

**PLANNING BOARD
JUNE 29, 2017
MINUTES**

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

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

Members absent: Perkins and Svarczkopf

PUBLIC HEARING – UNIQUE & SPECIAL SIGN, 788 BOSTON ROAD

The Planning Board continued the 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. Design engineer Bruce Ringwall of GPR represented the applicant at the hearing.

Mr. Ringwall described the changes to 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 sign will have six panels, and the height has been lowered by one foot. Mr. Ringwall submitted perspectives of the signs as viewed from the public way. Recessed lights will be installed in the overhangs. He also submitted cut sheets for lighting of the pylon signs and signs on the buildings. Mr. Ringwall said the applicant wants to maintain control over the color and fonts used for the signs.

Member Burke agreed with that the applicant should maintain design control of the content of the signs.

Member Vega said the reduction in height helps. He asked about the type of lighting. Mr. Ringwall said LED lights will be used in the overhangs on the signs at the road.

Member Giger said he appreciated the modifications in response to the Board's concerns. He said he is still concerned about the 12" height of the panels. He said he photographed signs in Plymouth but could not find any 12" panel signs. He suggested reducing the height of the panels to 8".

Member Barringer asked about color temperature of the lights. Mr. Ringwall said he did not know. Member Barringer said 2700K is desirable. Mr. Ringwall asked if it would light all the panels. Member Barringer said, "yes."

Member Barringer asked about the font size. Mr. Ringwall pointed out the Nashoba Medical Office building signs with fairly small letters. He said smaller panels with the same size font results in less white space. Member Barringer asked if the letters are 3" font. Mr. Ringwall said, "yes." Member Barringer asked if the signs would be readable at 40-50 MPH. Mr. Ringwall said, "yes."

Chairman Wilson said the font for road signs is important for maximum legibility. He said the signs will have different fonts for different brands.

Member Barringer asked if the height could be reduced more. Member Burke said he prefers to leave the detail over the brick rather than reducing the height of the signs.

Chairman Wilson said he is fine with the signs as proposed. He noted that there are five lanes of traffic at this busy intersection so the scale of the signs is fine. Design content is the prerogative of the applicant.

Mr. Ringwall said the project and site must have appropriate signage. Cars will be hidden from view as requested by the Planning Board. The applicant wants to keep the signs as proposed.

Anna Eliot said this is a busy intersection and visibility from the road is very important to drivers. She said she appreciates the applicant's efforts with this project.

Member Giger said this decision will set precedent. Shaws could not put up a large sign along Boston Road. All businesses will want similar signs.

Chairman Wilson noted that the Board is considering this application under the "Special and Unique Circumstances" provisions of the Sign Bylaw. Member Giger said Shaws could make the same argument for a larger sign.

Member Burke, who served on the Committee that rewrote the Sign Bylaw in 2010, said the intent of the exception provisions in the bylaw was to deal with site than have multiple tenants.

Member Giger pointed out that the signs at 134 Main Street comply with the dimensional requirements. Town Planner Michelle Collette said the Historic Districts Commission has jurisdiction over signs in the Historic Districts.

Mr. Ringwall asked if the vote to approve the application is a simple majority. Town Planner Michelle Collette said, "yes," the Sign Bylaw is part of the General Bylaws, and not zoning.

Member Vega asked if the signs along the road would block site distance. Mr. Ringwall showed the location of the proposed signs on the landscaping plan.

The Board voted unanimously to close the public hearing.

The motion was made by Burke, seconded by Barringer, to determine that the proposed signs at the entrances and on the buildings at the 788 Boston Road property qualify under the provisions of §196-8 Unique and Special Circumstances for the multi-occupancy business buildings with two entrances – one on Boston and one on Sandy Pond Road. The mixed use commercial project has two main entrances and each requires a sign to mark the entrance. The signs are appropriate for the scale and use of the project and in keeping with the character of the General Business zoning district.

And to approve the application with the following conditions:

1. The signs shall be consistent with the plans entitled, "Southcoast Development, LLC; 788 Boston Road, Groton, MA," Plan #100492, Version 05, dated June 27, 2017.
2. The location of the two pylon signs shall be reviewed and approved by the Police Chief to ensure that the signs do not block sight distance at the intersections of the access roads and public ways.
3. The color temperature of the lighting shall not exceed 2700K (see Elliptipar, Style S171 cut sheet).
4. The two pylon signs require building permits under the Building Code, 780 CMR, Eighth Edition.

The motion passed with Wilson, Barringer, and Burke in favor; Giger and Vega opposed.

STATION HOUSE ADMINISTRATIVE CHANGE REQUEST

The Planning Board reviewed the Request for Administrative Clarifications to the Station House, 20 Station Avenue, submitted by Andrew L. McElroy on June 28, 2017. The applicant requested that the Board recognize as single use the premises at 20 Station Avenue and that the Board follow the recommendations of the Groton Master Plan (2011) to waive Section 218-23 of the Zoning By-law for the Town Center Overlay District and allow each parking space to support four restaurant seats. Applicants Dan and Lori McElroy, Andrew McElroy, and architect Dan Quaille of Lincoln Architects were present.

Attorney Andrew McElroy detailed the history of the project since 2014. He said his parents submitted a proposal to the Town in response to the Request for Proposals (RFP) to sell the former fire station property on Station Avenue. The original proposal included a bicycle repair shop, a sandwich shop, and an apartment and offices on the second floor. The McElroys purchased the fire station property from the Town. At a later date, they purchased the adjoining lot for a parking area from a private party. The development agreement signed by the Board of Selectmen referenced the uses included in the proposal. Attorney McElroy said he reached out to the Board of Selectmen about changing the development agreement to allow a single-use restaurant. He read the letter dated June 19, 2017 from Town Manager Mark Haddad regarding the Selectmen's vote to approve the requested change.

Member Barringer asked how many seats would be in the restaurant. Attorney McElroy said the building can accommodate 300 seats. He said his letter requested a parking waiver for 300 seats including upstairs, downstairs, the roof, and outdoor patio seating.

Member Barringer asked how many seats would be indoors. Attorney McElroy said about 200 and there will be different types of seating.

Member Burke said the applicant is taking decisive moves to kick start business on Station Avenue. He purchased the adjoining land for parking, entered into shared parking agreements with Town Hall and GELD, and will be able to use on-street parking. The 300-seat capacity is based upon code. The outdoor seating will be seasonal only.

Member Burke said the applicant's letter cites the Master Plan recommendation that the requirement be one parking space for four seats in restaurants in the village center. Food establishments are the anchors of downtown revitalization. Member Burke said he is in favor of the proposed change.

Member Barringer agreed that the proposed single-use restaurant is a positive benefit to the Town.

Member Barringer asked how many seats would be upstairs and how many downstairs. Attorney McElroy said There would be more than 100 seats downstairs, but he was not sure about the exact numbers at this time.

Member Giger said he wants to see the project be successful, but the Board does not have all the information it needs to make a decision. There was discussion about the construction plans submitted with the Building Permit application via View Point on-line permitting software. Board members expressed concern that they could not view the construction drawings. *(The Planning Board will follow up with the IT Department on this matter.)*

Member Barringer asked how many staircases would be installed. Attorney McElroy said there would be two staircases.

Architect Dan Quaile said he reviewed the Building Code requirements. The criteria are different for commercial uses so all staircases were changed to comply with code. He said the Building Code allows 188 seats on the first floor, and they are proposing 120 seats. The maximum number on the second floor is 70 seats.

Chairman Wilson said he is grateful for this project and it is a perfect fit for Station Avenue and the Town Center. He said the waiver for 300 seats seems high to him. He said he hopes people will find a place to park and that the restaurant succeeds.

Member Burke noted that 300 seats are based upon building code capacity, so he was pleased to hear the actual numbers from the architect. He said when the Town has a parking issue, it will have a high-grade problem.

Attorney McElroy said the parking waiver is based upon the recommendation of one space to four seats in the village center in the Comprehensive Master Plan and the shared parking agreements with GELD and Town Hall. He said they would not create traffic or parking problems.

Anna Eliot said meals taxes from the restaurant will add to the Town's tax base.

Member Giger confirmed that there will be approximately 120 seats on the first floor, 70 on the second floor, and 100 on the roof and patio for a total of 290 seats.

Architect Dan Quaile said the seats would be filled on a perfect day and on rare occasions. The maximum number in the Building Code perspective is based upon egress.

Member Burke said the Economic Development Committee recommends approval of the proposed change.

ADMINISTRATIVE REVISIONS TO STATION HOUSE PLAN

The Board considered the following documents in its deliberations:

- Special Permit 2014-22 for Site Plan Review & Town Center Overlay District granted by the Planning Board on December 19, 2014
- Special Permits 2015-18 & 2015-19 for Site Plan Review & Town Center Overlay District granted by the Planning Board on October 9, 2015
- Special Permit 2016-22 for Modification of the Site Plan Review & Town Center Overlay District granted by the Planning Board on September 15, 2016
- Letter to the Editor dated June 14, 2017 from Andrew L. McElroy
- Letter dated June 14, 2017 from Town Manager Mark Haddad to Daniel McElroy regarding agreement for shared parking for 15 spaces
- Letter dated June 14, 2017 from GELD Manager Kevin Kelly to Dan McElroy regarding agreement for shared parking for 25 spaces
- Letter from Town Manager Mark Haddad regarding Board of Selectmen's support of the project as voted on June 19, 2017
- Letter dated June 28, 2017 from Andrew L. McElroy with excerpts from §218-30.2 Town Center Overlay District and Groton Master Plan (2011), Land Use, page 85, recommending "Restaurant: One space for every four seats in village business districts"
- "Parking Plan (L1)" showing 35 parking spaces, prepared by Lincoln Architects, dated June 2, 2017, submitted on June 28, 2017
- "Station House Restaurant, Second Floor, Roof Deck Plan (A1)," prepared by Lincoln Architects, dated June 27, 2017, submitted on June 28, 2017

The motion was made by Barringer, seconded by Giger, to approve the use of 20 Station Avenue as a single-use business. The motion passed unanimously.

The motion was made by Barringer, seconded by Giger, to waive §218-23 to allow 75 spaces for approximately 300 seats (1 space for every 4 seats) as requested in the letter dated June 28, 2017 from Andrew L. McElroy. The waiver is supported by the recommendations of the Groton Comprehensive Master Plan and §218-30.2 Town Center Overlay District.

The Board determined that the 75 spaces are available as follows:

Parking lot on the premises	35 spaces
Shared parking lot at Town Hall	15 spaces
Shared parking lot at GELD	25 spaces

Additionally, there are numerous on-street parking spaces available within walking distance of the Station House.

The motion passed unanimously.

NESSP TEMPLE CONSTRUCTION ISSUES

The discussion with abutters to the NESSP Temple regarding construction issues, especially noise on Saturdays, was postponed to the July 13, 2017 meeting because the abutter was out of town.

ANR PLAN – ROBERT KILEY, OLD DUNSTABLE ROAD & HOYTS WHARF ROAD

The Board considered the Approval Not Required (ANR) plan submitted by Robert Kiley to create two new lots on Old Dunstable and Hoyts Wharf Road. Surveyor Stan Dillis presented the plan. Lot 1 has 6 acres area with 450 ft frontage on Old Dunstable Road. Lot 2 has 8.6 acres with 658 ft of frontage on Hoyts Wharf Road. Mr. Dillis explained that Lot 2 is not a corner lot because the interior angle of the intersecting streets is greater than 135°. Chapter 218-4 Definitions states:

LOT, CORNER — A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street having street side lines or tangents to side lines forming an interior angle of less than 135°. A lot which has legal frontage on both a public way and a proposed subdivision way and one which shall be shown on a subdivision shall be considered part of that plan.

The motion was made by Burke, seconded by Barringer to endorse the plan entitled, “Plan of Land in Groton, Massachusetts, Owner: Robert P. Kiley,” prepared by Ducharme & Dillis Civil Design Group, dated June 10, 2017. The motion passed unanimously.

ENDORSEMENT AUTHORITY

The motion was made by Burke, seconded by Barringer, to send a letter to the Registry of Deeds and Land Court authorizing Land Use Director/Town Planner Takashi Tada to endorse Approval Not Required Plans. The motion passed unanimously.

T-MOBILE EQUIPMENT ON EXISTING TOWER, 167 PRESCOTT STREET

The Planning Board reviewed an e-mail from Town Counsel David Doneski regarding a building permit application submitted by T-Mobile to add equipment to the existing tower at 167 Prescott Street. The new equipment will increase the height of the existing tower from 120 ft to 128 ft. Section 218-25.1 H(2) limits the height of towers to 120 ft. Town Counsel David Doneski’s email message dated June 29, 2017 states:

“The Guidance provision respecting height states that a substantial increase in tower size occurs if the height of the existing tower will be increased by more than 10%, or by the height of one additional antenna array, with separation from the nearest existing antenna exceeding 20 feet, whichever is greater (except that a new antenna may exceed the height limits if necessary to avoid interference with existing antennas). Thus, where the Spectrum Act contemplates that an existing tower may be increased in height above ground level by up to 20 feet, it is my opinion that application of a local zoning provision so as to prevent an increase of no more than that amount would be held to conflict with the Act and be disallowed by a reviewing court.”

DRAFT REVISIONS TO PLANNING BOARD REGULATIONS

The Planning Board reviewed the draft of proposed revisions to Chapter 381, Part 3 Fees, and Part 4 Site Plan Review. The Board agreed with the proposed changes.

The motion was made by Burke, seconded by Barringer, to hold a public hearing on August 10, 2017 to consider the proposed revisions. The motion passed unanimously.

MASTER PLAN IMPLEMENTATION COMMITTEES

Member Burke suggested that the Board review elements of the Master Plan adopted in 2011 because it is the half-way point between Master Plan updates. He suggested appointing a Master Plan Implementation Committee and offered to work with Land Use Director/Town Planner Takashi Tada to draft the charge for the Board’s consideration. The Board agreed.

PLANNING BOARD APPOINTMENTS AND LIAISONS

The motion was made by Burke, seconded by Barringer, to appoint the following:

Community Preservation Committee	Carolyn Perkins
Earth Removal Stormwater Committee	John Giger
Montachusett Regional Planning Commission	Russell Burke
Montachusett Joint Transportation	Russell Burke

The Board will appoint liaisons at its meeting on July 13, 2017, if all members are present.

MINUTES

The Board voted to approve the minutes of May 4, 2017, May 18, 2017, and June 8, 2017.

Meeting adjourned at 9:00 PM

Respectfully submitted,

Michelle Collette, AICP
Interim Land Use Director/Town Planner