

**GROTON PLANNING BOARD
APRIL 16, 2009
MINUTES**

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

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

Member absent: Perkins and Burke

PUBLIC HEARING – 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 amendments:

Article . To see if the Town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton Section 218-16D Accessory Apartments and Section 218-13 Schedule of Use Regulations as follows:

1. Amend Item 218-16D(1) Purpose by deleting the words “adding to the number of buildings in the Town, or” in the first sentence. The item as amended will read as follows:

(1) 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.

2. Amend Item 218-16D(3)(c) by deleting the words “shall be located in the principal residential structure on the premises” at the end of the second sentence and by adding the words “and may be attached or detached” after the word “and.” The item as amended will read as follows:

(c) 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 may be attached or detached.

3. Amend Item 218-16D(3)(d) by deleting the existing paragraph in its entirety and replacing it with the following:

(d) The accessory apartment shall not detract from the residential character of the property or the neighborhood.

4. Amend Section 218-13 Schedule of Use Regulations by inserting the following use in the Accessory Section:

	R-A	R-B	B-1	M-1	C	O	P
Accessory Apartments are regulated under § 218-16D	SP	SP	SP	N	N	N	N

Or take any other action thereon.

Article . To see if the Town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, 218-13 Schedule of Use Regulations, striking out the word “detached” and inserting in its place the word “attached” in the following use in the Residential section:

	R-A	R-B	B-1	M-1	C	O	P
2-family detached attached dwelling, provided that its external appearance is not significantly different from a single-family dwelling	Y	Y	Y	N	N	N	N

Vice Chairman Capes called the hearing to order. Member Barringer read the notice published in the March 27 and April 3, 2009 issues of *The Groton Herald*.

Town Planner Michelle Collette noted that the Accessory Apartment By-law is in place today. The proposed amendment will allow accessory apartments to be located in accessory structures such as barns and garages or as a stand-alone detached structure.

The amendment to the Schedule of Use Regulations changes “detached” to “attached” in the two-family entry. The by-law has said “detached” since 1978, but the interpretation has been that the two units must be attached as required in other sections of the by-law.

Selectman Anna Eliot said she supports the proposed amendment to the Accessory Apartment provisions allowing apartments in barns and garages. She requested that the Planning Board withdraw the article amending the Schedule of Use Regulations so that two-family dwellings need not be attached.

Vice Chairman Capes said this amendment is a “housekeeping” amendment so the Schedule of Use Regulations is consistent with other sections of the by-law such as 218-22E Density which states:

- E. Density. No more than one dwelling with accessory buildings customarily incidental thereto shall be located upon any single lot in any district, except as provided in § 218-26F(2), Cluster development, § 218-27, Multifamily use, or § 218-30.2, Station Avenue Overlay District.

Selectman Eliot said it does not make sense to require artificial attachments between dwelling units because it is expensive and not attractive. This provision of the by-law has not been abused.

Member Hess said most applicants do not know the by-law allows construction of two separate dwelling units on a parcel. He noted a past case presented to the Zoning Board of Appeals.

Member Barringer said an accessory apartment is clearly subordinate to the principal dwelling. However, allowing two full size houses on one lot could create problems in the future.

Member Wilson said the Board may want to wait and consider the amendment in context with other sections of the by-law.

Member Hess said the Board should start with its intention and focus on what it is advocating and why.

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Member Giger said by enacting this amendment, the Board is not addressing other sections of the by-law that may be problematic. He supported looking at the entire section rather than creating a controversy over one line item.

Member Wilson said it becomes a legal question if we get a de facto subdivision via subsequent sale of the units to separate owners. He asked if common ownership should be required. Town Planner Michelle Collette said zoning cannot determine form of ownership. She noted many existing duplexes are condominiums.

Connie Sartini asked if there are two separate units on a lot, can each unit be converted to duplexes resulting in four units on a lot.

Selectmen Eliot said a lot cannot be subdivided unless it meets frontage and area requirements. Individual units can be sold as condominiums.

Vice Chairman Capes said this is a housekeeping issue. The by-law should be fixed now before applicants try to push the envelope. The Board can take a more comprehensive look at Section 218-13 in the future.

The Board voted unanimously to continue the public hearing on April 23, 2009 at 9:00 PM.

STATION AVENUE UPDATE

Selectman Eliot reported that the State House budget will reduce local aid to municipalities resulting in a \$350,000 reduction in Groton's revenue. She said the Selectmen may move to postpone the entire budget as well as the article for the Station Avenue Infrastructure project. She suggested that Planning Board members try to attend the Selectmen's meeting on Tuesday, April 21, 2009.

Member Barringer reported that he attended the Groton Electric Light Department (GELD) meeting on April 6, 2009. The GELD Commissioners debated the Station Avenue project and the sale of GELD's land for about three hours. The Commissioners believe they cannot move their facilities to the Lowell Road site without impacting the ratepayers. Selectmen Eliot said the GELD Commissioners decided not to go forward with an RFP for the sale of the GELD property on Station Avenue.

Member Hess said the Town should continue to advocate for the mixed used development as enabled by the Station Avenue Overlay District, whether GELD moves its facilities or not.

Selectman Eliot suggested establishing a Community Development Corporation to work with private landowners to market the entire district.

The motion was made by Hess, seconded by Barringer, to send a letter to the Board of Selectmen supporting Article 4 for the Station Avenue Infrastructure Project. ***The motion passed unanimously.***

PB REPORTS TO TOWN MEETING

The Board discussed the power point slides and its report to Town Meeting on the proposed Wind Energy Conversion Facilities by-law. Member Giger will revise the presentation for the Board's review at the April 23, 2009 meeting.

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The Board discussed possible floor amendments that may be proposed by voters at the Town Meeting. Town Planner Michelle Collette said Town Counsel David Doneski was asked to review such an amendment that would require concept plan approval for large scale towers with a height greater than 200 ft. However, the Planning Board has not been provided with a copy of the amendment to date. She said Town Counsel will schedule a conference call with the Moderator to discuss how to rule on the floor amendment.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Town Planner