

TOWN OF GROTON PLANNING BOARD

August 10, 2017

Town Hall

A meeting of the Planning Board was held on Thursday, August 10, 2017, at 7:00 p.m. in the second floor meeting room at Town Hall, 173 Main Street, Groton, MA 01450

Chairman Wilson called the meeting to order at 7:00 p.m. and called the roll.

Members Present:

Mr. Scott Wilson, Chair
Mr. George Barringer, Clerk
Mr. Russell Burke, Member
Mr. John Giger, Member
Ms. Carolyn Perkins, Member
Mr. Michael Vega, Member

Members Not Present:

Mr. Timothy Svarczkopf, Vice Chair

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner
Ms. Michelle Collette

Public Hearing – Proposed Revisions to the Planning Board Regulations

Mr. Barringer called the public hearing to order at 7:02 p.m. to consider revisions to the Code of the Town of Groton, Chapter 381 Planning Board Regulations of Part 3 – Fees and Part 5 – Site Plan Review.

Proposed Revision #1

Chairman Wilson stated that the Board was in receipt of a letter from Attorney Robert L. Collins. Attorney Collins was present and summarized his letter as follows:

The one concern I have with the current schedule of fees is the section associated with special permits; it effectively discourages one from choosing to utilize the special permit variances afforded by our by-laws. If an individual has a developable site there would be considerable savings in using either a conventional subdivision or an ANR plan rather than moving forward with the more responsible special permit approach encouraged by our by-law. Thus, if one had a site which would support a ten-lot plan there would be a savings of \$2,750.00 by not using the special permit approach.

Given that the fee structure already has a per lot charge for both ANR plans and subdivision plans, the special permit filing fee should be minimal. The Board might consider either reducing it or having a credit applied against it from whatever filing fee was paid for the plan itself.

Chairman Wilson asked if the level of a fee was supposed to reflect the complexity of the process and the amount of work and resources that the town needed to put into actually processing the permit and/or was it supposed to reflect the priorities of the Planning Board in terms of encouraging various kinds of development.

Mr. Burke replied that the fee must reflect the cost incurred of processing it and it could not cost any more than that. He also said that he agreed that the Board should promote development that provided clustering and open space.

Ms. Collette commented that the following was already in the proposed revisions:

Definitive Plans - Review of definitive plans shall require a fee of \$2,500 plus \$750 for each building lot shown on the plan. (It should be noted that fees for review of a preliminary plan shall be credited toward the fees required for a definitive plan.)

Ms. Collette said that the words "and special permit" could be added after the words "preliminary plan."

Attorney Collins suggested that the same exact thing should be done for the per lot charge for the special permits.

Mr. Burke suggested that the credit be put on the special permit definitive plan stage. He said the cost for reviewing and processing were the same so they would have been double dipping.

Mr. Giger commented that an exception could be made if there were two filings but to charge at the higher rate.

Mr. Burke commented that there may be instances where there was a special permit for ANR's, for example, if it were a common lot and there was a drainage review; he suggested that under an ANR it simply stated that a special permit fee, if required, may be waived by the Planning Board.

Proposed Revision #2

Retaining Walls – Retaining walls shall not exceed a height of six feet unless the Planning Board votes to waive this provision. (Added 3/22/2007) Retaining walls that exceed a height of six feet require submission of a plan stamped by a licensed structural engineer registered in the Commonwealth of Massachusetts (see Building Code, 780 CMR 1807.2 Retaining Walls, Eighth Edition.)

Ms. Collette said this proposed change would make it consistent with the state building code, which was changed from four feet to six feet.

Chairman Wilson stated that the other changes had to do with the fee schedule.

Proposed Revision #3

Ms. Collette mentioned that there was one other change pertaining to the project review fee portion. She said that rather than prescribing the amount for site plan review based on a formula of square footage of buildings or number of parking spaces, it was now being based on the actual estimate by a Peer Review Engineer. Ms. Collette said that the system had been adopted by the Stormwater Committee and it was the same system that the Conservation Commission utilized.

Mr. Giger commented that he was concerned about saying they provided an estimate for a fee because it was possible that the applicant could interpret that as being the whole amount of the fee for the job and it was really a preliminary estimate to fund with the understanding that more funds might be needed.

The project review fee for applications for a special permit or site plan review requiring review by the Planning Board's consultant shall be determined as follows:

- a) The Planning Board shall request a written estimate from the consultant on the cost to review the project, including the cost to attend meetings with the design engineer and public hearing(s), if necessary.
- b) The Planning Board shall vote to accept the estimate with a provision that the cost to review the project shall not exceed the estimate without written approval from the Planning Board.
- c) The Planning Board shall inform the applicant of the cost estimate for project review and any additional costs that may be incurred.
- d) The applicant shall submit payment to the Planning Board to cover the estimated cost to review the project.

Mr. Giger stated that he felt the words "Peer Review Engineer's" cost estimate should be added to the Project Review Fees table just for clarification as to who provided the estimates.

Mr. Barringer made a motion to close the public hearing. Mr. Burke seconded the motion.

VOTE: 6 – 0 – MOTION CARRIED

Mr. Burke made a motion to amend the proposed regulations relative to the filing fees as follows:

1. To put a footnote on page 1 by the words special permits - "May be credited if accompanying a definitive plan."
2. To change 3-81-29 as follows:
 - a. A special permit fee may be waived by the Planning Board if required.

- b. Under Definitive Plans – After the words “preliminary plan” to insert the words “and special permit.”
3. In the Project Review Fees table – To strike the words “special permit” and add “peer review” in front of the words “engineer’s costs estimates” in the two instances where it appears in the table.

Mr. Barringer seconded the motion.

Mr. Giger stated that under “site plan review” someone had written in the word “minor.” He further stated that underneath that line it said “Minor (no public hearing & notice required – telecommunications)” For clarity he suggested that it should read “minor” and then in parenthesis (not telecommunications) and the next one should say “Minor – Telecommunications” with “no hearing” and so forth being placed underneath that.

Chairman Wilson asked how the Board felt about adding that to the motion. The Board and the maker of the motion, Mr. Burke, and the seconder, Mr. Barringer, agreed to add the verbiage to the motion.

VOTE: 6 – 0 – MOTION CARRIED

Mr. Barringer made a motion to accept the proposed revisions to the Planning Board Regulations for filing fees and site plan review as amended. Mr. Burke seconded the motion.

VOTE: 6 – 0 – MOTION CARRIED

Discussion – Chamberlains Mill – Performance Bond Release

Mr. Tada explained that the Board had a letter from the engineer included in their packets and in the letter it stated that the engineer went out to the site the prior day and did a final walkthrough and confirmed that all of the work had been done, however he kept some items on the bond estimate for the four trees which were replanted because Tom Delaney, who was the Tree Warden, had not yet inspected them.

Attorney Robert Collins, who was present at the meeting, stated that the main reason he wanted to attend the meeting was to ask that the Board vote to release the bond (although he was happy to have them hold money for the trees) so that he could get it on the Warrant for the Fall Town Meeting for street acceptance.

Mr. Giger stated that it was his recollection that the Board would have received a letter from Tom Delaney stating the road was ready before the Board made a recommendation.

Mr. Tada replied that he had spoken with Mr. Delaney and he said he just had not had the chance to go out to the site yet.

Ms. Perkins commented that she felt the Board should wait to receive the letter from Mr. Delaney stating that the road was ready for acceptance.

Mr. Barringer suggested that Attorney Collins go ahead and put in a request for the Warrant and it could be taken off if it did not go through.

Mr. Barringer made a motion to reduce the amount of the bond on the Chamberlains Mill project number to the amount of \$3,909.47. Mr. Giger seconded the motion.

VOTE: 6 – 0 – MOTION CARRIED

Discussion – Rocky Hill Subdivision – Oriole Drive

Attorney Collins stated that Oriole Drive was the subject of the modifications that were finished about one year ago. He said the original version of Oriole Drive had a “T” turn around but ended up being a circle. Attorney Collins said the cul-de-sac required a tremendous amount of site disturbance and a lot of fill. He said he was not sure why they had not discussed that particular issue more the previous year. He said he had suggested to Dave Moulton (the developer) to have his engineer design an alternate plan that could still fit in the right-of-way. He commented that when the design was complete he would bring it before the Board and then they could all visit the site. Attorney Collins said that Mr. Moulton said it would make sense not to do a cul-de-sac.

Ms. Perkins commented that she would like the fire chief to look at it as well. Attorney Collins replied he thought it would be wise to have both the fire chief and the police chief look at it.

Discussion – Proposed Use of Prescott School – Friends of Prescott

Mr. Bruce Easom, Treasurer, Friends of Prescott, addressed the Board and stated that Friends of Prescott was a 501C3 which was a non-profit organization also registered for fundraising in the State of Massachusetts. He said he wanted to spend a few minutes describing the progress Friends of Prescott have made in providing community classes in the Prescott School. He said a wrinkle had developed that he wanted to discuss with the Board. He said the Groton-Dunstable Regional School District had signed a lease with the Town of Groton for fiscal year 2018 and as part of that process the Groton-Dunstable Regional School District had agreed to sublease a portion of the building to the Friends of Prescott because they were interested in providing classes in the building for continuing education.

Mr. Easom said that the plan was to have the Friends of Prescott become the lessor of the building in the fall of 2018 and if the school district desired they could become a sub-lessor.

Mr. Easom stated that after conversations with Mr. Tada they discovered that the school was in the Town Center Overlay District and the underlying zoning was "P" for public and his understanding was that classes by a non-profit organization was a "by right" activity per the underlying zoning.

Mr. Burke said that an educational use was an exempt use under Section III of Chapter 40A regardless of what district it was in but it had to be a non-profit and for educational use.

Mr. Easom stated that they could teach classes for people paying a fee as well as through private donations to come up with the balance of the funds to pay their share of the rent because the people who would be paying for the classes would be paying a fairly small fee.

Mr. Easom said that the owners of the Groton Inn were interested in leasing space as well in order to have an on-site office and that was not, in his opinion, covered by the "by right" and would require a special permit issued by the Planning Board. Mr. Easom went through the requirements for a special permit.

Mr. Burke replied that some of those requirements were intended for much larger endeavors but since this was a request for a change in use he suggested that the applicant comply as best he could and where possible to request waivers, i.e. the drainage study and other things that would not be applicable. He also said that the owner of the property had to be a signatory.

Mr. Easom noted that he would also get the school district to sign it just so everyone knew what was going on. He asked what the next step would be in the process after he submitted the form for the special permit.

Mr. Burke replied that it required a public hearing and that it had to be publicized. He also said that all of the abutters within 300' would have to be notified; a public hearing would be held within 60 days of receiving the notification and it would take 90 days for a decision to be rendered.

Mr. Easom asked the Board to speak to the hearing process for the Overlay District. Mr. Burke replied it would be very similar to the special permit process.

Mr. Easom commented that it was his understanding that there had to be a special committee for the Overlay District. Mr. Burke replied that the Design Review Committee is advisory only and intended for applications proposing exterior changes. He said since the Friends of Prescott were not requesting to make exterior changes the Board would likely waive that requirement.

Mr. Tada asked if he could request the waiver on behalf of Mr. Easom. Mr. Burke replied that he could.

Chairman Wilson asked how the issue of bringing the building up to code was being handled as he felt it was a pretty expensive process.

Mr. Easom replied that it was his understanding that if you spent 25% or 30% of the assessed value of the building doing upgrades then that meant the entire building had to be brought up to code. He said it was the intent of the Friends of Prescott not to trigger that until the debt service was retired on

Surrenden Farms and then apply to the Community Preservation Committee for the sum of money required at that point to bring the entire building up to code. He noted, however, that was not a done deal but hoped the Board of Selectmen would approve it.

Mr. Giger said that the primary lessor was going to change at the end of 2018 so it would seem that the special permit was linked to the current lessor.

Mr. Burke said that they could tie it to the sub-lessor. He further said that the Board could condition a special permit based on the specific user.

Discussion – Master Plan Implementation Committee

Chairman Wilson said that the criteria to become a committee member was willingness to work as well as background and experience. He asked if the Board could come up with a list of names before the next meeting which could be added to the list already provided by Mr. Burke. It was suggested that the request for volunteers should be done via a press release, the Town of Groton's website and the local cable government channel.

Chairman Wilson suggested that all names should be submitted by the August 31, 2017, meeting. He also commented that it would be good if the potential volunteers provided a statement which included their background.

Mr. Giger stated that he was a little concerned about closing it out on August 31, 2017. Chairman Wilson replied that it would not be closed out until the middle of September which would give people plenty of time to apply.

Approval of Meeting Minutes

Mr. Barringer made a motion to approve the minutes from the July 13, 2017, meeting. Mr. Giger seconded the motion.

VOTE: 6 – 0 – MOTION CARRIED

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- August 31, 2017
- September 14, 2017
- September 28, 2017
- October 12, 2017

- October 23 – Fall Town Meeting
- October 26, 2017

Adjournment

Ms. Barringer made a motion to adjourn. Mr. Burke seconded the motion. The meeting was declared adjourned at 8:17 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary