

GROTON PLANNING BOARD
NOVEMBER 21, 2002
MINUTES

Vice Chairman Barringer called the meeting to order at 7:30 PM in the Town Hall

Members present: Barringer, Clements, Eliot, Lewis, Perkins and Wilson

Members absent: Degen

MEETING WITH HOUSING AUTHORITY

The Board met with Groton Housing Authority (GHA) Member Alicia Hersey and Director Christine Pude to discuss the Town's inclusionary zoning provisions. Attorney Mark Bobrowski was present for the discussion. Ms. Pude presented an outline of who the GHA is and what it does. She said since there is no public money available, the GHA does not build housing units, but it does manage the existing units.

Ms. Pude said the GHA is very interested in working with the Planning Board and developers to provide new housing units. The GHA is working with the Groton Land Foundation to acquire a unit that is accessible for the disabled at the Still Meadow development. The GHA would like to construct six, two-bedroom units on the 14-acre parcel on Nashua Road.

Ms. Hersey said it is important that the GHA and Planning Board communicate during the special permit process. She said the GHA prefers that the developers construct units instead of donate cash payments. She asked if the developer does not want to construct the units in the development, then why can't the units be constructed on land owned by GHA instead.

Member Wilson said he questioned whether the cash amount is adequate when the developer chooses the buy-out option.

Member Lewis said the Planning Board adopted the inclusionary zoning provisions so the affordable units would be throughout the town and not concentrated in one location. He said the Town needs more units constructed in the subdivisions than has been done to date.

Member Perkins said the lot with the affordable unit is an incentive or "bonus" lot. Mr. Bobrowski said the amount of the cash payment should be based upon a formula that calculates the difference between the market rate price of the unit and the affordable price of the unit. The developer can use appraisals of groups of ten units to establish values.

Ms. Hersey said the GHA needs moderate rentals, family housing, and handicapped accessible units. She said they GHA and the Planning Board have the same goals and both would really like to have the units constructed by the developer.

Mr. Bobrowski suggested that the GHA consider using Chapter 40B as an alternative for units to be constructed off-site. GMAC member Susan Horowitz said GMAC believes it is best to have the developer build the units on site.

Ms. Hersey said the GHA is hoping to have a developer build a duplex on the Nashua Road site. They are trying to streamline the process to get the units built.

Vice Chairman Barringer said the Board would work with Mark Bobrowski to re-write the inclusionary zoning provisions in the Open Space Residential Development provisions of the zoning by-law.

MEETING WITH MARK BOBROWSKI

The Board met with Attorney Mark Bobrowski to discuss possible zoning amendments as part of the Master Plan implementation.

Phased Growth – Mr. Bobrowski said he reviewed work done by GMAC and planning consultant Ralph Willmer on a

proposed phased growth by-law. He said the difference between GMAC's draft and his draft are the standards for granting a special permit. In the GMAC draft, there must be no detriment to the neighborhood. In Mr. Bobrowski's draft, there must be a positive benefit to the Town if the developer wants faster build out.

Member Wilson asked how the deal is negotiated. Mr. Bobrowski said the negotiations are between the Planning Board and the developer during the special permit and definitive plan hearing process.

Member Lewis said phased growth impacts people who are living in the subdivision more than anyone because these residents must live the dust, noise, and other disturbances from construction for a longer period of time.

Member Perkins asked if GMAC's proposal for a town-wide cap would replace the existing development rate limitation by-law. Mr. Bobrowski said it would replace the existing by-law with a rolling cap or a cap based upon a calendar year. The cap might apply only to subdivisions and not to other existing lots. Single-lot permits would not count toward the cap.

GMAC member Susan Horowitz said the version drafted by GMAC is neutral because no one suggested an incentive based approach.

GMAC member Steven Webber said GMAC is also concerned that not including all the single-lot building permits would result in too much impact on the Town's infrastructure.

Member Clements said, in his opinion, residential growth is the problem. He is concerned about density bonuses, incentive lots, and accelerated growth because of the impact on the taxpayers.

Former Planning Board member Richard Curtis noted that there is a Development Rate Limitation by-law in place and the Town already uses TDR's for accelerating building permit issuance. Mr. Bobrowski said the concept of TDR's could be broadened to include other benefits to the Town such as affordable housing and infrastructure improvements. Mr. Curtis said the Town already has many tools in place.

Mr. Bobrowski said he would draft a new subdivision phasing by-law, which includes a cap on building permit issuance.

Residential Compound – Mr. Bobrowski explained his draft "residential compound" provisions which are very similar to the Town's "small project" regulations that were in effect during the 1980's. The Planning Board would have the ability to grant a waiver to allow a project to come in under the Residential compound provisions. This waiver would not be used in conjunction with special permits for flexible or cluster developments and there would be a maximum number of lots allowed. Deed restrictions would be included to protect buffers along the road and property lines. The provisions would include increased area and set back requirements.

Member Lewis said he likes the idea because it protects the environment by minimizing road construction.

Member Perkins expressed concern about allowing gravel roads and said there should be a maximum slope requirement. Vice Chairman Barringer agreed that maintenance of gravel roads and driveways could become very problematic. Mr. Bobrowski said a Homeowners Association would be established to maintain the road and the road would never become a public way.

Steve Webber said the name of the street and house numbering should be approved by the Town just like any other subdivision. The Board agreed that this is an important public safety consideration.

Member Perkins said she would prefer a 200% increase in lot area requirements instead of a 150% increase. Mr. Bobrowski said the regulations should be written in such a way to discourage ANR development.

Agricultural Zoning - The Board reviewed the proposal prepared by Steve Webber to establish a new zoning district for land permanently dedicated to agricultural use. The land in the district must be subject to either an Agricultural

Preservation Restriction (APR) or Conservation Restriction (CR). At the present time, there are six properties with APR's and 12 with CR's. The Board of Selectmen could classify land in the district to have a tax rate of "0". Mr. Webber submitted a spreadsheet showing the effect on tax revenue.

Mr. Bobrowski asked what the allowed use would be in the new district. Mr. Webber said agricultural uses would be allowed. Mr. Bobrowski said this might not be enough to satisfy the Attorney General. He offered to call and check with the Attorney General's office before the Board proceeds with drafting the proposed amendment.

Major Residential Development – The Board and Mr. Bobrowski discussed concerns with the existing Major Residential Development provisions. Member Perkins said the by-law is very confusing, causes landowners extra engineering expense, and is not accomplishing the intended goals.

Mr. Bobrowski summarized his concerns about the by-law and stated that a conventional subdivision must be approved if it meets the regulations. He suggested that the Major Residential Development provisions could be combined with the growth management provisions or correlated with the Open Space Residential Development provisions. He will submit a proposal for the Board's consideration at its meeting on January 9, 2003.

FST ENGINEERING SERVICES

The motion was made by Lewis to accept the proposal dated November 18, 2002 from Fay, Spoffard and Thorndike for inspection services at the Groton Dunstable Regional School District. The motion was seconded and passed unanimously.

CRANSTON CONSTRUCTION AFFORDABLE HOUSING

The Board received a letter dated November 21, 2002 from Attorney Robert Collins requesting that the Board amend the condition of its site plan approval to allow construction of the affordable housing units on Sandy Pond Road before drainage system design issues are resolved with the Board and its engineer. Mr. Collins said all such issues would be resolved prior to issuance of occupancy permits.

The motion was made by Lewis that the Board not to amend the condition of the site plan approval for Cranston Construction so the conditions stand as voted on October 24, 2002. The motion was seconded and passed with Barringer, Lewis, and Perkins in favor; Wilson opposed; Clements abstaining.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator