

Frequently Asked Questions about Planning and Zoning

The Planning Board has prepared this list of frequently asked questions in the hope that it may help you better understand the Board's role in managing land use in Groton and your role as a contributor to public hearings and other business you may have with the Board. This is for general informational purposes only. Specific requirements are set forth in state statute and the Town's by-laws.

General Topics

What is the Planning Board's Job?

The Planning Board's jurisdiction is established in two state statutes, the Zoning Act, GL Chapter 40A, and the Subdivision Control Law, GL Chapter 41, sections 81A - 81GG. At the local level, the Planning Board's authority is defined in the Code of the Town of Groton.

The Planning Board is responsible for developing and maintaining a Comprehensive Plan on which all of Groton's zoning is based.

Among other things, the Planning Board reviews and holds hearings on:

- Subdivision plans, to ensure compliance with state and local laws.
- Applications for special permits, to ensure that specific criteria are met before a permit is granted.
- Site plans prior to issuance of a building permit or occupancy permit for a change of use for any non-residential, non-agricultural (e.g. business, manufacturing, educational) use.
- Zoning By-Law revisions proposed by the Planning Board, other town boards, or by citizens' petition.

The Planning Board (with help from its engineering staff) also manages on-going inspection and monitoring of subdivision site preparation and road construction activity (but not the construction of dwellings or landscaping on private lots), holds bonds posted by developers to guarantee proper completion of subdivision roads and related infrastructure, and releases lots for sale once subdivision roads can provide adequate access.

What is the Groton Zoning By-Law?

The purpose of zoning is to protect public health, safety and welfare, as well as to facilitate adequate transportation, protect natural resources, and encourage appropriate land use based upon the recommendations of the Town's comprehensive master plan.

The Town of Groton adopted its first zoning requirements in 1956 with 20,000 sq ft as the minimum lot area and 125 feet as the minimum frontage requirement. These requirements were increased to 40,000 sq ft area and 175 feet frontage in 1959, and increased again to 80,000 sq ft area and 225 feet frontage in 1980 where it remains today.

Zoning Districts (Residential Agricultural, Business, Manufacturing, Open Space, and Conservancy) were established in 1963 following the Town's first Master Plan prepared with the assistance of Harvard University Professor Charles Eliot, a renowned planner.

Zoning amendments can be sponsored by the Planning Board, the Board of Selectmen, the Zoning Board of Appeals (ZBA), or by citizens' petition. Amendments must be adopted by a two-thirds vote of Town Meeting and approved by the Attorney General. The effective date of a zoning amendment is the date of the Town Meeting vote.

What types of zones are there in Groton?

Groton's zoning districts include Residential-Agricultural (R-A), Residential Business (R-B), Business (B-1), Manufacturing (M-1), Open Space (O), and Conservancy (C). The intentions of the zoning districts are defined in the Zoning By-law.

How does land in Groton get rezoned?

Land is rezoned under the same procedure as a [zoning amendment](#). The rezoning can be initiated by the Planning Board, the Board of Selectmen, the Zoning Board of Appeals, or citizens' petition. The rezoning requires a two-thirds vote of Town Meeting and approval by the Attorney General.

Can the Planning Board grant a variance or waive a zoning requirement?

No, the Planning Board cannot grant a variance. The ZBA is the only Board that has the power to grant zoning variances.

What are the Subdivision Regulations?

The Subdivision Regulations establish application procedures, performance guarantee requirements and construction standards for new subdivisions. Subdivision Regulations are intended to be guidelines that help developers provide plans that the Planning Board and its engineering staff can work with, and that meet basic construction standards established by the Board and its engineering staff.

Subdivision Regulations can be created, abolished, or modified by a majority vote of the Planning Board after a Public Hearing has been held. Applicability of individual Subdivision Regulations to any subdivision plan can be waived or modified by the Planning Board if, in the opinion of the Board and its engineering staff, such waivers or modifications do not have an adverse impact on the design, safety, serviceability, or aesthetics of the subdivision.

How does the Planning Board ensure satisfactory completion of subdivision plans?

The Planning Board holds performance bonds to guarantee satisfactory construction of subdivision roads and drainage systems. The Board releases lots for sale and building permit issuance only when a performance bond is in place. The Board reduces the amount of funds held in the bond as work is completed. The Board will not vote to release the bond until all work is completed to the satisfaction of the Board and its engineer and after the improvements are exposed to one full winter. Final bond release is required before a road can be accepted as a public way.

Public Hearings

What is a Public Hearing?

State statute requires that the Planning Board hold a duly-advertised public hearing on zoning amendments, special permit applications, and definitive subdivision plans. Public hearings are not required for Approval Not Required ([ANR](#)) plans, site plan review, preliminary subdivision plans, or informal discussions. After the public hearing is closed, the Planning Board must determine whether an application is consistent with the Zoning By-law and Subdivision Regulations, if applicable.

Why was (or wasn't) I notified about this hearing?

At least two weeks before the opening of any Public Hearing, The Planning Board notifies owners of property that lies within 300 feet of the parcel that is the subject of the hearing. The Board also notifies other Town departments and the planning boards of eight abutting communities. All public hearing notices are published in *The Groton Herald* or other local papers for two weeks with the first notice at least 14 days prior to the public hearing as required by State law.

If you did not receive notice, either your property is located more than 300 feet from the parcel that is the

subject of the hearing, or this is a continuation of a hearing for which you should have received notice. If you purchased property recently, the notice of the public hearing may have been sent to the previous owner. The Town's records are updated when the Registry of Deeds forwards the recording information to the Town. This usually takes about three months.

Will I be notified if there are additional meetings on this topic?

The Planning Board is not required to advertise or send notices about public hearing continuations. You may call the Planning Board office at (978) 448-1105 to find out when a topic is on the agenda or you may let the Planning Administrator know if you wish to be notified of a particular matter.

How long does the hearing take?

The public hearing normally runs between 30 to 90 minutes on the first night. Most public hearings are continued by a vote of the Board to a later date for more information. Some hearings can be continued several times before they are closed.

When will I get a chance to speak?

The Board will recognize anyone in attendance who wishes to speak. Normally, the Board will hear a presentation from the applicant, hear any comments from other town boards or officials, then ask questions of the applicant before opening the hearing to public comment. If you wish to speak, the Board respectfully requests that you:

- Raise your hand and wait until you are recognized by the Chairperson.
- Identify yourself before speaking, so that your comments may be correctly attributed in the minutes.
- Address your comments to the Board, not to the applicant or any other attendee.

What issues are appropriate to speak about?

This is your opportunity to ask questions or make comments about the proposed project. The Board is especially interested in comments from residents who are familiar with the condition and history of the parcel in question, conditions and traffic patterns of roads that would be affected by the proposed development, and who may have pertinent information about the parcel that might not be known to the applicant or the Board. The Board encourages you to submit your comments in writing before the hearing in addition to (or in lieu of) attending the hearing in person.

Please try to limit your questions and comments to areas under the Planning Board's jurisdiction including density, road adequacy, drainage, traffic, zoning compliance, and other land-use issues.

This information is important in the decision-making process. Do not hesitate to submit photographs if you feel they would be helpful.

Subdivision and ANR Plans

What is an "Approval Not Required" (ANR) plan?

A lot that has 80,000 square feet of area and 225 feet of frontage on an existing public way does not need Planning Board approval to be used as a building lot. Such lots are usually the subject of "Approval Not Required" (ANR) plans. When the Board reviews an ANR plan for a building lot, it first determines whether the plan shows a lot with adequate area and road frontage, and determines whether the road frontage provides adequate access to the lot. If these conditions are true, the Board must endorse the plan with a notation that Planning Board approval is not required. An ANR plan may also be submitted to show changes to property lines between lots or parcels even if these parcels do not meet the requirements for building lots.

What is a subdivision?

A subdivision plan shows the division of a parcel or parcels of land into two or more lots for building purposes

and usually shows a proposed road to be constructed that will provide frontage for the lots. Prior to submitting the required definitive plan, an applicant may submit a preliminary plan for review by the Board and its engineering staff.

Conventional subdivision plans consist of lots that meet the minimum requirements for area, road frontage, and other criteria specified in the zoning by-law. The Planning Board reviews conventional subdivision plans to ensure that all lots meet these requirements, and that the road and drainage systems are designed as specified in the subdivision regulations. If these criteria are met, the Planning Board must approve the plan.

Why do some subdivisions require a special permit?

Certain provisions of the zoning by-law allow subdivisions with smaller lots sizes and less road frontage than what is required for a conventional subdivision. These provisions can only be used if the Planning Board grants a special permit to the applicant. The Board can grant the special permit only after holding a public hearing and preparing written findings that the proposed plan will not have adverse effects on the town or the neighborhood. Special permits are required for:

- *Major Residential Developments*. This designation applies to any plan that creates more than six new lots.
- *Flexible Development plans* and *Cluster Development plans*. Plans submitted under the Flexible or Cluster provisions of the Zoning By-Law allow the applicant to create the same number of lots as could be created under conventional rules but with smaller lot sizes (as small as 40,000 sq ft) and less frontage (as little as 100 Ft). In return for these concessions, Flexible and Cluster developments are required to provide one "affordable" (as defined by state law) dwelling unit or lot for every ten market-rate dwelling units or lots in the subdivision, and are also required to set aside and permanently restrict significant open space.
- *Hammerhead Lots*. Hammerhead lots must have a minimum of five acres area, 40 feet of frontage, a 200 foot setback, and are limited to single-family use. Frontage for hammerhead lots can be on an existing public way or on a new subdivision road.

Other Kinds of Plans

Site Plans

A site plan must be submitted to the Planning Board for review of any non-residential or non-agricultural construction which requires a building permit, occupancy permit for a change of use, or changes to a parking area. Site plan review is an administrative process that does not require a public hearing or notice to abutters.

Concept Plans for Planned Multifamily Development

Planned Multifamily Development applies to multifamily projects with multiple dwelling units in a single structure or multiple structures on a parcel of land in one ownership such as a condominium association. Such developments require approval by a two-thirds vote of Town Meeting and a special permit from the Planning Board to determine consistency with the concept plan approved by Town Meeting.

Deadlines

Special Permit Applications - The Zoning Act requires that the Board hold a public hearing within 65 days of the submission of the application. The Board then has 90 days after the public hearing to vote and file its decision with the Town Clerk. If the Board does not file its decision with the Town Clerk by the statutory deadline, the application will be approved by default.

Subdivision Plans - The Subdivision Control Law requires that the Board hold a public hearing, vote, and file its decision within 90 days of the submission of the application. Again, failure to file the decision with the Town Clerk by the deadline results in approval of the plan by default.

ANR Plans - The Subdivision Control Law requires that the Board act on an application for an Approval Not Required plan within 21 days of the date of submission of the plan.

Site Plans - The Zoning By-Law requires that the Board act on a Level I site plan in 30 days and a Level II site plan in 45 days.

When more information and time are necessary, applicants usually request that the Planning Board grant an extension of the deadline. The Board normally grants the requested extension.

Concerns Abutters May Have

I am concerned that the proposed development will affect my well.

The Board of Health has jurisdiction over private wells. Please contact the Board of Health with your concerns.

I am concerned that the proposed development will be built on land that doesn't perc.

The Board of Health has jurisdiction over percolation and deep hole testing, reviews and approves sewage disposal system design plans, and inspects construction for compliance with the approved plan.

I am concerned that the proposed development will have an adverse impact on wetlands.

The Conservation Commission reviews all work within 100 feet of wetlands or 200 feet of perennial streams and rivers as defined in the Wetlands Protection Act or local Wetlands Protection By-Law. Please contact the Conservation Commission with your concerns.

I am concerned that the proposed development will create a drainage or runoff problem on my property.

The Planning Board's engineering staff reviews plans and drainage calculations to be sure the plan is designed to produce no net increase in runoff from the property onto abutting lands or public ways.

I am concerned that the proposed development will create additional lighting that will shine on my property.

The Planning Board reviews lighting on non-residential developments as part of site plan review and requires that lighting not glare onto abutting properties or the public way. The Planning Board has no authority to regulate lighting on residential lots.

I am concerned that the proposed development will create noise, dust, and unsafe conditions while it is under construction.

Subdivision regulations and other town ordinances place strict controls over many aspects of subdivision construction and earth removal. The Planning Board along with its consulting engineer and the Zoning Enforcement Officer have the authority to regulate work in progress on subdivisions and non-residential construction sites. Please notify the Planning Administrator if you feel a violation has taken place.

I was always told that the parcel being proposed for development was unbuildable.

The determination of whether a parcel is buildable or not depends upon many factors including soil conditions, topography such as steep slopes, ledge and wetlands. All plans must be prepared by Registered Land Surveyors and Professional Engineers. The Planning Board, Board of Health, and Conservation Commission must review the plans for compliance with the rules and regulations over which they have jurisdiction. The Planning Board and other town boards have an engineering staff to assist with the technical aspects of this review.

The maps that the developer is presenting do not appear to show my lot lines correctly.

The plans are prepared and stamped by Registered Land Surveyors. However, if you have information documenting that there may be an error, please inform the Planning Board and the surveyor who prepared the plan.

Appeals

How can I appeal a decision I feel is incorrect?

Appeals of a Planning Board decision to grant a special permit or approve a subdivision plan must be filed in Superior Court or Land Court within twenty days of the date the Planning Board files its final decision with the Town Clerk.