

**PLANNING BOARD
MARCH 14, 2013
MINUTES**

Chairman Giger called the meeting to order at 7:30 PM

Members present: Giger, Burke, Perkins, Svarczkopf, and Wilson

Members absent: Barringer and Parent

PUBLIC HEARING – PROPOSED ZONING AMENDMENTS

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing on **Thursday, March 14, 2013 at 7:30 PM** in the Town Hall, 173 Main Street (second floor meeting room), 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 by amending Section 218-30 Water Resource Protection Overlay Districts, subsection 218-30C Establishment of Districts by striking out:

- C. Establishment of Districts.** The Water Resource Protection Districts are herein established as overlay districts. The Water Resource Protection Districts are described on a map with district boundary lines prepared by Applied Geographics, Inc. entitled "Water Resource Protection Districts, Town of Groton," dated March 1, 2011. All maps are hereby made a part of this Zoning By-Law and are on file in the office of the Town Clerk.

And by inserting in its place:

- C. Establishment of Districts.** The Water Resource Protection Districts are herein established as overlay districts. The Water Resource Protection Districts are described on a map with district boundary lines prepared by Applied Geographics, Inc. entitled "Water Resource Protection Districts, Town of Groton," dated January 21, 2013. All maps are hereby made a part of this Zoning By-Law and are on file in the office of the Town Clerk.

ARTICLE ____. To see if the town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton by amending Section 218-9 Location of Districts by striking out:

§218-9 Location of districts. Said districts are located and bounded as shown on a map entitled "Town of Groton, Massachusetts — Zoning Map," dated March 10, 2003, revised February 12, 2008, further revised March 1, 2011, and revised and amended to date, on file in the office of the Town Clerk. Said map, with the boundaries of the districts and all explanatory matter thereon, is hereby made a part of this chapter.

And by inserting in its place:

§218-9 Location of districts. Said districts are located and bounded as shown on a map entitled "Town of Groton, Massachusetts — Zoning Map," dated March 10, 2003, revised February 12, 2008, revised March 1, 2011, further revised January 18, 2013, and revised and amended to date, on file in the office of the Town Clerk. Said map, with the boundaries of the districts and all explanatory matter thereon, is hereby made a part of this chapter.

ARTICLE: To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning, as follows:

1. Amend §218-4 Definitions by ADDING the following new definitions to Section 218-4 Definitions:

AGRICULTURE - "Farming" or "agriculture" shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.¹

AGRICULTURAL LABOR HOUSING – A structure or building constructed or used for labor for commercial agriculture as its primary purpose.

COMMERCIAL DOG KENNEL - The keeping for sale or boarding purposes, including convalescence or treatment, of more than three dogs that are more than six months old.

2. Amend Section 218-13 Schedule of Use Regulations by DELETING the following uses in the Agricultural, Floricultural and Horticultural Section:

	R-A	R-B	B-1	M-1	C	O	P
The raising or keeping of horses, goats, sheep, cattle, and not over 15 pigs or poultry or maintenance of dog kennels or riding stables	Y	Y	Y	Y	SP	SP	Y

¹ See Chapter 137 Farming.

A. Barns or stables for breeding, boarding, hiring or sale of animals	SP	SP	SP	SP	N	N	SP
Roadside stand for sale of principally local farm produce raised in the Town, set back at least 50 feet from the street line, and provided that space for customers' cars is available off the right-of-way of the street and is so arranged as not to permit backing of automobiles onto any public or traveled way	SP	SP	SP	SP	N	SP	SP

And by ADDING the following uses in the Agricultural, Floricultural and Horticultural Section:

	R-A	R-B	B-1	M-1	C	O	P
Agricultural Labor Housing	Y	Y	Y	Y	Y	Y	Y
The raising or keeping of horses, goats, sheep, cattle, pigs, poultry or other domesticated animals for food and other agricultural purposes	Y	Y	Y	Y	Y	Y	Y
Riding stables	Y	Y	Y	Y	Y	Y	Y
Barns or stables for breeding, boarding, hiring or sale of animals	Y	Y	Y	Y	Y	Y	Y
Roadside stand for sale of principally local farm produce raised in the Town, set back at least 50 feet from the street line, and provided that space for customers' cars is available off the right-of-way of the street and is so arranged as not to permit backing of automobiles onto any public or traveled way	Y	Y	Y	Y	Y	Y	Y

3. Amend Section 218-13 Schedule of Use Regulations by DELETING the following use in the Business Section:

	R-A	R-B	B-1	M-1	C	O	P
Commercial greenhouse	SP	SP	Y	Y	Y	Y	N

And by ADDING the following use in the Agricultural, Floricultural and Horticultural Section:

	R-A	R-B	B-1	M-1	C	O	P
Commercial greenhouse	Y	Y	Y	Y	Y	Y	Y

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

	R-A	R-B	B-1	M-1	C	O	P
Commercial dog kennel	SP	SP	Y	Y	N	N	N

Chairman Giger called the public hearing to order and read the legal notice posted with the Town Clerk on February 19, 2013 and published in the February 22 and March 1, 2013 issues of *The Groton Herald*.

WRPD Map - The Board explained that the amendment to the Water Resource Protection Districts Map is an update to the Zones II & III to protect the newly approved public water supply well on Unkey Brook. The proposed revisions to the map and level of protection are required by the Department of Environmental Protection (DEP) Drinking Water Supply Regulations.

Zoning Map – The proposed amendment to the Zoning Map shows the parcel, Assessors’ Map 108, Parcel 1-4, rezoned to Public Use (P-1) at the 2012 Fall Town Meeting. There are no other changes to the map.

Schedule of Use Regulations/Agricultural Uses – The proposed amendment adds definitions and revises the Schedule of Use Regulations to bring the Zoning By-law into compliance with MGL Chapter 40A, Section 3, which exempts agricultural uses. Agricultural Commission Members Meredith Scarlett and Susan Willcox were present.

Member Burke commended the Agricultural Commission for working closely with the Planning Board, the Board of Health, and the Conservation Commission on the proposed zoning amendment.

Robert Stephens said he lives near a farm on West Main Street and questioned why all the uses should be “Y” (permitted by right) in all districts including the “O” and “P” Districts. He also asked why there is no limit on the number of pigs. He said it is a very bad idea not to limit the number of animals.

Chairman Giger explained that the proposed change is consistent with State law. The Town is not allowed to require special permits for agricultural uses to regulate farming.

Ms. Scarlett said the Agricultural Commission debated the proposed amendment for several months and addressed the issue of use of land owned by the Town with the Conservation Commission.

Mr. Stephens said he still has concerns about farming in the floodplain and other issues.

Ms. Scarlett said the Board of Health, Animal Inspector, Building Code, and Department of Food and Agricultural all regulate agricultural uses. Member Burke agreed that zoning is not the tool to be used to regulate agriculture. All other laws and regulations still apply. He noted that Groton is a “Right to Farm” community and notice is mailed to all residents annually.

Chairman Giger reiterated that the proposed amendment will bring the Zoning By-law into conformance with State law.

Member Svarczkopf said farmers should not have to pay lawyers to appear before the Zoning Board of Appeals or go to court in order to farm.

Member Perkins said agricultural uses are controlled by other regulations and not by zoning.

Mr. Stephens said he is afraid the Town is relaxing its regulations.

Ms. Scarlett said she makes her living farming. Groton is friendly to farming as stated in the Master Plan. She said there is value in local food production including pigs. There are other regulations in place to address problems when they occur. She thanked the Planning Board for its assistance in the process.

The Board voted unanimously to close the public hearing.

The motion was made by Wilson, seconded by Perkins, to recommend that Town Meeting adopt the revisions to the Water Resource Protection Districts Map. The motion passed unanimously.

The motion was made by Burke, seconded by Svarczkopf, to recommend that Town Meeting adopt the revisions to the Zoning Map. The motion passed unanimously.

The motion was made by Wilson, seconded by Perkins, to recommend that Town Meeting adopt the revisions to the Schedule of Use Regulations and Definitions on Agricultural Uses. The motion passed unanimously.

PRE-SUBMISSION REVIEW – RIVERCOURT RESIDENCES

David Hamilton of Capstone Properties met with the Board to request a waiver of Site Plan Review to renovate 800 SF in Rivercourt Residences for a fitness center and conference room. The space is within the unfinished portion of the building. There will be no new residents or staff as a result of the renovations. The new fitness center is an amenity requested by the residents.

The motion was made by Perkins, seconded by Burke, to unanimously to waive Site Plan Review for Rivercourt Residences as described in the attached letter dated February 25, 2013 and with the condition that there are no exterior changes to the building, no increase in staff or no increase in residents. The motion passed unanimously.

PRE-SUBMISSION REVIEW – TARBELL LEARNING CENTER

Michael Rasmussen and Robin Kane met with the Board to discuss plans to renovate the Tarbell School on Pepperell Road. The school, presently owned by the Town, will be sold once all permits have been issued.

Mr. Rasmussen said there will be no changes to the exterior of the building. Country Kids child care facility will occupy the first floor of the school, and the second floor will be used for private educational uses. Additional parking will be needed to accommodate the new uses. Country Kids, presently located at Rivercourt, is allowed by right. The for-profit educational uses require a special permit from the Zoning Board of Appeals.

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Member Burke asked how many parking spaces are at the school today and how many additional spaces are needed. Mr. Rasmussen said there are 18 spaces there now and an additional 18 spaces are proposed.

Robin Kane, owner of Country Kids, said the additional parking spaces are needed for morning drop off and afternoon pick up at the child care facility based upon the experience at Rivercourt. Mr. Rasmussen said the other educational uses will take place in the late afternoon or early evening.

Member Burke said the existing building will continue to be used for educational purposes so a traffic study or project impact report should not be necessary. Mr. Rasmussen requested that the Board waive the requirements for a traffic study and impact report.

Member Svarczkopf said he supports the proposed use, but there will be traffic impacts to the neighborhood.

Chairman Giger asked if there would be any exterior changes. Mr. Rasmussen said there would be no changes to the footprint of the building, but there will be changes to lighting. Access for people with disabilities and compliance with Architectural Access Board Regulations are required.

The Board reviewed the Level I and Level II submission requirements with the applicant.

The motion was made by Wilson, seconded by Burke, to require a Level I site plan review for the Tarbell Learning Center with the condition that the plan be prepared by a Registered Professional Engineer and that an evaluation of traffic circulation be included with the submission. The motion passed unanimously.

GROTON HOUSING AUTHORITY REQUEST FOR LETTER OF SUPPORT TO CPC

Groton Housing Authority (GHA) Chairman Dan Emerson met with the Board to request a letter of support for the GHA application for Community Preservation Funds to replace a generator at the Petapawag Place housing project. The generator is needed to pump sewage to the municipal sewerage system during a power outage. The cost of the generator and concrete pad will be paid with \$15,847 from community preservation funds and \$7000 from the Department of Housing and Community Development (DHCD).

Member Svarczkopf asked if there are one or two grinder pumps. Mr. Emerson said there are two pumps. If the system does not work, the housing units would be uninhabitable. Member Svarczkopf asked if there are holding tanks. Mr. Emerson said "yes," and they are 25 years old.

Member Perkins asked if the units are for the elderly. Mr. Emerson said 20 units are for the elderly and five are for families. Member Perkins agreed that it would be very disruptive to move people if the units became uninhabitable.

Member Wilson asked if the generator covers the heating system, too. Mr. Emerson said, "no," only the grinder pumps for the sewer system.

Member Burke said the system was designed as a pump system. The backup generator is required for the system to function. It makes sense to use CPC funds to cover this expense.

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Housing Coordinator Fran Stanley spoke in favor of the application. If the units become uninhabitable, the GHA has nowhere else to house the residents. Replacing the generator is a good investment.

The motion was made by Wilson, seconded by Perkins, to write a letter of support for the GHA's application for funds for the emergency generator. The motion passed unanimously.

PRE-SUBMISSION REVIEW - HINDU TEMPLE, BOSTON ROAD

Developer Michael Vaccaro met with the Board to discuss building a Hindu Temple off Boston Road on land presently owned by MattBob on the site of the Oakridge Comprehensive Permit development located at the Groton-Littleton townline. Temple members Challa Ramakanth (secretary), Sandeep Kaushik (founder), Mahender Singh (president), and Neelkanth Mishra (founder) were present.

Mr. Vaccaro said there are 500 members in the congregation so 250 parking spaces are needed. The group would like to use porous pavement and minimize tree clearing as much as possible. Services take place in the evening from 7:30 to 10:30 PM.

Member Perkins asked about wetlands on the site. Mr. Vaccaro said the previous housing development has an Order of Conditions. Town Planner Michelle Collette said the DEP issued a superseding Order of Conditions. The 40B project was exempt from the local Wetlands Protection By-law, but the temple would not be.

Member Burke said the temple would not require the same capacity for sewage disposal as the housing project. The temple may not require as much roadway. He asked if there would be any residences on the site. Mr. Vaccaro said, "yes," for approximately four families. Member Burke asked about the proposed height of the structure. Mr. Vaccaro said 60-70 ft.

Member Perkins said the Board must look at parking, drainage, traffic, and lighting.

Chairman Giger asked about water supply. Mr. Vaccaro said on-site wells will be utilized.

Member Burke said the site plan must be prepared by a Registered Professional Engineer and Landscape Architect.

Chairman Giger asked if funding is available for the project. Mr. Singh said, "yes." The bank has approved the plan and the temple will do fundraising.

Chairman Giger asked about the time frame for construction. Mr. Vaccaro said they hope to complete the project in 12-14 months.

Chairman Giger asked about the square footage of the temple. Mr. Vaccaro said the footprint of the two-story building is about 20,000 to 25,000 SF.

COMMENTS TO CONSERVATION COMMISSION

The Conservation Commission requested comments on the proposed weed harvesting project at Baddacook Pond. Board members said they did not have any objections or comments.

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ACADEMY HILL CONFIRMATORY LOT RELEASE

The motion was made by Wilson, seconded by Perkins, to sign the confirmatory lot release form for Lots B and B-1 in the Academy Hill subdivision. The motion passed unanimously.

MILL RUN PLAZA

The Board discussed the proposed new uses at Groton Wellness including gardening classes and the sale of fish from a truck. Town Planner Michelle Collette said the Nashoba Associated Boards of Health approved the truck for selling fish. The truck will park in the Mill Run parking lot once or twice a week for people to pick up order. The Board expressed concern that sign off from the Mill Run Plaza Condominium Association may be needed for the use of the parking lot. Members suggested that Groton Wellness may want to investigate other locations for the truck to park for pickups.

REMINDER – MEETING WITH HDC

Chairman Giger said he met with HDC Chairman Dan Barton to discuss the agenda for the joint meeting with the Planning Board and HDC on Tuesday, March 19, 2013. Board members agreed that the HDC should complete design review for projects in the Historic Districts, and the Design Review Committee should review projects outside the Districts. The Board and HDC will discuss the jurisdictional issues at the meeting on March 19, 2013.

Meeting adjourned at 10 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner