

**PLANNING BOARD  
JANUARY 5, 2017  
MINUTES**

Russ Burke called the meeting to order at 7:05 PM at the Town Hall.

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

Absent: None

**PUBLIC HEARING CONTINUED – INDIAN HILL MUSIC SITE PLAN REVIEW PERMIT**

Burke explained that the public comment period of the public hearing was essentially concluded at the last meeting. The focus of this meeting will be Planning Board discussion of the draft decision.

Burke referred to the version of the draft decision that included the heading “this version of the draft decision incorporates review of the plan last revised 12/22/16”. Bonavita explained that she also provided suggested changes from both Town Counsel and the Indian Hill Music team for their review. Bonavita referred to her comment letter dated January 5, 2016, which encompasses her review of the site plan last revised December 22, 2016.

Perkins asked if the issue of whether or not this is considered a special permit is resolved. Burke responded that Town Counsel is on his way and will advise the Board upon his arrival.

Bonavita explained that she further modified the draft to reference additional correspondence received to date.

The Board reviewed the draft findings. Overall, the Board agreed with the findings except that they agreed, after conferring with Attorney David Doneski, Town Counsel, that the language providing the Board with the ability to review the effectiveness of the landscaping one year after issuance of an occupancy permit should be eliminated from Findings B and D. The Board also eliminated the word “largely” from Findings B and D. Attorney Doneski recommended defining the parameters for effective landscaping at this time so that all parties are aware of the expectations. The Board ultimately agreed to set the parameters within a Condition of Approval. After discussing the specific language among themselves and with Attorney Doneski and those who represented Indian Hill Music- Gary Shepherd, Attorney Mark Bobrowski, and Todd Morey- the Board agreed to a Condition stating that views of the project from the abutting properties on Peabody Street shall be obscured by an opaque vegetated screen within one (1) year from the occupancy permit issuance date.

Attorney Doneski suggested that the Board include the phrase “as conditioned herein” to Finding H.

The Board reviewed the draft waiver language. Barringer asked to split the first waiver regarding the maximum height and maximum impervious lot coverage into two distinct waivers. Attorney Bobrowski asked that the waiver regarding the maximum impervious lot coverage also refer to the Dover Amendment. Bonavita agreed to make those changes. The Board agreed that the draft language for the other requested waivers was agreeable as presented.

The Board reviewed the draft conditions. Morey asked if the Board wanted a signature block on every sheet. The Board agreed to sign the key sheets only although all sheets must identify the last revision date.

Bonavita explained that the revised site plan depicts enhancement of the vegetated buffer in the corner of the property adjacent to the bikeway, outside of the Wetlands Protection Act buffer, therefore she removed the Condition requiring that modification from the latest draft of the decision.

Bonavita asked the Board if they were willing to give Indian Hill Music the discretion to reduce lighting along the loop road to 25% capacity or turn it off altogether in the after-hours condition. The Board responded that they were willing to provide them with that discretion subject to Police Chief approval.

With regards to Condition 2(B) and 2(C), the Board agreed that construction plans of the intersection improvements were unnecessary. After receiving guidance from DPW Director Tom Delaney, the Board agreed that obtaining road opening/curb cut permits are sufficient. Delaney said that he would feel comfortable issuing road opening/curb cut permits at 25% design since Gary Shepherd will be doing the work. Bonavita suggested including language in the condition about constructing a sidewalk through the Old Ayer Road/Main Street/Boston Road intersection. Burke suggested also including language regarding pedestrian connectivity through Prescott Common. Delaney said that he would confer with the Complete Streets Committee on sidewalk location. With regards to the Old Ayer Road/Peabody Street intersection, the Board agreed to the installation of a continental-style crosswalk with reflectorized thermoplastic in lieu of the decorative asphalt crosswalk in a brick pattern. Svarczkopf pointed out that the crossing at Old Ayer Road/Peabody Street is less dangerous and has a lower volume than the crosswalks on Route 119. Delaney pointed out that a decorative crosswalk at this location may look out of place. Shepherd said that Indian Hill Music has issue with maintaining the crosswalk in perpetuity. Burke explained that the Town wants Indian Hill Music to construct the off-site improvements because it will be less costly than if the Town has to bid the projects and pay prevailing wage.

With regards to Condition 3, Burke said that he does not support installation of "no parking" signs on Old Ayer Road/Peabody Street unless it is later determined that a problem exists. Giger said that he doesn't want the Town to be responsible for installing and taking down temporary "no parking" signs. Shepherd said that they have discussed traffic control, including no off-street parking, with the Police Department. The Board agreed to fold more general language pertaining to off-site parking into Condition 3(A) and require that criteria regarding police control is written.

The Board agreed to strike the language requiring monthly update meetings with the Land Use Committee after commencement of construction. Shepherd pointed out that they will address problems as they arise but monthly meetings is an arduous requirement. The Board ultimately agreed that monthly meetings are unnecessary. If issues of concern arise, the Applicant shall address them with the Planner as appropriate.

Giger requested additional language requiring off-site improvements to be shown on as-built plans. Shepherd responded that as-built plans will be created as construction proceeds. Attorney Doneski asked Bonavita to specify that the design engineer is certifying BY as-built plan.

Shepherd said that per discussion with the Police Department, Indian Hill Music will supply floodlights, not electric outlets for floodlights, at designated intersections to facilitate traffic control by police. The Board agreed to strike the word "outlets" from Condition 3(H).

In response to a question from Barringer, Shepherd said that the two existing buildings will be used for staging during construction activities. The long-term uses for these buildings are unknown.

With regards to the number of peak performances permitted per year, Burke said that he was concerned about the Planning Board proposing a maximum number of performances. He believes that a Planning Board-generated number may be subject to appeal because it may be viewed as arbitrary. Giger expressed concern about the number of peak events- he wants to ensure that the Town is prepared to handle their impacts, particularly during the first year of operation. Giger created a matrix

whereby 2 festivals would be held the first year and four would be held the second year. Giger questioned why the Applicant changed the matrix to reflect audience size instead of total number of people on site. Alan Joslin, Architect from Epstein Joslin Architects, responded that they are trying to identify seating capacity of peak performances- not site capacity- since there may be others on site not linked to the performances (i.e. students attending class, caterers, employees, etc). The Board ultimately agreed that audience size is the most appropriate metric and agreed that the decision should reference the matrix. Doneski concurred with this approach. He did state that the Board has the authority to review and ultimately set a limit to the number of performances.

Svarczkopf suggested striking the language from Condition #9 qualifying "seasonal events" as an important part of the educational mission of the school since that is more appropriate for the Finding section than the Condition section. He suggested eliminating the requirement that the Applicant obtain Planning Board approval for the schedule on an annual basis. He does, however, want the ability to review handling of the performances (i.e. traffic, parking) to ensure that the Town and Applicant are adequately prepared for seasonal events. Bobrowski said that he is concerned that an annual postmortem will result in additional conditions without due process although he is okay with a sharing of information with the Town. Bobrowski suggested doing an annual postmortem with the Town Manager and the Police Chief. Burke suggested that the two attorneys work together to devise appropriate language to memorialize this that is amenable to both parties.

Bobrowski suggested including language within the decision that would allow the Planning Board to approve additional peak performances (15-24 peak performances) without triggering a major modification of the decision. Steve Robertson, 135 Peabody Street, balked at this stating that he was very much opposed to this number as there could be a peak performance every weekend during the warm weather. Giger said that he wanted an absolute maximum of 18 peak performances to give the abutters one free weekend a month. The Board agreed, after conferring with Doneski, to incorporate language specifying that requesting a greater number of peak performances (15-18 performances) would be an administrative change, however the Applicant would be required to notify abutters. If the Applicant wants additional performances above and beyond 18 performances, it would be a major modification triggering a public hearing. Perkins suggested including public safety personnel in that meeting. Svarczkopf said that he did not support additional peak performances beyond 14. Alan Hoch, 106 Peabody Street, said that he didn't appreciate the Applicant requesting additional peak performances at the last minute. The Board agreed to include language capping the total number of seasonal events to 18 in a season.

The Board agreed to delete the condition regarding use of sodium-based de-icing agents since it is covered by the Conservation Commission's decision.

Barringer wants a barrier to prevent access to the wet basin. The Board agreed to include language in Condition 2 requiring enhancement of the landscape at the stormwater facility to impede access.

The Board agreed to delete the Condition pertaining to the fire hydrant since the plan has been modified accordingly.

The Board agreed to delete the conditions regarding the Board of Health's requirements for the septic systems and well. Burke stated that the well is on the opposite side of the street since there was never a farm stand on this specific property. The Planning Board agreed that the applicant will have to comply with the septic system requirements regardless of whether or not the requirement appears within the Planning Board's decision.

Burke and Svarczkopf were concerned that the Condition requiring installation of "broadband" or "white sound" backup alarms on construction vehicles dedicated to the site is unenforceable. The Board agreed to modify the language so as to encourage their use instead of requiring it.

Bonavita informed the Board that the applicant suggests adding language to the Condition regarding construction hours so as to specify that no heavy construction work shall take place between the loop road and Peabody Street except between the hours of 8 am and 4 pm. The Board agreed with including this language.

Robertson asked that they limit the construction hours for the building and identify a later start time of 7 am instead of 6 am. Svarczkopf disagreed asserting that the typical start time for construction is 6 am and that the building will be far enough away from the Peabody Street abutters that they won't hear it.

The Board agreed to delete the condition about reviewing the project one year from the granting of the occupancy permit. Barringer and Burke expressed that the condition is too burdensome and unenforceable. Doneski agreed that it goes beyond the Planning Board's authority.

Bobrowski suggested eliminating the words "special permit" and inserting the word "approval" when associated with site plan review.

Upon the advice of Doneski, the Board agreed to delete the Condition pertaining to the transfer of the site to another person or entity. If it is not a Dover Amendment use, they would have to come to the Planning Board for approval.

Bobrowski suggested including language in the decision specifying that the Building Inspector is the enforcer of the decision. Bonavita pointed out that the Bylaw specifies this already.

Bobrowski provided the mutually agreed upon language for Condition #11 as follows:

"If Indian Hill Music proposes any additional number of seasonal event(s) (beyond the allowed 14) in any calendar year, it shall first seek the permission of the Planning Board for an increase in the quantity of events for that season at a regular or special meeting; provided however, that not more than 18 total events shall take place in a season. IHM shall provide mailed notice to all parties of interest as defined in G.L. Chapter 40A, Section 11 and publish notice 10 days in advance in a newspaper of general circulation."

The remainder of Condition #11 shall appear as written. Svarczkopf suggested adding the words "in the Town" at the end of the sentence after "circulation".

Bobrowski suggested a new condition before Condition #14 as follows:

"After the annual conclusion of seasonal events, IHM shall work with the Groton Police Department and Town Manager to review the seasonal events and set criteria for any traffic flow or control measures, police details, or other issues affecting public safety to be implemented the following year."

Burke suggested adding the Land Use Director to the Condition so that the Planning Board has a representative at the meeting with the Police Chief and the Town Manager.

Bob Hargraves of 21 Temple Drive asked for a definition of "season". Shepherd responded that the "season" will be the five-month period from May 1<sup>st</sup> to September 30<sup>th</sup>.

Doneski said that the Planning Board should aim for a super majority vote since the Bylaw states that this project requires a site plan review special permit. He suggested leaving the public hearing open until the final version of the Site Plan is received.

Peter Cunningham of 44 Smith Street brought Finding F to the attention to the Board in the context of providing direct access to the site from the bikeway. Perkins responded that Indian Hill Music doesn't want direct access from the rail trail. Svarczkopf concurred claiming that there are a number of challenges to providing direct access and that perhaps the best way to deal with cyclists is through the Transportation Demand Management Plan.

Hoch suggested that the Planning Board leave the public hearing open until the final set of plans is received. He also questioned whether the applicant could include adjacent land in common ownership when satisfying the impervious lot coverage requirement and whether the applicant is entitled to use the Dover Amendment as justification for a waiver from the impervious lot coverage requirement.

Cunningham reiterated that crime statistics lend no credence to the applicant's assertion that direct access to the bike path presents a security risk. He dislikes the idea that cyclists will compete with traffic to enter the site. Shepherd responded that their aversion to a direct connection to the rail trail is due in part to abutter concerns.

Hargraves suggested that the existing access to the rail trail off of Temple Drive may satisfy the desire for easy access to the rail trail.

Perkins read a notice stating that she viewed the videotape of the October 13<sup>th</sup> public hearing for Indian Hill Music and the materials from that meeting as she was not present at that Planning Board meeting.

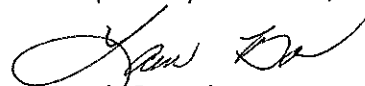
Perkins made a motion to close the public hearing. Wilson seconded the motion. The vote was unanimous.

Burke announced that the next meeting to discuss the Indian Hill Music project is scheduled for 7 pm on January 12, 2017.

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

The meeting adjourned at 9:50 pm.

Respectfully submitted,



Laurie Bonavita  
Land Use Director/Town Planner