

GROTON PLANNING BOARD

APRIL 14, 2005

MINUTES

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

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

PUBLIC HEARING (con't) - SCENIC ROADS REGULATIONS

(Note: Member Degen stepped down and did not participate.)

The Board continued the public hearing to consider the proposed Scenic Roads Regulations. Highway Surveyor Robert T. Delaney and landowner Steve Webber were present.

Planning Administrator Michelle Collette asked if the Board wanted to include all new subdivision roads as Scenic Roads under the Scenic Roads By-Law and Regulations. The Board discussed the question and decided that new subdivision roads should be included.

The Board suggested that the Tree Warden be authorized to grant permits under the Scenic Roads provisions and that the Tree Warden be given the discretion to decide when an application should be submitted to the Planning Board for a public hearing.

The Board voted unanimously to continue the public hearing on May 12, 2005 at 7:30 PM.

PUBLIC HEARING – PROPOSED ZONING AMENDMENT

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the following proposed zoning amendment:

ARTICLE - To see if the Town will vote to amend the Zoning By-law as follows:

Item 1. By adding the following new Section 218-16D, entitled “Accessory Apartments”:

Section 218-16D. Accessory Apartments

A. Purpose. For the purpose of (a) providing small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town, (b) providing alternative housing options; and (c) enabling owners of single family dwellings larger than required for their present needs to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements.

B. Procedures. Accessory apartments may be allowed in the RA and RB Districts on special permit, from the Board of Appeals, in accordance with the special permit process in this Zoning By-Law, as set forth in Section 218-32.1, and provided that each of the following additional criteria are met.

C. Conditions.

1. A plot plan of the existing dwelling unit and proposed accessory apartment shall be submitted to the Board of Appeals, showing the location of the building on the lot, the proposed accessory apartment, location of any septic system and required parking.
2. An affidavit shall be provided stating that one of the two dwelling units shall be the residence for tax purposes of the owner of the property.
3. Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 800 square feet in floor space and shall be located in the principal residential structure on the premises.

4. The footprint of the structure in which the accessory apartment is to be located shall not be increased by more than 800 square feet and shall retain the appearance of a single-family structure. Any such increase in the footprint shall not exacerbate an existing nonconformity nor create a new nonconformity.
5. Sufficient and appropriate area for at least one (1) additional parking space shall be provided by the owner to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and, to prevent on-street parking, shall have vehicular access to the driveway, all as set forth in Section 218-23B. The Board may limit the amount of paving as a condition of any special permit.
6. No special permit shall be granted without a condition that the accessory apartment shall conform to the provisions of Title V of the State Sanitary Code, 310CMR 15.00 and applicable regulations of the Groton Board of Health.
7. Any accessory apartments intended for occupancy by a person with a disability shall be subject to the provisions of G.L. c. 40A, s. 3.
8. The Board of Appeals shall provide special consideration to an application for an accessory apartment which will be restricted to a rent affordable to a person or household of low or moderate income. Affordable to persons or families qualifying as low or moderate income shall mean affordable to persons in the Lowell metropolitan statistical area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning not more than 80% of the median income. The deed restriction for such unit shall be provided by the Board of Appeals.

D. Decision. Special permits for an accessory apartment may be granted by the Board of Appeals upon a finding that the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the subject property is located and after consideration of the factors set forth in Section 218-32.1 of this Zoning By-Law.

E. Amnesty. The Building Commissioner shall not enforce the provisions of this Section 218-19 until July 1, 2006, in order that existing accessory apartments may come into compliance in an orderly manner.

Item 2. By adding the following new definition to Section 218-4:

ACCESSORY APARTMENT - A separate dwelling unit, complete with its own cooking and sanitary facilities, having not more than one bedroom and functioning as a separate unit. Additions, renovations, and all construction shall meet the requirements of the current edition of the State Building Code.

Chairman Eliot called the hearing to order. Clerk Degen read the public hearing notice published in the April 1 and 8, 2005 issues of *The Groton Herald*.

The Board discussed the language regarding owner occupancy. The Board referred to existing §218-27A Dwelling Conversion and decided to make the following amendment on the floor of Town Meeting:

To amend the motion by striking out Section C(2) which reads as follows:

“An affidavit shall be provided stating that one of the two dwelling units shall be the residence for tax purposes of the owner of the property.

And by inserting in its place the following:

“The owner of the premises must occupy one of the units except for temporary absences.”

June Johnson asked why accessory apartments would be limited to one bedroom when there is a need for housing for single parents and others. Member Perkins noted that duplexes are still allowed by-right on all conventional lots. Ms. Johnson said there are many older homes that can be reconfigured to accommodate apartments. She did not see why

the area of the accessory apartment should be limited to 800 sq ft.

Chairman Eliot said the proposed accessory apartment by-law will meet a need by providing housing for family members.

Harlan Fitch said the creation of the accessory apartment should not change the outside appearance of the house. He said 800 sq ft is too large an area for an addition and may increase the non-conformity of existing buildings.

The Board referred to Item C(4) which states, "Any such increase in the footprint shall not exacerbate an existing nonconformity nor create a new nonconformity."

The Board voted unanimously to close the public hearing.

PUBLIC HEARING (con't) – PROPOSED ZONING AMENDMENTS

The Board held the continuation of the public hearing to consider the amendments to §218-23D Shared Driveways and §218-28 Development Rate Limitation.

All members of the Board agreed on the need to amend the shared driveway provisions to allow shared driveways to provide access to three lots. There were no questions from the public.

The Board debated whether to propose extending the Development Rate Limitation provisions to 2010 and will refer to GMAC's annual report on population increase, permit issuance, and impact on Town services.

Attorney Alan Hoch asked why the Board would consider renewing this provision in light of the Massachusetts Supreme Court Decision on Hadley's Development Rate by-law. He said it will cost the Town money if developers litigate.

Attorney Robert Anctil said the Hadley case says such by-laws are justified if there is a demonstrated need in the community, but you cannot extend the by-law indefinitely for no reason.

Chairman Eliot said there is justification to extend the by-law with all the large developments in the pipeline.

Member Degen said he is not in favor of the extending the Development Rate Limitation provisions because there is no justification.

The Board voted unanimously to close the public hearing.

PUBLIC HEARING (con't) – REEDY MEADOW DEFINITIVE PLAN

The Board voted unanimously to continue public hearing on the Reedy Meadow Estates definitive plan to May 12, 2005 at 8:00 PM.

PLANNING BOARD REPORTS TO TOWN MEETING

Article 25 Boston Road Rezoning

The motion was made by Perkins to recommend that Town Meeting NOT approve the proposed rezoning for the following reasons:

1. Lack of consistency with the Comprehensive Master Plan

The proposal is not consistent with the goals and objectives outlined in the 1963 Master Plan that was used as a foundation for the original adoption of zoning districts. In addition, the proposal is not consistent with the goals and objective of the revisions to the Master Plan adopted in 1990 and updated in 2002. The following excerpts from "Groton 2020 Update, Planning Directions – Business Development," adopted in 2002, should be considered:

- To encourage moderate business activity, but only in a manner that fits within the natural and historic

landscape of Groton and in a manner that assures the public health and safety of Groton residents.

- To support existing commercial and industrial businesses.
- To manage Groton Center's business planning in a manner that allows Main Street to function as a through route for commuter traffic, provides protection for existing businesses, provides opportunities for a limited amount of business growth and protects the Center's historic character.
- To prevent the Center from deteriorating due to business migration to other parts of town.
- To encourage small retail and service businesses that will meet the needs of Groton residents and continue the town's tradition of having businesses that are "locally grown".
- To encourage businesses that will fit within and enhance the community's small town character.
- To explore means to provide some land for large business uses that has good access to highways, is buffered from adjacent incompatible uses, protects the environment and creates local jobs.
- Route 119: Create separate regulations. Designate buffer areas between commercial areas. Maintain rights, but design site planning standards to fit the area.

2. Potential adverse impact on Town Center

Although the business uses on four of the five parcels have existed on Boston Road for many years, rezoning these parcels may result in substantial change to this area. Creating a strip development along Boston Road would detract from the Town Center as the historic center of the community. Changing the gateway to the center may negatively impact the aesthetic quality and pedestrian nature of the Town Center. The delicate balance of business and residential uses in and around the Town Center should be carefully maintained.

3. Environmental considerations

The area behind the existing buildings on the Boston Road parcels contains an extensive \pm 30 acre wetland bordering Cady Pond Brook which flows to James Brook. Any work within 100 ft of the wetlands or 200 feet of Cady Pond Brook is under the jurisdiction of the Conservation Commission. Additional development, including increase in parking or other impervious surfaces may adversely impact these important natural resources areas.

4. Lack of adequate area for parking and pedestrian access

The physical constraints of the five parcels, located between Boston Road and the wetlands, makes creation of additional parking, vehicular or pedestrian access to these site particularly challenging.

5. Concept plans

The concept plans submitted with the petition documented existing conditions on each of the five parcels required in §218-18 of the Zoning By-Law. However, no plans were submitted to the Planning Board indicating possible future uses on these sites.

6. Public opinion

The overwhelming majority of residents who spoke at the Planning Board's public hearing opposed the proposed rezoning petition.

The motion was seconded and passed unanimously.

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536 Main Street Rezoning

The motion was made by Degen to recommend that Town Meeting approve the rezoning for the following reasons:

1. Consistency with the Comprehensive Master Plan

The proposed rezoning is supported in both the 1990 revision to the Comprehensive Master and the Groton 2020 Update, adopted in 2002, which states:

- Consider zoning additional land for commercial use adjacent to the B1 district on North Main Street.

2. Location

The lot to be rezoned is located adjacent to property owned by New England Business Service, across the street from the proposed Groton Residential Gardens housing development, and near Mill Run Plaza. Land zoned B-1 and M-1 is in the vicinity.

3. Concept plans

The petitioner submitted a concept plan for the Board's review as required in §218-18 of the Zoning By-Law. The Planning Board will address architectural and site design issues for the proposed office-retail building during the Site Plan Review process.

4. Public opinion

There was no opposition from abutters at the Planning Board's public hearing on the proposed rezoning petition.

The motion was seconded and passed with Barringer, Clements, Degen, Eliot, Perkins, and Wilson in favor; Lewis opposed.

Accessory Apartments

The motion was made by Perkins to recommend that Town Meeting adopt the proposed Accessory Apartments provisions with the amendment to be made by the Planning Board on the floor of Town Meeting. *The motion was seconded and passed with Barringer, Clements, Degen, Eliot, Perkins, and Wilson in favor; Lewis opposed.*

Development Rate Limitation

The motion was made by Wilson to recommend that Town Meeting renew the Development Rate Limitation provisions to 2010. *The motion was seconded and passed with Barringer, Clements, Eliot and Wilson in favor; Degen, Lewis and Perkins opposed.*

Shared Driveways

The motion was made by Perkins to recommend that Town meeting adopt the amendment to the Shared Driveway provisions. *The motion was seconded and passed unanimously.*

OPEN SPACE PLAN COMMENTS

The Board reviewed the draft "Open Space and Recreation Plan" prepared by the Conservation Commission. The motion was made by Degen to write a letter of support to the Conservation Commission commending the Commission and Conservation Assistant Barbara Ganem on the well-prepared and thorough document. *The motion was seconded and passed unanimously.*

MILL RUN PLAZA

The Board discussed the on-going drainage and other problems at the Mill Run Plaza site.

The motion was made by Degen to request that Ryan Development provide the Board with an explanation about why it has not complied with the timeline outlined in its letter dated March 10, 2005 to the Planning Board. The Board noted that it has concerns about runoff from roof drains flowing into the parking lot, the drainage system, and onto the public way. ***The motion was seconded and passed unanimously.***

The motion was made by Degen to send a letter to the ZBA requesting that the ZBA require additional engineering review of the drainage system for the Groton Residential Gardens comprehensive permit development prior to commencement of construction because the Groton Residential Gardens development shares a portion of the drainage system constructed for the Mill Run Plaza commercial development. There have been numerous issues with the Mill Run Plaza drainage system as constructed. The Planning Board is concerned that the drainage system may not be able to handle additional runoff from the housing development. The letter to the ZBA will be copied to the DHCD and MassHousing. ***The motion was seconded and passed unanimously.***

DODSON ASSOCIATES

The Board discussed the proposals submitted by Dodson Associates to review the Groton Collision site plan and the Four Corners plans that have been approved to date.

The Groton Collision proposal was in the amount of \$3500. Some Board members did not see the need to have this site plan reviewed by the landscape architect, and other Board members did not believe the review should be paid by the taxpayers.

The motion was made by Degen to request that the applicant fund the review in an amount not to exceed \$1000. ***The motion was seconded and passed with Barringer, Degen, Eliot, Lewis, and Wilson in favor; Clements opposed..***

The motion was made by Wilson to accept the proposal in the amount not to exceed \$2000 for Dodson Associates to review the Boston Road Marketplace, Samantha Realty Trust, and MassHighway plans at the Four Corners intersection. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator