health, Conservation Commission, Earth Removal Stormwater Advisory Committee, Building Commissioner, DPW Director, and Zoning Board of Appeals.
3. All construction debris shall be disposed of in compliance with applicable local & state laws.
4. As offered by the Applicant, no trees or hedge row shall be removed along Peabody Street.
5. The stormwater management 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.
6. The Applicant shall inspect and, if necessary, clean the culverts that cross the Rail Trail within the James Brook watershed to provide capacity for hydraulic equilibrium on both sides of the Rail Trail. Said work is subject to the approval of the Town of Groton Conservation Commission.
7. If the owner does not proceed beyond Phase I and does not restore the Property to its pre-existing condition within 150 days after the date of abandonment, the Town may, after 90 days prior written notice to the owner and each mortgagee of record, enter the Property for the purpose of physically restoring the property. Such prior written notice shall include the following: "NOTICE PURSUANT TO CONDITION 7 OF THE SITE PLAN APPROVAL DATED JUNE 23, 2016: IMPORTANT RIGHTS MAY BE LOST BY FAILURE TO ACT PROMPTLY". As used herein, the

term "mortgage" shall mean all mortgages, deeds of trust, mortgage deeds and similar instruments now or hereafter affecting the Property and/or equipment. The Town agrees to execute any and all documents submitted by a mortgagee of the Property or the owner acknowledging Condition 7 and stating whether any event of abandonment currently exists.

8. The Applicant shall provide financial surety to cover the cost of restoring the Property to its pre-existing condition in the event that the Applicant does not do it in compliance with Condition 7. The financial surety shall be in a form deemed reasonably acceptable to the Planning Board (i.e. a surety bond or deposit of money or negotiable securities) and in an amount deemed sufficient by the Planning Board to cover the cost of restoring the Property. The Planning Board's consulting engineer shall prepare a cost estimate, after discussing it with Beals Associates, Inc., that includes a 20% contingency factor to cover unexpected costs and inflation. The Planning Board shall review the amount of the financial surety every five years to ensure that it is adequate to cover anticipated costs.
9. The Applicant shall submit any proposed substantial change in the above referenced plans to the Planning Board for its review and approval before said change is implemented. The Board shall have discretion as to what constitutes a substantial change.
10. It is the Applicant's responsibility to insure that the contents of this permit are made known to all contractors who perform work at this site.
11. The Applicant will notify the Land Use Director at least 48 hours prior to the commencement of construction. Additionally, the Applicant shall provide the Land Use Director with emergency contact information for all site contractors.
12. Hours of operation related to the construction of the project shall be limited to 7:00 AM to 5:00 PM, Monday through Friday, 8:00 AM to 5:00 PM on Saturday.
13. If the project is not completed with two (2) years from the date the permit is issued, it is the responsibility of the Applicant to request an extension. The Planning Board may grant an extension for additional time provided that the Applicant submits a written request for renewal no later than 30 days prior to expiration of the permit.
14. Each condition of this permit shall be construed as separate to the end, and if any condition shall be held invalid for any reason, the remaining conditions shall continue in full force and effect.

The motion passed unanimously via roll call vote. Perkins – Yes, Vega – Yes, Wilson – Yes, Barringer – Yes, Giger – Yes, Burke – Yes.

Barringer left the meeting at this point.

ROCKY HILL SUBDIVISION

Giger read a letter into the record from Robert Collins dated June 8, 2016 requesting a continuance of the public hearing to the July 14th meeting. Giger made a motion to continue the public hearing to 7:00 pm on July 14, 2016. Wilson seconded the motion. The vote was unanimous.

NESSP TEMPLE

Forrest Lindwall of Mistry Associates, Inc. represented the Applicant. He briefly discussed the proposed changes to the site plan explaining that the presence of a significant amount of ledge drove the bulk of the modifications. The revised plan depicts:

- Removal of the water feature and a shift in the layout of the access road, which enables removal of the retaining wall and lessening of the access road grade.
- The reconfiguration of parking spaces and addition of 2 parking spaces.
- Changes to the slope to the west of the northwesterly parking area- it will be rip rap with a grade of 1 ½':1'.
- The auditorium will no longer be part of this project- it will be submitted at some point in the future as a separate project. The concrete apron associated with the auditorium will be constructed at this time, however.
- The priest's apartment will be located closer to the Temple doorway.
- The plan shows modifications to the outlet of detention basin #1, adjustments to the catch basins and manhole locations near basin #2, and adjustments to the catch basin locations feeding pond #3. The kitchen outlet location changed so a manhole was added.

Lindwall reviewed Bonavita's June 20th review letter providing the following responses: the Applicant will proceed with porous pavement as previously proposed/approved, the preponderance of ledge close to the surface limits the ability to successfully grow trees on the mound, and the Applicant is willing to install whatever surface the Planning Board wants on the trail.

Burke suggested installation of stone dust on the trail. The other members concurred and, in response to a question from Lindwall, the Board agreed to narrow the trail to 6 feet wide.

Lindwall was opposed to constructing additional sidewalk believing it unnecessary and that nobody will use it.

Nalin Mistry of Mistry Associates, Inc. stated that they will submit a full street light plan, including a photometric plan, at a future date. They are seeking approval for the pole lights only, which would be provided and maintained by GELD.

Giger expressed frustration about the Applicant's failure to adequately control dust last summer- that cannot be repeated.

Giger asked how the proposed grade changes will impact the maximum allowable height of the Temple. Lindwall replied that he will look into it.

Giger expressed concerns about the proposed landscaping plan. He wanted the Applicant to screen abutting homes from parking lots. Mistry responded that they will plant evergreen trees within the next 2-3 weeks to screen abutters. Mistry will call Bonavita when the planting is complete. Mistry will also modify the landscaping plan to add more shrubs and trees.

Burke wants the Applicant to enhance the triangular area by adding benches, art, flowers, etc. Mistry responded that they would like to create a gathering/picnic area. He will grade the site as best he can and then submit a plan for how they will enhance the site.

Perkins expressed concerns about the grade of the triangular area and planting at the auditorium location. Mistry responded that these areas will be loamed and seeded. She also expressed concerns about the steepness of the cut downslope of the reconfigured parking lot location.

Giger expressed concerns about the height of pole lights believing that they will be too tall to adequately light the parking areas. He wants the Applicant to submit a photometric plan for the pole lights.

Mistry is opposed to the proposed hours of construction. The Applicant wants the ability to work on certain Saturdays with advance notice to the Town, especially since Saturday work is allowed on construction sites elsewhere in the Town of Groton. Burke said that he is amenable to Saturday work that does not involve loud noises- rock crushing, grinding, earth movement, and delivery of heavy materials. He suggested that the Applicant provide a list of the type of work that WON'T occur on Saturdays for Planning Board consideration. Perkins suggested that the Saturday start time should be later than other days - no earlier than 8 am.

Giger asked Bonavita to send notice to the Littleton Planning Board about the next meeting.

Tim McGivern of Nitsch Engineering provided a brief overview of his review letter. He clarified that the erosion control and sedimentation problems at the site are not typical of a project of this size and there are many opportunities for improvement. He mentioned that the footings for the proposed light poles are typically installed quite deep below surface. Given the preponderance of ledge on the site, it may be prohibitively expensive to install these fixtures here.

The Planning Board will continue discussion of the proposed modifications at 7:30 pm on July 14, 2016.

DALE LANE – CHAPTER 61A (GILSON)

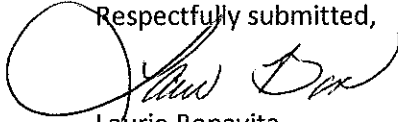
Bonavita explained that, since the June 9th Planning Board meeting, she stumbled upon additional information about these parcels that may impact the Planning Board's recommendation to the Board of Selectmen pertaining to their right of first refusal. She temporarily withdrew the letter from the Board of Selectmen's Office in anticipation of tonight's meeting. The information that she discovered is that 1) one parcel is reflected on an open space priority preservation inventory prepared in 2001 because of "view"; 2) the parcels abut protected open space owned by the Groton Conservation Commission and the Groton Conservation Trust; and 3) the 2012 Open Space & Recreation Plan identifies this land as a priority for inclusion in lake management plans for Lost Lake/Knops Pond & Baddacook Pond on its Action Plan Map. Perkins made a motion that Bonavita submit a letter making the Board of Selectmen aware of these circumstances and that the Board of Selectmen may want to consider acting on their right of first refusal. Wilson seconded the motion. The vote was unanimous.

MINUTES

Wilson made a motion to approve the minutes of May 12, 2016 as presented. Perkins seconded the motion. The vote was unanimous.

Wilson made a motion to adjourn. Perkins seconded the motion. The vote was unanimous.

The meeting adjourned at 9:55 pm.

Respectfully submitted,

Laurie Bonavita
Land Use Director/Town Planner