

**PLANNING BOARD
DECEMBER 8, 2016
MINUTES**

Russ Burke called the meeting to order at 6:47 PM at the Town Hall.

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

Absent: None

GELD

Kevin Kelly, manager of GELD, explained that they issued an RFP for the sale of their surplus land with garage located on Station Avenue adjacent to the rail trail. GELD received one response from Kim Buckingham for \$249,000. He is interested in using the property to garage buses. GELD is exploring the possibility of retaining the property, demolishing the block building and using the wooden barn structure to hold a 2MW generator. They would beautify the space and change the façade of the barn structure so that it is similar to that of the main building (same color scheme and look). The generator would be used during peak times, approximately 10 hours a month. Since it is a self-contained unit, the generator can be moved anywhere there is natural gas.

Barringer asked about noise attenuation efforts. Kelly responded that the unit emits 62 decibels, which doesn't take into account the fact that the generator will be inside a building. Barringer responded that he has no objection to this proposed use.

In response to a question from Giger, Kelly responded that the building would likely be painted if Buckingham purchases the property. Giger said that he is equally concerned about noise and appearance. Kelly stated that he will supply information about noise and proposed improvements to the building façade.

Svarczkopf said that given a choice between the bus garage and the generator, he prefers the generator because it may be temporary. The generator could be moved elsewhere if a more appropriate use for the Overlay District comes forward.

In response to a question from Burke, Kelly said that the self-contained unit is equivalent in size to a digger truck. Exhaust from the generator will come out of the roof. Emissions suppression is included in the exhaust stack. Burke concurred that he preferred the temporary generator option. He informed Kelly that GELD will need a special permit from the Zoning Board of Appeals and a site plan review permit from the Planning Board.

Giger suggested that Kelly check the DEP requirements for what constitutes a nuisance.

**PUBLIC HEARING CONTINUED – ROCKY HILL ESTATES - ORIOLE DRIVE
DEFINITIVE SUBDIVISION & MODIFICATION OF SPECIAL PERMIT**

Bonavita explained that she emailed a draft decision to the Planning Board and Attorney Bob Collins earlier in the week, incorporated suggested changes from Collins and Planning Board members, and updated the decision to reflect the most recent version of the Plan which was received earlier in that day.

In response to a question from Perkins, Collins stated that the number of starter homes is unchanged (12), but their configuration and the total number of structures have changed. The development now

features six duplex units in lieu of 6 single family homes. Perkins asked Collins to submit a landscaping plan with the ANR plan for the duplex lots on Robin Hill Road.

Barringer made a motion to close the public hearing concerning the modification of the special permit and definitive subdivision for Rocky Hill Estates- Oriole Drive. Wilson seconded the motion. The vote was unanimous.

Wilson made the following statement: I certify that I have examined all evidence received at the August 25, 2016 session of the public hearing relative to the application of Fox Meadow Realty Trust for approval of a Definitive Subdivision and modification of Special Permit #2004-05. Said evidence includes a video recording of the August 25, 2016 meeting.

Svarczkopf made the following statement: I, Tim Svarczkopf, Member of the Planning Board, certify that I have examined all evidence received at the September 22, 2016 session of the public hearing relative to the application of Fox Meadow Realty Trust, property located on the westerly side of Mockingbird Hill Road, Groton, MA, for approval of a Definitive Subdivision and modification of Special Permit #2004-05. Said evidence includes a video recording of the September 22, 2016 meeting.

Vega made the following statement: I, Michael Vega, Member of the Planning Board, certify that I have examined all evidence received at the September 22, 2016 session of the public hearing relative to the application of Fox Meadow Realty Trust, property located on the westerly side of Mockingbird Hill Road, Groton, MA, for approval of a Definitive Subdivision and modification of Special Permit #2004-05. Said evidence includes a video recording of the September 22, 2016 meeting.

Barringer made a motion to approve the waivers listed on Page 2 of the Notice of Decision as follows:

1. § 381-10.B.(2)(c) to allow Oriole Drive, between Stations 1+00 and 3+00, to have a centerline radius of less than 125 feet.
2. § 381-10.C.(3) to allow the lane to have an 18' pavement width.
3. § 381-10.E.(2) to allow a pavement width of 22' within the cul-de-sac.
4. § 381-12.B to waive the requirement to install streetlights and to depict electricity, cable and telephone services to the homes on the definitive plan. Underground utilities shall be provided to each lot within easements granted to the respective utilities. Underground wiring and infrastructure for street lights shall be installed at the cul-de-sac and Oriole Drive's intersection with Mockingbird Hill Drive to allow for the future installation of street lights.
5. § 381-12.C.(2) to allow two hydrants to be erected on the same side of the street as the sidewalk. Fire hydrants shall be located within the grass strip, between Oriole Drive and the sidewalk, immediately adjacent to the sidewalk as specified by the Groton Water Department.

Wilson seconded the motion. The vote was unanimous.

Barringer made a motion to grant the Notice of Decision Special Permit Modification PB #2016-01 and Definitive Plan Approval PB #2016-15 for Rocky Hill Estates – Oriole Drive, waivers as approved and conditions as amended. Wilson seconded the motion. The vote was unanimous.

Academy Hill Subdivision

Burke explained that the Applicant is interested in receiving an additional building permit for units 3B and 4B. Unit 3B will be an affordable unit. He read an email from Fran Stanley, Groton's Housing Coordinator, dated December 5, 2016 into the record, which points to a timeline for completing and marketing affordable unit 1B. According to Michael Feldman of Habitech Communities, as of November 28, 2016 the framing was complete and they were in the process of installing the mechanical systems (plumbing, HVAC, and electric). He believed that the home would be ready in February. Marketing will

soon be underway with the hope of recruiting a buyer by the time the unit is ready. Stanley asserted in her email that this timeline was reasonable, suggested a similar timeline for the completion of unit 3B, and explained that she will follow up with Habitech Communities and its lottery agent MCO Housing in February. She said that she will subsequently update the Planning Board on its status. Wilson asked Stanley, who was present at the meeting, what she meant by "progress". Fran responded that she wants to ensure that progress is made on Unit 1B before additional building permits are issued after units 3B/4B. Barringer made a motion to advise the building inspector that the Planning Board has no issue with the issuance of a building permit for Unit 3B/4B. Wilson seconded the motion. The vote was unanimous.

PUBLIC HEARING CONTINUED – INDIAN HILL MUSIC SITE PLAN REVIEW PERMIT

Burke provided a brief overview of the status of the Planning Board's public hearing to date and explained his approach for formulating a decision. He explained that there are 3 buckets of conditions. The first bucket of conditions are the no brainers. The second bucket are the first tier conditions and the third bucket are the second tier conditions. Certain conditions will have to be fulfilled prior to issuance of a preliminary certificate of compliance, which will trigger release of the building permit. Other conditions will have to be fulfilled prior to issuance of a final certificate of compliance, which will trigger release of the occupancy permit. He explained that the Dover Amendment pertains to the performance aspect of application. The Planning Board will have to ascertain the tipping point with Dover exemptions. He suggested putting in place a process whereby on an annual basis the Applicant will provide their anticipated performance schedule for Planning Board review and approval. This mechanism will help ensure that the Town has some ability to set limits on the number/type of performances. He underscored the importance of structuring the condition so that the Applicant has a certain amount of predictability and the Planning Board doesn't operate in an arbitrary and capricious manner. Being reasonable will benefit both sides and this approach provides an opportunity for flexibility and creativity.

Wilson concurred, asserting that this approach provides the Planning Board with the ability to monitor large performances over time and that it is immensely difficult to accurately predict performance characteristics in the future.

Burke suggested providing the draft language to Town Counsel for review and suggestion.

Todd Morey, Civil Engineer with Beals Associates, Inc., referred to the Overall Parking Locations sketch dated December 1, 2016. He explained that the parking layout was revised to depict 177 overflow parking spaces on the festival meadow, which would be regraded to accommodate this larger number of parking spaces and now features a retaining wall. This plan decreases the number of overflow parking spaces adjacent to Peabody Street- 50 spaces will be located on either side of the Peabody Street emergency egress. The total number of permanent and overflow parking spaces is now 955. Morey explained that they are willing to commit to a Condition of Approval that requires filling the festival meadow overflow parking area prior to the Peabody Street overflow parking areas.

Vega asked if the Applicant plans to practice traffic control for all large events. Morey responded no, only festival-size events.

Barringer asked how the Applicant came up with 2,300-2,500 patrons. Shepherd responded that they looked at current vehicle occupancy trends, the requirements of the facility and municipal regulations pertaining to parking. Barringer expressed concerns about the overflow parking areas adjacent to Peabody Street. He asked if the elimination of these spaces will materially affect the Indian Hill Music Center. Shepherd responded that it will for festival-sized events.

Giger said that he wants the overflow parking next to Peabody Street eliminated but he is not convinced that the Planning Board should go that way. He wants the Applicant to make additional efforts to mitigate the impacts of noise and lights on Peabody Street residents, along the rail trail and for residents on the other side of rail trail.

Barringer agreed that screening the residents on the other side of rail trail was necessary, especially during the winter months.

Svarczkopf wanted to know how the overflow parking along the Peabody Street frontage is critical to the material functioning of the Indian Hill operation. Shepherd responded that the profit margins are very tight. Elimination of these overflow parking spaces may eliminate the profit margin.

Alan Joslin, Architect from Epstein Joslin Architects, explained that the performance space must be a minimum size because of acoustics. He explained that the lawn audience is integral to expanding the market. The lawn audience is part of the Indian Hill Music Center's educational mission- to expand appreciation of classical music among families.

Perkins asked if there will be traffic control on-site to direct people to where they should park during peak events.

In response to a question from Wilson, Morey responded that there will be 6 or 7 acres of pavement. Wilson asked if they will use pervious pavement. Morey responded that they will not because existing soils don't allow for infiltration.

Barringer asked about truck circulation around the loop road and whether it makes sense to require trucks to turn right. Shepherd responded that the two-way circulation will be less disruptive to traffic flow. Joslin explained that a single truck in/out will be generated per performance.

Giger suggested a Condition of Approval requiring filling the festival meadow overflow parking area prior to the Peabody Street overflow parking areas.

Burke suggested a Condition of Approval requiring a transportation demand management plan to reduce the number of single occupancy vehicles. Possible measures include designated bus parking and a shuttle to/from the Groton Inn. Burke wants soft mitigation measures.

Shepherd explained that Indian Hill Music Center negotiated tentative agreements with satellite locations for parking. He is concerned that elimination of the overflow parking spaces would cause the project to violate the parking bylaw. He explained that Chief Palma wants to handle traffic control on a case-by-case basis.

Dave Zeiler, 310 Old Ayer Road, asked if the public will be able to speak. Burke explained that the Planning Board needs to work through some issues first and then the public will be welcome to speak.

Morey referred to the letter from the Water Department dated October 24, 2016 regarding its specifications and suggested plan modifications.

Perkins explained that she is concerned about people wandering into the basin. Morey explained that the Landscape Architect will propose landscaping features to discourage access and provide screening. This requirement was incorporated into the stormwater management permit.

In response to a question from Barringer, Morey explained that the basin at the corner of Old Ayer Road/Peabody Street has increased in size. This change will be reflected on the control set of plans.

Joslin launched into a discussion of the appearance of the building. He explained that the site derives its character from its sense of the land and its value from its agrarian ambiance. The building tries to capture a sense of place. Village is central to Groton's character- Lawrence Academy, Groton School, and farms (barns) such as the Rosenburg property and Gibbet Hill Restaurant. The architecture of the building tries to blend these aspects.

Wilson expressed serious reservations about the design and process by which it was put forth. He asserted that the architectural fabric of the Town is simple with a minimum of ornamentation. He said that the building doesn't fit in Groton because it has strange forms and bizarre design elements. He lamented that the project was designed behind closed doors and that the Town wasn't included in the design process. He said that this was a missed opportunity to design something elegant.

Barringer explained that this is the Applicant's vision for their property. The site is not in an historic district and won't be visible from the roadway.

Burke said that although Wilson made salient points, the Indian Hill Music Center is an exempt use therefore the Board has limited jurisdiction over the design.

Mark Bobrowski, Attorney for the applicant from Blatman, Bobrowski, Mead & Taleran, LLC, provided a brief background of the Dover Amendment and criteria for inclusion under the Dover Amendment. He explained his rationale for a waiver from the maximum height requirement- it is driven by acoustics. He also explained his rationale for exceeding the impervious surface limitation- a building of this size is necessary for the students to experience the full realm of music and parking is necessary to serve a building of that size. Recognizing that the Planning Board may opt to limit the number of peak performance events, he suggested that the Planning Board authorize a certain minimal number of peak-sized performances for organizational planning. Event planning can take as long as 2 years.

Terry Ragot, 25 Indian Hill Road, likes the architectural design of the building and drew a parallel to Wilson's posters.

Jim Antonellis, 13 Temple Drive, explained that he wants the Indian Hill Music Center to come to Groton and he wants it at this location. However, he wants to know whether the Planning Board is okay with the two-way configuration of the loop road. Barringer responded that he is fine with it. Antonellis also wanted to know what value the old riding arena offers architecturally and the proposed use.

Bobbie Spiegelman, 94 Raddin Road, said that she thinks the architecture is beautiful and fits. She read excerpt from her letter dated December 2, 2016.

Dave Zeiler, 310 Old Ayer Road, explained that he has an issue with the revenue-generating portion of this project. He doesn't agree that the concert hall aspect of the project falls under the Dover Amendment and wants to limit the size of the performance hall.

Mark Bobrowski explained that the performance venue is not a big revenue generator.

Barringer recommended limiting construction between 6 am and 8 am to non-noise generating activities and then ramping up activity at 8 am.

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Shepherd said that the Town is being too controlling. Concrete pumps should be revved up and ready to pour concrete at 7 am.

Burke countered that the Board may want to allow an earlier start time for phases of activity that may be time sensitive (i.e. concrete pouring). Giger concurred with Burke's approach saying that it's important for the Town and the applicant to work together on the construction schedule.

Svarczkopf pointed out that the building is so far away from Peabody Street that noise associated with construction of the building is not a concern. The site work will be more difficult for the Peabody Street neighbors.

Shepherd explained that they don't begin work on the loop road towards Peabody Street until 8 am.

Burke explained that Town Counsel does not believe Prescott Park is protected under Article 97. He asked Bonavita to articulate this to the traffic engineers and ask if they would adjust their design recommendations for the Old Ayer Road/Boston Road/Main Street intersection based on this information. He also asked Bonavita to share the Concept Plan 3D with the DPW Director, Fire Chief and Police Chief asking them for feedback. Shepherd reminded that Board that the applicant does not support installation of a traffic light at the intersection.

Bobrowski said that he wants to review the draft conditions prior to the close of the public hearing. Burke replied that he wants the Planning Board to review the conditions and provide additions/changes before the applicant looks at the draft.

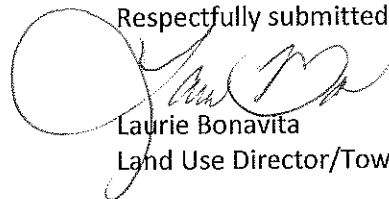
Barringer made a motion to continue the public hearing to 7:15 pm on December 22, 2016. Wilson seconded the motion. The vote was unanimous.

Two residents- Bob Hargraves and Judy Anderson, requested copies of the draft conditions reflecting Planning Board input. Burke authorized Bonavita to provide them with the draft.

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

The meeting adjourned at 10:05 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Laurie Bonavita', is written over the typed name and title.

Laurie Bonavita

Land Use Director/Town Planner