

**PLANNING BOARD  
MARCH 5, 2015  
MINUTES**

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

Members present: Barringer, Giger, Perkins, Svarczkopf, Vega and Wilson

Member absent: Burke

**PUBLIC HEARING – SCENIC ROAD, COW POND BROOK ROAD**

In accordance with the provisions of § 184-3 of the Code of the Town of Groton, the Planning Board and Tree Warden held a public hearing to consider the application submitted by RD Kanniard Homes to remove five (5) trees within the right-of-way of Cow Pond Road located on Assessors Map 249, Parcels 59-2, 59-3 and 59-4.75.

Chairman Barringer called the public hearing to order. Clerk Vega read the public hearing notice posted with the Town Clerk on February 17, 2015 and published in the February 20, 2015 issue of the *Groton Herald*.

The Board received a letter dated March 3, 2015 from design engineer Stan Dillis requesting a continuation of the public hearing. The Board voted unanimously to continue the hearing on March 12, 2015 at 8:15 PM.

**NORTON REZONING PETITION**

The Town Clerk received a citizen's petition from Peter Norton and others to rezone from General Business to R-B his property located at 152-158 Boston Road. The Planning Board will hold the public hearing on March 26, 2015 at 7:30 PM.

**STORMWATER REGULATIONS**

The Earth Removal Stormwater Advisory Committee will hold a public hearing on the proposed revisions to Chapter 352 Stormwater Regulations and would like the Planning Board's comments, if any. The Committee will hold the public hearing on April 14, 2015.

**SONAR APPLICATION TO BADDACOOK POND**

*(Note: The Chairman requested that this item be added to the agenda after receiving an email message from the Water Superintendent at 2:35 PM on March 5, 2015 which included a message from Town Counsel dated January 7, 2014.)*

Chairman Barringer said the Conservation Commission is holding the continuation of a public hearing on March 10, 2015 to consider the Notice of Intent submitted by the Board of Selectmen to apply Sonar (Fluridone) to Baddacook Pond, located in Zone I and Zone II of the Groton Water Department's public water supply well. The Commission requested \$10,000 in funds from the Board of Selectmen to evaluate the application to address the Water Commission's concerns. At its meeting on March 2, 2015, the Selectmen considered the request for funds but took no action.

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Chairman Barringer said Zone II is protected under the provisions of Chapter 218 Zoning, Section 30 Water Resource Protection Districts, for the proposed use. Sonar (Fluridone) is considered a hazardous material under the definition of Hazardous Materials in Section 218-30. He said he disagrees with Town Counsel's interpretation in the email dated January 7, 2014. Chairman Barringer said he believes a special permit is required, and the Planning Board is designated as the Special Permit Granting Authority in Section 218-30.

Member Svarczkopf asked if the Board should provide comments to the Conservation Commission and/or the Board of Selectmen and ask for a special permit application for the proposed use. He said he is not comfortable giving the Conservation Commission a technical opinion on the proposed application. Member Vega agreed.

Member Giger said the Board should ask for clarification from Town Counsel on his January 7, 2014 statement (#3 in the email message). The Board agreed.

The motion was made by Svarczkopf, seconded by Vega, to inform the Conservation Commission about the special permit requirements in Section 218-30 Water Resource Protection Districts. The motion passed unanimously.

#### **COMMENTS TO THE ZBA – 31 COURT STREET**

At the Planning Board on March 12, 2015, the Board will review the special permit application materials for 31 Court Street submitted to the ZBA in order to send comments to the ZBA for its public hearing on March 25, 2015.

#### **MINUTES**

The Board voted to approve the minutes of January 8, 2015; January 22, 2015; January 29, 2015; and February 12, 2015.

#### **EXECUTIVE SESSION**

The motion was made by Giger, seconded by Wilson, to enter executive session, pursuant to M.G.L. c.30A, Sec. 21(3) "To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares." The litigation is the Planning Board v. the Zoning Board of Appeals and Thomas Roche, and the Board would not return to open session. The motion passed by roll call vote with Svarczkopf - yes, Perkins – yes, Vega – yes, Wilson – yes, Giger – yes, and Barringer – yes.

The motion was made by Vega, seconded by Perkins, to end executive session and to adjourn the meeting. The motion passed by roll call vote with Svarczkopf - yes, Perkins – yes, Vega – yes, Wilson – yes, Giger – yes, and Barringer – yes.

Meeting adjourned at 8:15 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner