

PLANNING BOARD
July 13, 2017
MINUTES

Chairman Wilson called the meeting to order at 7:04 PM at the Town Hall, 2nd Floor.

Members present: Burke, Barringer, Giger, Perkins, Svarczkopf (arr. 7:08), Vega, and Wilson

Members absent:

DISCUSSION – CONSTRUCTION ISSUES, NESSP TEMPLE, 1003 BOSTON ROAD

The Planning Board held a discussion about construction noise issues in response to complaint letters submitted via email by abutters Russell Arena (17 Ernies Drive, Littleton) and Stephen Gentile (15 Ernies Drive). Mr. Arena was in attendance. Scott Nelson, construction supervisor for NM Construction Corporation, was also present. Chairman Wilson acknowledged Mr. Arena's letter and gave him the opportunity to vocalize his complaints.

Mr. Arena ran through his list of grievances. As the nearest abutters to the NESSP Temple, he and his family are the most impacted by the noise, dust, and trash/debris resulting from the ongoing construction. The most recent aggravation occurred when bits of foam insulation were carried by the wind into Mr. Arena's swimming pool, causing a clog in the pool filter and requiring three hours of Mrs. Arena's time to clean up.

Mr. Arena acknowledged Scott Nelson's concerted efforts to maintain a tidy construction site and to respond quickly to every complaint from the abutters. He also appreciated the berm planted with arborvitae that Mr. Nelson constructed to provide a visual buffer along his rear property line. However, he was extremely frustrated by the seemingly endless pace of the construction. He chastised Mr. Nelson's employer, Nalin Mistry, for not devoting enough resources to such a large project and for not caring about the disruptions being felt by abutters. Mr. Arena told of a recent Saturday morning when he was trying to enjoy breakfast at a table in his backyard. After the construction noise started up, he contacted Mr. Mistry to complain about the noise. Mr. Mistry responded by telling Mr. Arena to eat his breakfast indoors.

Mr. Arena stated he was also aggrieved by the Planning Board's 9/12/2016 decision to allow construction activity on Saturdays. He and his family want relief from the constant noise. He asked the Board to reconsider its decision.

Mr. Nelson said his boss, Mr. Mistry, interprets the Saturday work provision as allowing construction activities on the inside of the structure. The current work involves cutting the studs for the steel framing, which generates some degree of noise. The framing will be done in two weeks, and the remainder of the interior work should be quieter. Mr. Nelson said the project is significantly behind schedule and the revised completion date of August 25th is not realistic. At the current pace the Temple could be completed in October, but they still need to be able to work on Saturdays to meet this schedule.

Chairman Wilson read the letter from abutter Stephen Gentile (emailed 6/26/2017) in its entirety. He asked what would happen to the completion schedule if Saturdays were ruled out.

Mr. Nelson said it would further delay the project by about two weeks. He said the paving and hydro-seeding are to occur next week, and most of the landscaping would be done in the fall.

Member Burke said it is unfortunate that the construction is distressing the abutters. He asked if the building is buttoned up. Mr. Nelson said the windows are installed on the first and second floors, but not on the upper levels. No doors have been installed yet.

Member Svarczkopf recalled previous discussions with Mr. Arena about providing additional buffers between the Temple and abutting properties. He said such requests were beyond the purview of the Planning Board and suggested the abutters' expectations might be unrealistic. Mr. Arena countered that it took three hours of labor to clean his pool – is that reasonable?

Member Perkins asked why there was foam insulation blowing around in the first place, and what measures have been taken to contain the trash. Mr. Nelson said the workers had to cut the insulation to match the octagonal, tapered, 100-foot high towers. Some of the particles blew offsite, but the insulation work is done now. The trash dumpster has been moved to a better location away from the nearest abutters, and he keeps tabs on any trash/debris on Mr. Arena's property. Mr. Arena agreed that the trash situation is much better now than it was at the beginning. Member Perkins also said the Board does not have the authority to regulate interior work. Member Burke agreed.

Mr. Arena wanted to know what prompted the Planning Board to allow the Saturday work. Member Svarczkopf said the applicants requested the change, and the Board agreed. He noted similar requests have been granted to the Groton Inn and the Indian Hill Music Center. Chairman Wilson added that the reason behind the change is to expedite completion of the project. Mr. Arena expressed frustration that the abutters have no voice, that no one is listening to their concerns.

Member Vega reminded Mr. Arena that this discussion was scheduled at his request and that the Board members were listening to his concerns. However, the Board has limited authority to resolve such problems. Member Vega noted that the issues of site cleanliness and providing a buffer seem to have been resolved by the building contractor already. Mr. Nelson said he planted 50 arborvitae trees atop the constructed berm next to Mr. Arena's property line, which is more trees than originally agreed to by his boss. Mr. Arena confirmed that he was satisfied with the screening provided by the planted berm. Member Vega reiterated that the point of allowing work on Saturdays is to speed up completion. Mr. Nelson said they have the site work under control; they won't need to do any more site work on Saturdays.

Member Barringer thanked Mr. Arena for attending the meeting and affirmed that the Board members do listen. He said there are state regulations for noise amplitude, but no local regulations. He asked if prohibiting the cutting of metal studs on Saturdays would resolve the noise issues. Mr. Nelson said there will be some noise no matter what. Mr. Arena said measuring the decibel levels would be like splitting hairs. He also noted that the equipment staging on weekdays sometimes begins before 7:00 AM.

Chairman Wilson said he sympathized with Mr. Arena, but also reiterated that the abutters live next to a large construction site and that it might have been worse if a 40B project was going in, as attempted in the past. He suggested granting a two-week moratorium on Saturday work to provide some relief to abutters.

Member Giger said we seem to be back where we were last year when the applicant made the request to work on Saturdays. It doesn't seem to have helped and the general contractor is not taking the noise issue seriously enough. He noted that Nalin Mistry's response to Mr. Arena's breakfast noise complaint was crude and showed a lack of concern. He said the Planning Board should consider rescinding the authorization to work on Saturdays.

Member Barringer asked if this discussion was advertised as a public hearing. It was not.

Member Perkins expressed concern that the Planning Board may be overstepping its jurisdiction. She referred to the Zoning Bylaw, Ch. 218, Sec. 15, which only covers site construction (i.e., sitework). It does not cover interior work. She asked that the Board consult the Building Commissioner/Zoning Enforcement Officer for his opinion about whether it could regulate interior work of any kind.

The motion was made by Burke, seconded by Barringer, to continue this discussion as a minor site plan modification at the next Planning Board meeting on July 27, 2017, with formal notification provided to the owners (NESSP, Inc.).

The motion passed unanimously.

Mr. Arena voiced his displeasure that the Board did not make a decision on the Saturday work authorization.

Member Giger reiterated that the Temple owners be notified of the next meeting by Certified Mail.

DISCUSSION – CHAMBERLAINS MILL PERFORMANCE BOND REDUCTION

The Planning Board considered a request from Attorney Bob Collins to reduce the Chamberlains Mill subdivision performance bond to \$5,515.82. This amount is based on an estimate by Jared Gentilucci of Nitsch Engineering who conducted a site visit at the developer's request on June 28, 2017. The project is nearing completion. Remaining items to be addressed include installation of handicap accessible sidewalk ramps, replanting of four dead trees within the cul-de-sac island, and installation of trash racks at each of the two flared-end stormwater outfalls.

The motion was made by Barringer, seconded by Giger, to reduce the Chamberlains Mill performance bond to \$5,515.82.

The motion passed unanimously.

DISCUSSION – CREATION OF A MASTER PLAN IMPLEMENTATION COMMITTEE

Member Burke introduced his idea for a Master Plan Implementation Committee. The 2011 Master Plan is halfway through its 10-year lifespan and now would be a good time to assess progress and also to lay the groundwork for the next plan. He suggested the Planning Board establish a committee of manageable size to take it on. A committee of nine members would match the number of chapters (priorities) in the Master Plan.

Member Svarczkopf asked if the committee's purpose would be to write a new plan or to review progress of the current plan.

Member Giger said he thought Member Burke was going to write up the Committee's purpose and expectations.

Member Barringer thought the purpose was akin to an audit.

Chairman Wilson asked if the point was to conduct an audit, or to highlight ongoing work.

Member Burke said he envisioned both, and there may be a need to make some changes to goals or policies. He committed to drafting a premise for the next meeting. Chairman Wilson offered to help.

PLANNING BOARD APPOINTMENTS & LIAISONS

The Planning Board appointed the following liaisons:

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| • Zoning (Building Commissioner & Board of Appeals) | George Barringer |
| • Environmental (Board of Health, Conservation & Park) | Michael Vega |
| • Historic (HDC, Historical & Town Center Overlay District) | Scott Wilson |
| • Housing (Housing Authority, Housing Partnership, Affordable Housing Trust) | Carolyn Perkins |
| • Public Safety (Police, Fire, DPW) | John Giger |
| • Utilities (GELD, Water & Sewer, West Groton Water Dist.) | Tim Svarczkopf |
| • Economic Development Committee | Russ Burke |
| • Groton Dunstable Regional Schools | Michael Vega |

The Planning Board also voted to appoint the following members and alternate members to the Design Review Committee (Town Center Overlay District):

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| • Fay Raynor | Member (term expires June 30, 2018) |
| • Lorayne Black | Member (term expires June 30, 2019) |
| • Maureen Giattino | Member (term expires June 30, 2020) |
| • Annika Nilsson-Ripps | Alternate (term expires June 30, 2018) |

MEETING SCHEDULE

The Planning Board discussed future meeting dates. Member Perkins might be absent on July 27th. Several members are unavailable to meet the second Thursday in August (8/27). The Board agreed to hold the second meeting in August on the 31st instead.

MEMBER UPDATES

Member Giger expressed concern about not having ready access to the plans submitted with online building permit applications. Members Barringer and Burke agreed that they ought to be able to view plans online if needed. Land Use Director/Town Planner Takashi Tada explained that the Town is migrating to an online permitting system for certain types of permits using ViewPoint Cloud software, beginning with Building Permits as of May 1st. The online system is not currently set up to receive Planning Board permit application materials, nor to be a substitute for the standard Planning Board submittal process. Applicants presenting to the Planning Board should still provide supporting plan information for Board members to review.

Member Barringer said he recently offered to donate a large-format (D size) plotter to the Town. Member Giger said a plotter would be useful, but there is also a need to share large electronic files. Member Burke recommended a file sharing software called Base Camp.

Member Barringer also reported that the Town's Complete Streets application was approved for over \$300,000 in funding. The first priority projects ("Tier 3") to be approved are the Main Street crosswalk/sidewalk ramp enhancements, new sidewalk on Long Hill Road, flashing speed limit signs, and bicycle repair stations on the Nashua River Rail Trail.

Member Vega asked if there was a way to enable the Planning Board to vote on a matter, even if the applicant is not present. He felt like the Board could/should have made a decision tonight regarding the NESSP Temple construction work schedule, rather than delaying until the next meeting. Members Burke and Giger said the Board only needs to notify the applicant of the meeting; the applicant does not need to attend. In the case of tonight's discussion only the General Contractor and Construction Supervisor were notified in writing. The NESSP Temple congregation was not formally notified.

ADJOURN

The motion was made by Svarczkopf, seconded by Barringer, to adjourn the meeting.

The meeting adjourned at 8:50 PM.

Respectfully submitted,

Takashi Tada
Land Use Director/Town Planner