

**PLANNING BOARD  
JUNE 8, 2017  
MINUTES**

Chairman Burke called the meeting to order at 7:00 PM at the Town Hall

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

Members absent:

**PUBLIC HEARING – UNIQUE & SPECIAL SIGN, 788 BOSTON ROAD**

In accordance with the provisions of Chapter 196 Signs of the Code of Groton, the Planning Board held a public hearing to consider the application submitted by NJL Properties to utilize the provisions of Chapter 196 Signs, Section 196-8 Special and Unique Circumstances, to install two free-standing road signs and eleven building signs on property located at 788 Boston Road, Assessors Map 133, Parcel 54.

Chairman Burke called the public hearing to order. Member Barringer read the public hearing notice published in the June 2, 2017 issue of the *Groton Herald*. Applicants Donald (Mickey) Higgins and Frank Hartnett of NJL Properties, and design engineer Bruce Ringwall of GPR were present.

Mr. Ringwall described the two proposed pylon signs to be installed at the entrances to the site – one on Boston Road and one on Sandy Pond Road. The base of the sign will be 3 ft high and the sign would be 9 ft high and 5 ft wide. The total height of the sign is 12 ft. There will be no internal lighting. Downward pointing lights will be installed in the cap of the sign structure. Nashoba Valley Medicine will have two signs on its building as shown on the plan submitted with the application. There will be two signs on the bank and three signs on the coffee shop.

Chairman Burke asked if the signs on the building would be lit. Mr. Higgins said, “yes,” they would have external lighting.

Member Svarczkopf said he likes the proposed sign, but the size is out-of-scale with everything else on the site. He said the signs on the buildings are very tasteful and preserve the architectural quality of the buildings. He said sight lines could be an issue with the sign on Sandy Pond Road.

Mr. Ringwall said the signs are 5 ft wide and set back 20 ft.

Member Vega also expressed concerns about the size of the signs near the roads.

Member Giger asked if the lights on the sign would be turned off with the hours of operation. He said he would prefer the same color and font for all the signs. Mr. Higgins said businesses prefer to use their own font and color schemes and part of their logo.

Member Giger said he does not want the signs to become garish. He said the signs should be in keeping with the New England appearance of the buildings. He said the signs on the other businesses should come back to the Planning Board for approval.

Mr. Higgins said they do not want any garish signs. The two signs are only 12 ft tall on a five-acre site with four buildings. If a tenant is going to make an investment, they would like to know they can have a sign. Nashoba Valley Medicine is the only known tenant at this time. He said he did not want to have a public hearing for every sign.

Mr. Ringwall said the Mill Run Plaza sign is much larger than the proposed signs for this project. The proposed 3 ft base is needed so all signs can be seen.

Member Barringer said the sign still looks large. He would like to see the sign in context with the buildings and roadway. Site views of the signs would be helpful. He also asked to see cut sheets of the proposed lighting.

Member Wilson said the goal of the Comprehensive Master Plan is to promote local businesses. The Board should not micromanage signs for the businesses. Commercial development requires proper branding. He said the signs must be in scale with the size of the buildings and the speed of the road. He said the signs are not too large and he is in favor of the proposed signs.

Member Perkins said she agrees with Member Wilson. The signs should be eye-catching with proper branding for each business. They should not all be the same.

Chairman Burke agreed that the business logo is part of the branding. He said that he likes the design of the proposed signs.

Mr. Hartnett said he worked with Dunkin Donuts for the property at 1-3 Forge Village Road. They were not able to put signs on Boston Road so the occupancy of the buildings was only 60%.

Anna Eliot said, as a customer, she looks for the business logo. Shops on Main Street that were not allowed to have signs used temporary sandwich boards instead.

Judy Anderson said safety is an important concern. Drivers must be able to see the signs.

Member Svarczkopf said you can see the signs on the buildings from the road.

Member Giger said he did not say the businesses could not use their own logos. Crossroads Plaza in Westford has very tasteful signs.

The Board voted unanimously to continue the public hearing on June 29, 2018 at 7:00 PM.

#### **PUBLIC HEARING - SPECIAL PERMIT & SITE PLAN REVIEW– 788 BOSTON ROAD**

The Planning Board reviewed the email message dated June 8, 2017 and the attached report dated June 2, 2017 from its consulting traffic engineer, Jeffrey Dirk, of Vanasse & Associates. The report contained suggested conditions for the Board's consideration.

Chairman Burke asked if the Fire Chief had reviewed the 16 ft wide travel lane to the north of the bank building. Mr. Ringwall said “yes,” the Fire Chief is fine with the 16 ft wide lane which meets the NFPA standards.

Chairman Burke read the June 8, 2017 email message from Anna Eliot, the June 6, 2017 email message from the Fire Chief, and the June 8, 2017 email message from traffic engineer Jeffrey Dirk.

Chairman Burke asked if the island at the intersection of the access road and Boston Road would be scored concrete. Mr. Ringwall said, “yes,” as requested by the Fire Chief. The travel lanes will be 12 ft wide with a minimal rise in the island in accordance with MassDOT standards. This will provide an easier approach if Littleton fire trucks are responding to the site.

Chairman Burke said he did not think a “No Left Turn” sign is needed on the opposite side of Boston Road.

Member Giger asked if a bicycle rack would be installed at the bank. Mr. Ringwall said “no,” because there is a bicycle rack 60 ft away. Board members agreed that a bicycle rack at the bank is not necessary.

Member Perkins thanked the applicant for being responsive and making changes to the Landscaping Plan.

Member Barringer suggested adding a condition to the Water Resources District Special Permit requiring an updated inventory of chemicals used or stored on the site from each new tenant. He requested that the applicant add the special permit decision provided to all new tenants.

Member Svarczkopf said he is very excited about the proposed development that will restore a site that has been derelict for a long time.

Abutter Linda Deciccio asked about the landscaping plan along Route 119 across the street from her house. Mr. Ringwall described the trees and shrubs, both deciduous and evergreen, that would be planted along Route 119. Ms. Deciccio asked about screening headlights. Mr. Ringwall said the shrubs would screen some headlights except when vehicles are turning right onto Boston Road.

Leslie Lathrop requested that the Four Corners Neighborhood Association be kept informed about the development.

The Board voted unanimously to close the public hearing.

#### **MULLEN RULE CERTIFICATION**

Planning Board Members Burke, Perkins and Wilson were present at each session of the public hearing. Members Barringer, Giger, and Svarczkopf were not present at the May 4, 2018 public hearing, and Member Vega was not present at the May 18, 2017 public hearing. Members

Barringer, Giger, Svarczkopf and Vega read into the record the attached written certifications stating that they examined all evidence and the minutes of the public hearing they missed.

## **788 BOSTON ROAD DECISIONS**

### **Site Plan Review**

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

1. **Section 218-25 (G)(2)(b)** requires a plan scale of 1" = 40'. Due to the size of the site GPR requested the scale of 1" = 30'. This will allow for the plan data to be presented and reviewed in a larger image.
2. **Section 218-25 (G)(2)(c)** requires the use of 2-foot contour intervals. GPR requested the use of 1-foot contour interval to provide more detail.
3. **Section 218-25 (G)(2)(j)** requires a 500-foot radius of existing topographic data. GPR requests the use of a 200-foot radius as was used in the 2006 filing for the same site. Drainage patterns outside of the 200-foot areas have been reviewed and evaluated relative to the project.
4. **Section 218-25 (G)(2)(k)** requires floor plans and elevations for all structures. GPR and the applicant request a waiver due to the definitive tenant for each structure has not been defined as of filing. The application includes a footprint plan and perspective plans for three of the four structures. The fourth structure will be constructed at a later date. As the tenants are confirmed the applicant will submit floor plans and elevations to the Planning Board for review prior to requesting a Building Permit. A floor plan by GenCon dated April 26, 2017 has been submitted and reviewed for the medical building.
5. **Section 218-25 (G)(2)(m)** requires a physical model or three-dimensional site model. The application includes a perspective from west bound travel on Boston Road.
6. **Section 381-40 A (3)** requires a minimum of four-foot-wide landscaping strip shall be provided along the foundation wall of the buildings. GPR, Maugel and the applicant request the waiver of the four-foot strip. Several buildings' facades have a lower porch type roof over a concrete strip. These architectural elements help break up the building façade and provide a New England character. The area under the porch roofs are proposed for bicycle storage, benches and planters. Other sections of the building are close to the edge of the sidewalk on both sides of a building or the drive-through for the bank.
7. **Section 381-40 D. (7)** requires granite curbing throughout the site. GPR and the applicant request the Planning Board waive this request to allow concrete curbing as part of the monolithic pour for the concrete sidewalks around the buildings. Also, the site uses a number of tree/shrub box filters which are precast by Contech. The structures come to the site completed as one. Lastly, the southernmost edge of the access isle behind the medical building is proposed to be cape cod berm.

8. **Section 381-40 G.** requires retaining walls be less than four feet high. GPR and the applicant request retaining walls greater than 4 feet be permitted due to the topography of the site.
9. **Section 381-39.A** requires that a U.S.G.S. locus map at a scale of 1" = 100' that shows all streets, bodies of water etc. GPR and the applicant request a USGS locus map at a scale of 1" = 600'. Information required, shown at this scale, meets the intent of showing contributing drainage areas

*The motion passed unanimously.*

The motion was made by Barringer, seconded by Wilson to approve the site plan entitled, "Commercial Development, 788 Boston Road, Groton, Massachusetts," prepared by GPR, Inc., dated April 4, 2017, with revisions through May 31, 2017, with the following, findings, waivers, and conditions:

### **Findings**

The Planning Board made the following findings as required in Section 218-25H:

1. The applicant provided a landscaping plan that meets the planting requirements of §218-23 Off-Street Parking and Loading Preserve including the planting of a variety of non-invasive trees and shrubs.
2. The plan integrates the development into the existing terrain and surrounding landscape to the extent feasible. There are no unique historic and cultural amenities, and stone walls to be preserved on the previously disturbed site.
3. The applicant submitted drainage calculations demonstrating that there is no increase in the rate or volume of stormwater runoff from the 25- and 100-year storm event across the boundaries of the site. The drainage system, as designed, complies with federal, state and local regulations and guidelines including, but not limited to, the Department of Environmental Protection Stormwater Management Policy.
4. The applicant demonstrated that the site will have safe pedestrian and vehicular access both within the site and onto adjacent public ways and potential traffic impacts shall be mitigated. The vehicular access to Boston Road (Route 119) requires a State Highway Access Permit from MassDOT. The Board received and relied upon the finding of a report entitled, "Traffic Impact and Access Study, Proposed Mixed Use Development," Prepared by GPI, dated April 2017 and revised May 17, 2017. The Board also received and relied upon the findings of peer review reports from Vanasse & Associates, dated May 15, 2017; May 18, 2017; and June 2, 2017.
5. The visibility of parking, storage or other outdoor service areas from public ways has been minimized by the layout of the buildings and proposed landscaping plan.
6. Headlight glare will be minimized through plantings and other screening.

7. The Planning Board determined that architectural style is in harmony with the prevailing character of the neighborhood to the maximum extent feasible as required in § 218-24B Promotion of Harmonious Development.
8. The property is located in Zone III of the Water Resource Protection Districts and is subject to the Planning Board special permit #PB 2017-04. The site will be served by the municipal sewer system that will be connected to the Town of Ayer Waste Water Treatment Plant.
9. The Board determined that there will be no excessive demands on local infrastructure and the ability of the Town to provide services to the development.

**Conditions:**

1. The applicant shall work with MassDOT on the recommended changes to the timing of the traffic signal as discussed at the public hearing and as referenced in the peer review reports from Vanasse & Associates.
2. The curb cut on Boston Road (Route 119) requires a State Highway Access Permit from MassDOT. The applicant shall provide a copy of the curb cut permit to the Planning Board and Building Commissioner within 10 business days of receipt of the curb cut permit.
3. As recommended in Comment #8 the report dated June 2, 2017 from Vanasse & Associates, "One Way" and "Do Not Enter" signs should be installed along the drive aisle to the north of the bank building to reinforce the one-way circulation pattern in this area.
4. Snow banks and stockpiles shall not exceed a height of three (3) feet at any time. Snow in excess of three feet in height shall be removed from the site within 72 hours of the end of the snow storm. Snow shall not be plowed onto abutting properties.
5. All curbing shall be vertical granite except as stated in the waiver of Section 381-40 D. (7) allowing monolithic cement concrete curbing near the buildings and cape cod berm along the southern drive adjacent to the retaining wall. All sidewalks shall be poured cement concrete as shown on the site plan.
6. The drainage 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, and with the Stormwater Management Permit #2017-04 issued by the Earth Removal Stormwater Advisory Committee on June 6, 2017.
7. Vegetative screening shall be used to minimize headlight glare onto public ways as required in Section 218-25G(1)(g). Plantings shall be installed as shown on Sheet L1 Planting Plan prepared by the Fisher Design Group, dated March 30, 2017, with revisions through May 31, 2017. Proposed landscaping plantings (trees, shrubs, etc.)

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:

- a. [http://www.massnrc.org/mipag/docs/MIPAG\\_FINDINGS\\_FINAL\\_042005.pdf](http://www.massnrc.org/mipag/docs/MIPAG_FINDINGS_FINAL_042005.pdf)
8. Lighting shall not intrude onto other properties or public ways as required in Section 218-25G(1)(h). From one hour after closing until dawn, the lighting will be reduced to 25% of the lumens. Changes in the lighting schedule shall not be permitted without prior approval of the Planning Board.
9. Retaining walls, headwalls and other special structures shall be designed in accordance with good engineering practice and the Commonwealth of Massachusetts – State Building Code. The applicant shall submit a plan stamped by a licensed Structural Engineer registered in the Commonwealth of Massachusetts prior to construction of the retaining wall shown on the site plan.
10. Parking for the disabled, sidewalk curb cuts, and access to the buildings shall comply with the requirements of the Architectural Access Board Regulations, 521 CMR, and the Americans with Disabilities Act.
11. The installation of the public water supply system shall conform to the specifications of the Groton Water Department.
12. The installation of the public sewer system shall conform to the specifications of the Groton Sewer Department.
13. All work shall conform with the Order of Conditions, Wetlands By-Law 2017-02, issued by the Conservation Commission on May 24, 2017.
14. All signs must conform to the Sign By-Law, Chapter 196 of the Code of the Town of Groton and the Section 196-8 Special and Unique Circumstances.
15. The removal of any excess earth material from the site, if any, requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions.
16. Three copies of the final site plan approved by the Planning Board shall be submitted to the Board for endorsement as required in Section 218-25G(3) prior to the issuance of the first building permit.
17. The applicant must submit any proposed change in the above referenced plans to the Planning Board for its review and approval before the change is implemented.

18. All outstanding engineering invoices must be paid in full prior to issuance of a building permit.
19. No permanent occupancy permits shall be issued for any building or structure, or portion(s) thereof, until the Planning Board receives an As-Built Plan prepared by a Professional Land Surveyor along with certification from a Registered Professional Engineer that all construction for the particular building (including utilities) have been done in accordance with the approved site plan and that the Stormwater Management system is installed functioning as shown on the site plan. No permanent occupancy permit shall be issued for the last building until said plan and certification are provided for said building and the entire site.
20. The Planning Board or its designee shall review the project one year after the granting of the first occupancy permit to assure compliance with the special permit and to determine if any reasonable modifications are warranted.
21. This site plan approval runs with the land and applies to any successor in interest or successor in control.

*The motion passed unanimously.*

#### **Special Permit – Water Resource Protection Districts**

The motion was made by Barringer, seconded by Wilson to grant a special permit pursuant to Section 218-30 Water Resource Protection Districts for the mixed-use development as shown on the plan entitled, "Commercial Development, 788 Boston Road, Groton, Massachusetts," prepared by GPR, Inc., dated April 4, 2017, with revisions through May 31, 2017, with the following finding and conditions:

#### **Findings:**

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law § 218-30 and 218-32.1:

1. **Social, economic and community needs:** The proposed special permit plan serves social and community needs by constructing new buildings for business use in a location zoned General Business (GB). The proposed medical building will provide more convenient medical services to the community. The bank, coffee shop, and retail store will enhance the local business community and enable people to "shop local."
2. **Traffic flow and safety:** The applicant demonstrated that the site will have safe pedestrian and vehicular access both within the site and onto adjacent public ways. Potential traffic impacts shall be mitigated. The vehicular access to Boston Road (Route 119) requires a State Highway Access Permit from MassDOT. The Board received and relied upon the report entitled, "Traffic Impact and Access Study, Proposed Mixed Use Development," Prepared by GPI, dated April 2017. The Board also received and relied upon the peer review reports from Vanesse & Associates, dated May 15, 2017; May 18, 2017; and June 2, 2017.



3. **Adequacy of utilities:** The proposed development will be served by Town water and sewer. The Groton Water Department indicated that there is strong water pressure and volume at the project's nearest hydrant. The Town of Groton is constructing a low-pressure sewer main, funded by a MassWorks grant, to serve the Four Corners area.
4. **Neighborhood character:** The project is located at an intersection with similar business uses. The character of the neighborhood will be maintained because the proposal specifies architectural design, landscaping, and lighting consistent with the surrounding neighborhood.
5. **Impacts on the environment:** There is no stormwater management system on the site today. The improvements to the site include installation of a new low impact development drainage system in compliance with the Commonwealth of Massachusetts and Town of Groton Stormwater Regulations.
6. **Fiscal impact on the Town:** The proposed development will have a positive fiscal impact on the Town because the assessed value of the property and tax revenue will increase. Additionally, the proposed development will appropriately utilize the site and create a large number of job opportunities. It will also offer leasable retail space to attract business to the area. This is a fiscal benefit to the Town of Groton and the local population.

**Conditions:**

1. The 27,000 cubic yards of fill used on the site shall be clean, MassDOT approved process material ("gravel borrow" and "ordinary borrow"). The fill shall be consistent with the specifications on Sheet C6.2 of the plans. The fill shall not contain any hazardous materials, construction materials, or recycled asphalt pavement (RAP). Prior to the placement of fill on site, soil samples from each source pit shall be obtained and analyzed for contamination by a qualified professional, and the results shall be submitted to the Planning Board and the Board of Health prior to placement of fill on the site. The fill shall be tested using EPA methods 8260 and 8270 and RCRA-5.
2. Snow banks and stockpiles shall not exceed a height of three (3) feet at any time. Within 48-72 hours of a storm, snow in excess of three feet in height shall be removed from the site and disposed of in an area that is not within a Water Resource Protection District. Snow shall not be plowed into the detention basins or drainage swales.
3. The stormwater management system shall be maintained in accordance with the approved "Long Term Pollution Prevention & Stormwater System Operation and Maintenance Plan," prepared by GPR, Inc., dated April 2017.
4. The applicant shall apply a minimum amount of non-sodium chloride deicing chemicals to the paved areas on site. Sodium chloride deicing chemicals may not be used on this property. When necessary, the applicant may apply a minimum amount of non-sodium

chloride deicing chemicals to paved areas on the site. Now and in the future, the applicant must notify tenants of this restriction.

5. All chemicals stored on site in quantities larger than that normally associated with single family domestic use shall be inventoried and stored in accordance with all applicable Board of Health and Department of Public Health regulations. Each tenant shall submit an inventory, updated annually, of chemicals used or stored on the site. The applicant shall add the special permit decision in the materials provided to all new tenants.
6. All dumpsters shall be covered and sealed to prevent runoff from the dumpster from infiltrating the groundwater or stormwater management system.
7. The applicant must submit any proposed change in the above referenced plans to the Planning Board for its review and approval before the change is implemented.
8. This special permit shall not be in effect until certified copies of the special permit decision is 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.
9. 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.
10. This special permit runs with the land and applies to any successor in interest or successor in control.

*The motion passed unanimously.*

#### **COMMENTS TO MEPA – 788 BOSTON ROAD**

The Board reviewed the draft letter to MEPA on the Environmental Notification Form (ENF) submitted for 788 Boston Road. The motion was made by Barringer, seconded by Wilson, to send the comments as drafted to MEPA in support of the proposed commercial development at 788 Boston Road. *The motion passed unanimously.*

#### **MASTER PLAN IMPLEMENTATION COMMITTEE**

Chairman Burke asked the Board to consider appointing a committee to review progress on implementation of the Master Plan, particularly Economic Development, in light of the on-going controversy with the Board of Selectmen and the present Economic Development Committee.

Art Prest, member of the Economic Development Committee, presented the vision statement prepared by the Economic Development Committee citing Groton as a destination of the arts, education, and outdoor recreation. He said the new Groton Inn and Indian Hill Music Center

are good examples of such economic development. He noted how well the Town of Lenox does with Tanglewood. People stay in Lenox for an average of 3.8 days according to his research.

Chairman Burke suggested that the Board look at the other Master Plan elements as well as economic development. The Board will continue its discussion at its meeting on June 29, 2017.

#### **CRYSTAL SPRINGS PERFORMANCE BOND & 593 ACCOUNT RELEASE**

The motion was made by Barringer, seconded by Wilson, to release remaining funds of \$15,000, plus accrued interest, in the passbook surety held for the Crystal Springs Estates subdivision. *The motion passed unanimously.*

The motion was made by Barringer, seconded by Wilson, to refund the remaining balance of \$1219.81, plus any accrued interest, deposited in a "593 Account" for the Crystal Springs Estates subdivision. *The motion passed unanimously.*

#### **PLANNING BOARD REGULATIONS**

Land Use Director/Town Planner Michelle Collette suggested that the Board consider revisions to the Site Plan Review and Fee Regulations. She will draft proposed revisions for the Board's consideration at the meeting on June 29, 2017.

#### **ENDORSE GROTON INN SITE PLAN**

The motion was made by Barringer, seconded by Wilson, to endorse the plan entitled, "Site Plan of Land in Groton, Massachusetts, 128 Main Street," prepared by David E. Ross Associates, with revisions through December 10, 2015. *The motion passed unanimously.*

#### **PLANNING BOARD APPOINTMENTS AND LIAISONS**

The Board will discuss appointments and liaisons at its meeting on June 29, 2017.

#### **MEETING SCHEDULE**

The Board will meet on the second and fourth Thursdays during the summer months.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette, AICP  
Land Use Director/Town Planner