

TOWN OF GROTON PLANNING BOARD

July 26, 2018
Meeting Minutes

A meeting of the Planning Board was held on Thursday, July 26, 2018, at 7:00 p.m. in the second floor meeting room at Town Hall, 173 Main Street, Groton, MA 01450.

Members Present:

Mr. George Barringer, Chair
Mr. Timothy M. Svarczkopf, Clerk
Mr. Scott Wilson, Member
Ms. Annika Nilsson Ripps, Member
Mr. Gus Widmayer, Member

Members not Present:

Mr. Russell Burke, Vice Chair
Ms. Carolyn Perkins, Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Discussion: NESSP Temple Updates & Performance Bond

Mr. Mahender Singh, President of NESSP, Inc., addressed the Board and stated that one of the issues the Board had was the bond cost estimates based on prevailing wages. He said the consulting engineer sent the revised numbers to the Board. He said the second question was to have Town Counsel review it. He further said that the new bond had been issued and they also accepted the language suggested by Town Counsel.

Mr. Barringer stated that the updated construction cost estimate prepared by Mr. Jared Gentilucci of Nitsch Engineering, dated July 24, 2018, was for \$571,493.32.

Mr. Gentilucci stated that they had gone through all of the items talked about at the last meeting and made adjustments. He said they went back to the RS Means Site Work table and they also looked at the Mass DOT weighted average bid prices as another reference source for the prices. He said in addition to updating all of the unit costs, which included loam, seeding and the rock slope stabilization, they also broke down the landscaping based on the approved plan. He said they also looked at the quantity of loam and seeding.

Mr. Barringer stated that lighting was of a concern to the Temple and the abutters. He also said they had eliminated some of the lighting in the rear parking lot that was now going to be loamed and seeded. He noted that there were still six lights which needed to be installed. Mr. Barringer asked where the remaining lights would be installed. Mr. Gentilucci replied the six lights were the two lights that were directly in front of the main entrance and the other ones were around the backside of the building.

Mr. Singh asked the Board if they felt he needed to install the two lights in front of the steps which would mean there would be four lights facing each other. Mr. Gentilucci replied he did not feel the applicant

needed to install the additional two lights. Mr. Barringer also commented that the Board collectively felt that less lighting was better.

Mr. Barringer stated that he reviewed the available minutes and there were two statements which popped out. He said on March 6, 2014, the first meeting with the applicant, the engineer stated that lights would not be left on after 10:00 p.m. He further stated that on April 3, 2014, he applicant made a statement in response to a question that lighting would not be on after 10:00 p.m. Mr. Singh replied that when they were in the initial planning stages, many of the lights would be turned off except some lights for security reasons and that was still the plan.

Mr. Barringer said that at a meeting shortly thereafter there was a discussion regarding shielding some of the lamps to prevent overspill onto the neighbors property. Mr. Singh replied that was correct but as he understood it, there was only one light on the building that needed to be shielded. He also replied that many of the lights were pointing in a downward position. Mr. Singh commented that he would fix any light that was spilling over onto the abutter's property. He further commented that the lights would all be on timers except for a few that would be left on for security purposes.

Mr. Wilson pointed out that when a light fixture was pointed "downward," it did not necessarily mean that it was not still spilling light horizontally if it were not fully shielded. Mr. Singh indicated that he understood.

Mr. Widmayer noted that the main worship services were on Thursday evenings and asked if they would be done by 10:00 p.m. Mr. Singh replied the services generally wrapped up at approximately 9:30 p.m. and then it took 30 minutes for closing.

Mr. Barringer asked, with regard to the performance bond, if the applicant was comfortable with the amendments made by Town Counsel (Version 1) which gave the option for the surety company to hire a contractor or for the Town of Groton to hire a contractor. Mr. Singh replied in the affirmative.

Mr. Barringer asked the Board if they were comfortable with Version 1 and if anyone had questions or comments. Mr. Widmayer asked if any analysis should be done as to whether or not the company that was chosen for the bond was solvent. Mr. Barringer replied that was a very good question.

Mr. Singh commented that they got the bond for the surety for the Board's comfort. He also commented that finishing the project was in their best interest.

Mr. Svarczkopf noted that there would be legal recourse if the bond failed.

Mr. Barringer read aloud a letter from Mr. Russell Arena, 17 Ernies Drive, Littleton, MA and Mr. Stephen Gentile, 15 Ernies Drive, Littleton, MA, abutters, as summarized below:

We are concerned that if specific dates for completion of the listed items are not recorded they will be forgotten. This three-year long project has been a huge hardship on all of the affected families and we want to ensure that we receive what has been promised to us from the start.

- *Landscaping plan walkthrough.*
- *The shrubbery was promised to be completed by fall of 2017. There are still missing approximately 32 shrubs to protect the abutter's property.*

- *Parking lot lights.*
- *The trash is constantly blowing over the tree line and we were told they would consistently keep the area clean. (Photos enclosed)*
- *Due to the dirt and dust created by this project, they told us that our houses would be pressured-washed after completion at the request of the abutters within 14 days from the request.*

Mr. Barringer said the one concern that he had with the letter was the assertion that Ms. Michelle Collette, the former Town Planner, said the abutters would have some control over the Certificate of Occupancy. Mr. Barringer was confident that Ms. Collette would not have said such a thing. He further said that he had spoken with Ms. Collette and she said what she would have communicated was the landscape plan would have to be completed as approved by the Site Plan Review.

Mr. Barringer stated that for the purposes of formal permitting, the applicants had to meet the specifications and conditions of the permit with respect to landscaping, lighting and site work. He further said that he found nothing in the recorded minutes or formal meetings at the Town Hall with respect to agreements for pressure washing houses. He also indicated that he had read all of the minutes that were available to him.

Mr. Svarczkopf commented that he wanted to clarify that each of the items indicated was a promise made and he would like to know that both sides agreed upon it.

Mr. Arena indicated that the contractor and Mr. Scott Nelson were the ones that made the promises and not the owner.

Mr. Singh stated that he was only aware of two items on the list, the shrubbery and the parking lot lighting.

Mr. Barringer stated that the conditions listed on the Level 1 site plan approval of June 12, 2014, numbers 11C and 16 provided that they would perform a complete review of the project one year after occupancy.

Mr. Svarczkopf made a motion to accept the bond estimate provided by Nitsch Engineering, dated July 24, 2018, in the amount of \$571,493.32. Mr. Wilson seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

Mr. Svarczkopf made a motion to accept the language (version 1) as amended by Town Counsel providing that the Town or a contractor associated thereof could complete the work stipulated in the bond estimate. Mr. Wilson seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

Mr. Wilson made a motion to forward a recommendation to the Building Inspector that he approve the temporary occupancy permit at his discretion based upon their review of the performance bond revisions and not-to-exceed the term of the performance bond. Ms. Nilsson Ripps seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

For clarification, Mr. Tada explained that based on discussions with the Building Commissioner, the term would be for 90 days with the possibility of extending it for an additional 90 days. He said it would be a 180-day temporary occupancy permit. He further explained at the 180-day point, it would become a permanent occupancy permit or they would be triggered to call the bond.

Mr. Widmayer commented that he wanted to verify they would also discuss the work being done on the weekend as well as the garbage that was blowing around on the site. Mr. Barringer replied that there were two decisions relating to the property, the original decision, dated June 12, 2014, which was the Level 1 site plan approval and then there was a modification to that Level 1 site plan approval decision made on September 14, 2016, which was regarding some physical work on the property and also set some boundaries on hours of construction operation.

Mr. Barringer noted that condition #8 read “Hours of Operation – related construction shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday and exterior work that did not generate noise, such as, but not limited, to painting and light landscaping is permitted on Saturday’s within the hours of 8:00 a.m. to 4:00 p.m.”

Mr. Barringer stated that, to his knowledge, there were discussions between the general contractor and the abutters relating to work on the weekends throughout the course of the construction project. He further stated that this decision was to help mend the fences between the construction company, the owners and the abutters to permit them to get things done as quickly as possible. He said work inside of the building envelope was not the Planning Board’s concern.

Special Permit Decision – Hammerhead Lot, 451 Boston Road (Steven and Julie Roux)

Mr. Svarczkopf certified that he had examined the minutes of the meeting and all evidence received at the July 12, 2018, session of the public hearing relative to the application of Steven and Julie Roux for a property located at 451 Boston Road, Groton, MA, for a site plan review approval - Planning Board #2018-10.

Mr. Barringer asked if there were any members of the Board who had questions or comments.

Mr. Wilson asked if a shared driveway for three lots required its own permit. Mr. Tada replied that a request for three driveways would have to go to the Zoning Board of Appeals to obtain a special permit.

Ms. Nilsson Ripps made a motion to approve the special permit #2018-10 to Steven and Julie Roux for a hammerhead lot located at 451 Boston Pond as written. Mr. Wilson seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

Presentation: Commercial Growth in Groton, MA - Kevin Lindemer & Jack Petropoulos

Mr. Lindemer and Mr. Petropoulos presented their analysis of the commercial development potential in Groton. The takeaway of their analysis is that, while economic growth does increase property values and create jobs, it is impossible to solve the Town's revenue problems through economic development alone. A copy of the presentation is attached.

General Business

- **Master Plan Implementation Committee Update**

Mr. Barringer reported that the Master Plan Implementation Committee was moving along as he received a request for input as a member of the Complete Streets Committee.

- **Approval of Meeting Minutes from June 28, 2018**

Mr. Barringer suggested that they postpone reviewing the meeting minutes from the June 28, 2018, meeting, as there were only two members present who were at that meeting.

- **Approval of Meeting Minutes from July 12, 2018**

Mr. Widmayer made a motion to approve the minutes from the July 12, 2018, meeting. Ms. Nilsson Ripps seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- August 16
- September 13 & 27
- October 1 – Fall Town Meeting
- October 11 & 25

Adjournment

Mr. Svarczkopf made a motion to adjourn. Ms. Nilsson Ripps seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

The meeting was declared adjourned at 9:06 p.m.

Respectfully submitted,
Trish Gedziun
Recording Secretary