

**PLANNING BOARD  
OCTOBER 8, 2015  
MINUTES**

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

Members present: Giger, Barringer, Burke, and Wilson

Members absent: Perkins, Svarczkopf, and Vega

**PUBLIC HEARING – PROPOSED ZONING AMENDMENTS**

In accordance with the provisions of Chapter 40A, §§ 5 and 11, M. G. L., the Groton Planning Board held a public hearing to consider the following proposed zoning amendments:

**ARTICLE 11:** To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning, as follows:

By striking out Section 218-9, Location of Districts, which reads as follows:

§218-9 Location of districts. Said districts are located and bounded as shown on a map entitled "Town of Groton, Massachusetts — Zoning Map," dated August 22, 2014, 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 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," as most recently amended by Town Meeting, 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.

Or to take any other action relative thereto.

**ARTICLE 12:** To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning, as follows:

By deleting Section 218-23, "Off-street Parking and Loading," in its entirety and inserting in its place a new Section 218-23, "Off-street Parking and Loading," a copy of which is on file in the office of the Town Clerk.

Or to take any other action relative thereto.

**ARTICLE 13:** To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning, as follows:

By deleting item (2) of paragraph F in Section 218-25.1, "Personal Wireless Services Facilities," which reads as follows:

- (2) Any extension, addition of cells or construction of a new or a replacement personal wireless services facility or accessory structures, buildings or equipment shall require the issuance of a new special permit under this chapter or an amendment to a special permit previously issued under this Chapter.

And inserting in its place Items (2) and (3) to read as follows:

- (2) Any extension in height of an existing tower, expansion of a base station, or construction of a new or a replacement personal wireless services tower shall require the issuance of a new special permit under this chapter or an amendment to a special permit previously issued under this chapter.
- (3) Any eligible facilities request, defined in 47 U.S.C. Section 1455(a) as a request for modification of an existing wireless tower or base station that involves: (A) collocation of new transmission equipment; (B) removal of transmission equipment; or (C) replacement of transmission equipment; shall be subject to Minor Site Plan Review<sup>1</sup> by the Land Use Director and Building Commissioner.

And by adding the word "Modifications" to the title of paragraph F, so that it reads as follows:

"Approval of special permit applications; Modifications."

Or to take any other action relative thereto.

**ARTICLE 14:** To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning, as follows:

1. In Section 218-26, Flexible Development, by deleting item (1) of Paragraph D, Procedures, which reads as follows:

D. Procedures. Flexible development may be authorized upon the issuance of a special permit by the Planning Board. An application for flexible development shall be filed in accordance with the rules and regulations of the Planning Board.

- (1) Where the flexible development is a subdivision of land, a development plan conforming to the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board. Final engineering details regarding flexible development may be provided during the course of definitive plan review. In the event that the flexible development does not involve the subdivision of land, the development plan shall conform to the requirements for the applicable plan as set forth in such rules and regulations.

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<sup>1</sup> See § 218-25C(1) Minor Site Plan Review

And by inserting in its place the following:

D. Procedures. Flexible development may be authorized upon the issuance of a special permit by the Planning Board. An application for flexible development shall be filed in accordance with the rules and regulations of the Planning Board.

(1) Where the flexible development is a subdivision of land, a development plan conforming to the requirements for a definitive plan as set forth in the Subdivision Rules and Regulations<sup>2</sup> shall be submitted to the Planning Board. The special permit application shall be submitted concurrently with the application for approval of a definitive plan. In the event that the flexible development does not involve the subdivision of land, the development plan shall conform to the requirements for a definitive plan as set forth in the Subdivision Rules and Regulations.

2. Adding the following items to Paragraph F of Section 218-26, Modification of lot requirements:

4) Lot frontage. The minimum frontage of any lot shall not be less than 40 ft.

5) Individual lot area. The minimum area of any individual lot shall not be less than 10,000 square feet.

Or to take any other action relative thereto.

Vice Chairman Giger called the public hearing to order. Member Barringer read the notice posted with the Town Clerk on October 14, 2015 and published in the September 18 & 25 issues of the *Groton Herald*. Attorney Robert Collins and Groton Board of Trade President Jeff Gordon attended the public hearing.

Attorney Collins suggested that the Board clarify that the parking requirements should be rounded up when the required number of spaces is not a whole number. The Board agreed.

Vice Chairman Giger read the letter dated October 8, 2015 from Attorney Collins and the letter dated October 5, 2015 from Robert Pine. Both letters expressed concerns about the proposed change to require that Flexible Development plans be based upon definitive subdivision plan regulations.

Attorney Collins said he served on the Planning Board when Flexible Development was adopted in 1980. Many significant properties have been permanently protected through the special permit process. He said if plans must comply with definitive plan requirements, applicants will not spend the money on engineering and will submit conventional plans instead. He said the Flexible Development provisions were rewritten ten years ago to set forth a more defined process including an analysis of the site to minimize impact and further public good. Approximately 2500 acres have been protected as a result of Flexible Development. Conventional plans are the exception, not the rule, in Groton. He said the Planning Board has

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<sup>2</sup> See Chapter 381, Part 1, Subdivision Rules and Regulations

worked hard to protect the Town's resources for more than 30 years. He stressed that applicants will not spend the money on definitive plan engineering

Member Burke said he did not disagree with Attorney Collins about protecting land, but the plans show proposed developments based upon preliminary plans that do not work with the constraints of the site. The Board does not have enough information at the preliminary plan phase to make an informed decision.

Member Wilson asked about the quality of open space that has been protected under Flexible Development. Attorney Collins cited Rocky Hill as an example with 90 of 600 acres development and 437 acres donated to Mass Audubon. The previous development submitted by Lone Star for the same site had 267 units. The approved Rocky Hill development has 88 units. He also noted Painted Post Road with 12 lots and 200 acres gifted to the Conservation Commission. He stated that the Planning Board has the flexibility to ask for more information when necessary. He said he agreed with the minimum acreage and frontage requirements in the proposed amendment.

Jeff Gordon expressed concern about how the proposed amendment would be administered in the future with new Planning Board members. He said the present members understand the process, but future members may not.

Member Burke agreed that the expertise of Board members may vary. However, the process is very flexible at the present time and the Board does not have full information at the preliminary plan stage. After the special permit, the decision cannot be changed when the definitive plan is submitted. Member Burke said the applicant can submit a preliminary plan and have pre-submission review prior to the submission of the special permit application and definitive plan. He said he agrees that Flexible Development is good zoning, and it is a credit to the Town. However, some developments are not done as well as others.

Member Giger agreed and noted that many applicants respond "Wait until the definitive plan stage," when the Board has questions.

Town Planner Michelle Collette said Flexible and Cluster Development are allowed by-right in some towns. However, such a change would have to be re-advertised and wait until the Spring Town Meeting.

Member Barringer asked the Town Planner for a list of Flexible Development subdivisions and protected open space parcels created as a result. Town Planner Michelle Collette said she would update the list for the meeting on October 15, 2015.

Member Burke said lots that abut open space have certain desirability and added value. Applicants meeting with the Planning Board informally is an option.

Members of the Board agreed that the Board should not close the hearing and vote on its recommendation until other members are present. The Board voted unanimously to continue the public hearing on October 15, 2015 at 8:00 PM.

**120 BOSTON ROAD – CHANGE TO SITE PLAN**

The Board met with John Amaral, now owner of 120 Boston Road. Vice Chairman John Giger read the letter dated October 6, 2015 from Attorney Robert Anctil requesting a minor revision to the site plan as agreed to in the litigation settlement agreement between PC Myette (120 Boston Road) and Dorothy Janes (116 Boston Road). The revision to the plan is the elimination of three parking spaces which would reduce the total number of spaces from 98 to 95.

The motion was made by Barringer, seconded by Burke, to approve the modification and to waive the parking requirements to allow the elimination of three spaces. The motion passed unanimously.

The motion was made by Barringer, seconded by Wilson to endorse the site plan entitled, “Site Plan – 120 Boston Road, Groton, Massachusetts,” prepared by Ducharme & Dillis Civil Design Group, dated August 15, 2013, with revisions through October 1, 2015. The motion passed unanimously.

**ANR PLAN – 20 & 24 THRONE HILL**

The Board considered the Approval Not Required (ANR Plan) submitted by Mark Cirignano, 20 Throne Hill Road and Christopher & Darcy Bussiere, 24 Throne Hill Road, to change the property line between the two lots. The motion was made by Wilson, seconded by Barringer, to endorse the plan entitled, “Plan of Land in Groton, Massachusetts Prepared for Mark Cirignano and Christopher & Darcy Bussiere,” prepared by David Ross Associates, dated September 22, 2015. The motion passed unanimously.

**LAND USE DIRECTOR SEARCH**

The Board reviewed and approved the advertisement for the Land Use Director position as requested by Town Manager Mark Haddad. Chairman Perkins and Member Barringer will serve on the Screening Committee.

Meeting adjourned at 8:45 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner