

PLANNING BOARD
July 27, 2017
MINUTES

Chairman Wilson called the meeting to order at 7:00 PM at the Town Hall, 2nd Floor.

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

Members absent:

7:00 PM

DISCUSSION – NESSP TEMPLE, MINOR SITE PLAN MODIFICATION

The Planning Board held a discussion about possible modifications to the hours of operation allowed at the NESSP Temple construction site. At its previous meeting on July 13th the Board discussed construction noise issues in response to complaints by abutters Russ Arena and Stephen Gentile. Representatives from NESSP were not present at the previous meeting. The Board agreed to hold another discussion to consider minor site plan modifications, with formal written notice provided to NESSP.

Chairman Wilson acknowledged Mahender Singh, President of NESSP Inc. Mr. Singh stated that the NESSP Temple has followed all of the rules and regulations of the Planning Board and other Town boards, as well. He humbly requested the Board continue to allow work on Saturdays, in order to complete the Temple faster and bring a quicker end to the abutters' disruptions.

Russ Arena said he understands the Planning Board wants to help expedite the construction. However, he explained the latest incidents of noise disruption on Saturdays. This past Saturday a tractor trailer arrived at 6:45 PM to pick up a piece of machinery. It took half an hour to load the equipment. He is asking the Board to do something to provide relief from the disruption.

Chairman Wilson said there is nothing the Planning Board can do to change the geographic proximity of Mr. Arena's property to the Temple. Mr. Arena acknowledged that the construction supervisor, Scott Nelson, had made the effort to change the topography by building a berm along his property line and planting it with a row of arborvitae. Mr. Arena noted, however, that the original Planning Board approval did not allow Saturday work. Chairman Wilson said the modification was intended to expedite completion.

Chairman Wilson asked what else needs to be done to complete the building, and what could be done to control site access on weekends. Mr. Nelson said the interior framing work was essentially done. Remaining work includes installation of drywall and fire sprinklers. He also said he can't control every subcontractor who is sent to pick up or deliver a piece of equipment. But he offered to install a gate (two posts and a chain) across the construction entrance.

Leslie Lathrop, of Sunset Road, said one of the problems with Saturday work hours is that she can't call Town Hall to report an issue. She also complained that there were no abutter notifications sent out when the Planning Board modified the hours of operation. She requested a change in procedure to notify abutters. She also asked if the contractor was required to sign anything stating that they agree to the terms of approval.

Member Burke reminded the audience that the Planning Board's approval covers Site Plan Review for an exempted (religious) use.

Member Barringer added that the Board's jurisdiction ends at the building walls, even if it is not an exempted use. He made a visit to Mr. Arena's neighborhood (Ernies Drive, Littleton) to listen. There was noise emanating from the Temple site, but not any more than the other background noises in the neighborhood (lawn mowers, commuter train, airplanes, etc.). None of the noise exceeded the state's decibel level thresholds. He encouraged Mr. Singh to be a good neighbor, and to find compromise with the abutters who will be their neighbors into the future. Mr. Singh agreed and said they were already working with other local groups to become a part of the community.

Member Vega said the whole point of the modifications was to help abutters by speeding up the project. He also credited Mr. Nelson with being responsive to abutters' complaints. Member Vega represents contractors professionally and said he understands the different perspectives that have been expressed.

Member Svarczkopf said the abutters' expectations are not reasonable. They live next to a large, buildable lot that is now a construction site. The Temple has a right to use their property at all hours and the Planning Board cannot stop them from doing so. And there will be some noise. The abutters can sue the Temple if they feel harmed.

Member Giger said the Saturday work provision was meant to speed up the project, but it doesn't seem to have helped. He is inclined to rescind the Saturday provision due to the inability to control sub-contractors who generate noise. Violations of the work hours have been documented. He suggested imposing an expiration date on the Saturday provision.

Mr. Nelson said the Saturday provision was for interior construction, but the Board has stated its jurisdiction does not cover interior work. He said they do their best to stay within the hours of operation. He also said they continue to tighten up the building, which will reduce the noise from interior work.

Member Giger said they were only concerned with outside work hours. The Board can't define every type of noise to be regulated. He proposed ending the Saturday work provision after October 1st.

Ms. Lathrop said she was also concerned about future construction of the auditorium and priest's quarters, which were included in the permit. It could take several more years for these structures to be built. It has reached a point where it is difficult to remain considerate as an abutter. Member Giger responded that the Saturday provision was meant to expedite construction on the Temple structure (first phase).

Member Svarczkopf said he had a different understanding of the Saturday provision. Work on Saturdays is an expectation on a construction site.

The motion was made by Giger, seconded by Vega, to place an expiration date of September 29, 2017, on the Planning Board's authorization to conduct outdoor work on Saturdays at the NESSP Temple. For any subsequent phases of construction, the Temple may come back to the Board with additional modification requests.

Member Barringer observed that the Temple owners can conduct landscaping activities at any time, once the occupancy permit is issued.

Member Svarczkopf thought such a decision would set an unrealistic expectation that abutters can dictate the terms of approval.

Member Vega pointed out that certain noises related to construction have a legitimate safety purpose, such as the back-up beeps on construction vehicles.

The motion passed by a vote of 4 in favor (Wilson, Giger, Vega, Burke) to 3 opposed (Perkins, Svarczkopf, Barringer).

7:50 PM

PRELIMINARY DISCUSSION – CONCEPT PLAN, 279 MAIN STREET (SACRED HEART CHURCH)

Groton resident Steve Palmer (81 Boston Road) presented his ideas for converting the former Sacred Heart Church into an arthouse theater to be called Groton Celestial Cinema. The property is located at 279 Main Street. The overriding theme of the concept is "eat, stay and play in Groton". The proposed cinema would show independent and foreign films in two theaters on the main floor of the building, while offering catered food and beverage. Although the basement ceiling is too low for a theater it could accommodate pool tables, ping pong, arcade games, etc. The basement could also house a commercial kitchen. The theaters could be available for rent to groups, and also for live functions. Mr. Palmer provided background information on the potential viability of an arthouse theater, given the dearth of similar theaters in the region. He acknowledged the need to upgrade the accessibility of the existing structure and laid out potential improvements to do so. He also presented a business plan with estimated costs.

Member Burke asked about the fixed costs in the business plan, and the project timeline. Mr. Palmer said the primary fixed costs would be the building renovations and the mortgage. The primary variable cost would be wages. He envisioned showing the first film by the end of the year. Member Burke responded that the timeline was not realistic. Realization of the plan would require Town Meeting approval of a zoning change for the property.

Mr. Palmer said he would like to know what his "To Do" list should include. Member Burke laid out the following four steps:

1. Request a Zoning Map change for the property. This requires an advertised public hearing before the Planning Board.
2. Planning Board makes a recommendation to Town Meeting. Approval requires 2/3 majority vote. Member Burke reminded Mr. Palmer that the proposal to build a new fire station on the subject property was not approved.

3. Submit application for Special Permit with the Planning Board. This also requires a public hearing, which could take 4-6 weeks.
4. Apply for a building permit after the zoning change and Special Permit have been approved.

Member Burke said he loved the theater concept. He recommended Mr. Palmer retain a good real estate attorney. He also suggested considering the Prescott School as an alternative location for such a theater. Mr. Palmer said he is not familiar with the space at Prescott School, but locating the theater there could allow him to operate as a non-profit. Member Burke urged him to meet with Town Manager Mark Haddad to present his concept for the former Sacred Heart Church and also to get feedback on the Prescott School as an alternative location.

Member Barringer thanked Mr. Palmer for putting a lot work into the presentation. There will be significant costs and commitments ahead, but he encouraged Mr. Palmer to go for it.

Resident Anna Eliot (129 Longley Road) agreed that talking with the Town Manager was a good idea. She recommended meeting with the Economic Development Committee as well, and getting on the Fall Town Meeting Warrant. The Warrant is already open. She liked the concept.

Member Giger told Mr. Palmer that he should work with T. Tada to navigate through the zoning and Special Permit processes. There are regulations and procedures for everything from "BYOB" to bathrooms. He also recommended checking with the Fire Chief about sprinklers and other fire safety requirements. He noted that Mr. Palmer's business plan did not include any costs for engineering, which will be required. Member Giger also said the "eat, stay and play" theme was misleading because there are many recreational opportunities in Groton, especially of the outdoor variety. Focusing on a cultural or "indoor play" theme would be more accurate. Overall, he thought it was a great concept that the Planning Board could support.

Member Svarczkopf agreed that Mr. Palmer will need to hire an engineer and/or architect to help with the building renovation plans. He asked if Mr. Palmer was familiar with the film society in town. Mr. Palmer said no. Member Svarczkopf said the film society used a space at Lawrence Academy. He offered to put Mr. Palmer in touch with the group.

Member Vega noted that the ADA regulations require more than just access into the building. There must also be adequate access throughout the building.

Member Burke also pointed out that improving the parking lot could require review by the Conservation Commission due to the wetlands buffer zone.

DISCUSSION – CREATION OF A MASTER PLAN IMPLEMENTATION COMMITTEE

The Planning Board discussed Member Burke's draft charge for the Master Plan Implementation Committee.

Member Svarczkopf said the structure of the proposed committee is not clear.

Member Burke said he hoped the Board would recruit good “worker bee” volunteers who would review each core element of the 2011 Master Plan and assess the Town’s progress in meeting the plan’s recommendations, or perhaps identify new objectives that should be addressed in the next version of the plan. He envisioned the committee being appointed by the Planning Board and possibly consisting of current Board members, Department Heads, and residents at large.

Member Giger said that the Planning Board members should become well-versed in the eight core elements, so as to provide some guidance as subject matter experts.

Chairman Wilson asked how the Board would go about recruiting volunteers. Member Burke suggested each member provide a list of potential volunteers to T. Tada.

Member Svarczkopf said it sounded like the Board was looking for a committee of technocrats who could delve into the details of the Master Plan, rather than a more democratic decision-making process.

Member Barringer thought the recruitment process should be more open and democratic.

Ms. Eliot said having a more open process would help a broader group of residents understand the value of the Master Plan.

The Board directed T. Tada to prepare an announcement to appear in the local paper and on the Town website calling for volunteers.

Member Perkins said it makes sense to target existing boards and committees such as the Park Commission, Historical Society, etc.

The motion was made by Burke, seconded by Barringer, to authorize Chairman Wilson and T. Tada to coordinate the Board’s volunteer recruitment efforts.

The motion passed by a vote of 5 in favor (Giger, Vega, Burke, Svarczkopf, Barringer), one opposed (Perkins) and one abstaining (Wilson).

MEETING MINUTES

The motion was made by Barringer, seconded by Giger, to approve the minutes of June 29, 2017, as written.

The motion passed by a vote of 5 in favor (Giger, Vega, Burke, Wilson, Barringer) with two abstaining (Perkins, Svarczkopf).

Ms. Eliot reported that the Board of Selectmen approved the Town manager’s request to hire a minute taker for Planning Board, Conservation Commission, and Finance Committee.

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9:05 PM

ADJOURNMENT

The motion was made by Burke, seconded by Barringer, to adjourn.

Respectfully submitted,

Takashi Tada

Land Use Director/Town Planner