

**GROTON PLANNING BOARD
SEPTEMBER 27, 2007
MINUTES**

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

Members present: Barringer, Capes, Giger, Hess, Perkins and Wilson

Member absent: Eliot

PUBLIC HEARING – HUGHES-ORTIZ SPECIAL PERMIT/SITE PLAN REVIEW

The Board held the continuation of the public hearing to consider the special permit/site plan review application submitted by Patricia Hughes-Ortiz for the roofing business located at 60 Boston Road. The applicant submitted the structural engineering plan as required in the Site Plan Review regulations.

There were only four members of the Board (Barringer, Capes, Perkins and Wilson) qualified to vote on the application because Members Giger and Hess were elected to the Board after the public hearing process commenced. Five affirmative votes are required to grant a special permit. At the request of the applicant, the Board voted unanimously to continue the public hearing on October 4, 2007 at 9:00 PM.

STATION AVENUE UPDATE

Town Planner Michelle Collette reported that all but three landowners signed consent forms for the Chapter 43D Priority Development Site. Some landowners were concerned about losing their grandfathered rights. The Board received an e-mail from Town Counsel Judith Cutler stating:

“You have requested an opinion as to the effect of the proposed Station Avenue Overlay District (“SAOD”) on the zoning status of existing lots, structures and uses located within the boundary of that District. The SAOD is not similar to other types of overlay districts, such as the Conservancy District, in which the overlay district requirements are superimposed on the land in the district unless expressly exempted. As we have discussed, it is my opinion that owners of land within the SAOD are not subject to the use and development regulations of the SAOD until and unless they elect to develop their land in reliance on those regulations. Until then, the premises will remain subject to the applicable requirements of the underlying zoning district. Those existing nonconforming uses lots, structures and uses which are already protected as legally nonconforming ones, will not lose any vested rights as a result of the adoption of the new SAOD, in my opinion. Nor will they become more nonconforming, in my opinion. The owners may choose to ignore the opportunities provided by the SAOD, in favor of continuing to rely upon grandfathered rights. They would, however, have to surrender any existing grandfather protections if and when they decide to take advantage of the SAOD provisions.”

The motion was made by Wilson to send a letter to all landowners in the proposed Station Avenue Overlay District with Town Counsel’s statement about vested rights. Copies of the letters will be filed with the Building Inspector/Zoning Enforcement Officer and the Town Clerk. ***The motion was seconded and passed unanimously.***

The Station Avenue Redevelopment Committee will discuss traffic flow with the Town’s public safety officials on Wednesday, October 3, 2007.

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The Board discussed the recommendations in the Fay, Spoffard & Thorndike report dated February, 2007. The Board will ask traffic engineer Gary Hebert to amend the diagram entitled, "Recommended Access Strategy," (page 24 of the report) based upon the recommendations of Station Avenue Redevelopment Committee meeting after its meeting with the public safety officials on October 3, 2007.

MINUTES

The Board voted unanimously to approve the minutes of August 23, 2007 and September 6, 2007.

MEETING SCHEDULE

The Board discussed the possibility of meeting every other week until January since the number of applications is substantially lower. The Board would be able to meet weekly if business increases. Members agreed to try the every other week schedule.

Meeting adjourned at 8:30 PM.

Respectfully submitted,

Michelle Collette
Town Planner