

TOWN OF GROTON PLANNING BOARD

**September 28, 2017
Meeting Minutes**

A meeting of the Planning Board was held on Thursday, September 28, 2017, at 7:05 p.m. in the second floor meeting room at Town Hall, 173 Main Street, Groton, MA 01450

Chairman Wilson declared the meeting to order at 7:05 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 Absent:

Mr. Timothy M. Svarczkopf, Vice Chair

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Public Hearing

Chairman Wilson opened the public hearing. Mr. Barringer opened read aloud from the public hearing notice as summarized below:

In accordance with the provisions of Chapter 40A, § 9 and 11, M. G. L., and the Code of the Town of Groton, Chapter 218, the Groton Planning Board will hold a public hearing on Thursday, September 28, 2017, at 7:00 PM in the Town Hall to consider the application submitted by Friends of Prescott, Inc., for a special permit to utilize the provisions of Groton Zoning Bylaw Section 218-30.2 Town Center Overlay District and Section 218-25 Site Plan Review for the purpose of sub-leasing a room on the main floor of the Prescott School for use as a business office. The proposed business office is shown on a floor plan labeled as "Figure 1: Prescott School Main Floor Layout from Bargmann Report – 6 March 2012." The proposed project is located at the Prescott School, 145 Main Street, on Assessors' Map 113, Parcel 43.

*Special Permit – Change of Use in Town Center Overlay District
Prescott School, 145 Main Street (Friends of Prescott, Inc.)*

Ms. Mary Jennings, President, Friends of Prescott, Inc., addressed the Board stating that she was present because they were sub-leasing four rooms in the Prescott School from the Groton-Dunstable Regional School District. She said that one of the rooms (270-square feet) was an office space and they wanted to obtain a special permit so it could be leased to the Groton Inn. She said that there would be two people occupying the room.

Mr. John Amaral, representing the Groton Inn, stated that the space would be used for the Groton Inn's General Manager and the plan was to rent the space until April, 2018.

Ms. Perkins asked what the recommendations of the Design Review Committee were.

Mr. Tada replied that the Design Review Committee had met the previous week and they had voted unanimously to recommend to the Planning Board that the application be approved, primarily based on the fact that it would not negatively affect the character of the building.

Chairman Wilson read aloud a letter from the Commission on Accessibility as summarized below:

At its regular meeting on September 11, 2017, the Commission on Accessibility met with the Friends of Prescott to discuss its application for a special permit for the Prescott School, submitted pursuant to the Town Center Overlay District.

The Commission voted unanimously to offer the following comments:

1. There are approximately 50 off-street parking spaces on the property, although the spaces are not well delineated. The Americans with Disabilities Act (ADA) and the Architectural Access Board Regulations, 521 CMR 23.00 Parking and Passenger Loading Zones, require three universally accessible parking spaces. One of the three spaces must be van accessible. There is one accessible on the property today. The other two spaces should be located on the level area adjacent to the existing space. All three accessible parking spaces must comply with 521 CMR 23.00 including required signage and marking on the ground.
2. The existing ramp from the accessible parking spaces appears to conform to 521 CMR 24 Ramps, although the concrete is deteriorating in some spots and should be replaced sometime in the future.
3. The entrance door to the building from the ramp is very difficult to open. New hardware should be installed and the closer should comply with 521 CMR 26 Doors and Doorways. Automatic door openers are not required but they are an option to address the concern.
4. The bathrooms are substantially in compliance with 521 CMR 31 Bathrooms. However, the hardware on the doors to the bathrooms and the hardware on the doors to the stalls should be replaced with hardware that complies with 521 CMR Doors.
5. The tables in the classrooms may be difficult for people in wheelchairs to utilize and participate in programs. The Friends of Prescott should consider purchasing appropriate tables that comply with 521 CMR 35 Tables and Seats when necessary.

Note: A list of handicapped parking regulations was attached.

Chairman Wilson asked Ms. Jennings if she had seen the above letter. Ms. Jennings replied that she had.

Ms. Perkins said she felt it was a small change and it was a good use of the space and she did not have any objections.

Mr. Vega stated that he had no issue with it as long as it was on a temporary basis.

Mr. Giger asked if they were addressing the issue of having a special permit to occupy the one room with a business or if they were being asked to address the bigger issue of what the Friends of Prescott were going to do with the space in the future.

Ms. Jennings replied that they were presently only asking for the special permit for the requested space which consisted of 270 square feet but that she knew there was a bigger issue involved and she was going to ask the Planning Board for their advice regarding that.

Mr. Giger stated that he supported the upgrades to comply with the ADA regulations.

Mr. Burke said that he supported granting the special permit and felt it was for a good use of the space. He suggested that the Board allow the request with an expiration date of June 30, 2018. He also stated the first two items addressed in the Commission on Accessibility's letter were within the Planning Board's purview, while items 3 through 5 were interior requirements under the state building code. Ms. Jennings responded that the Friends of Prescott were applying for Community Preservation Act grant funding to help with items 1 and 2.

Mr. Barringer commented that he did not see any issues with granting the special permit. It would help get the ball rolling for the Friends of Prescott.

Chairman Wilson asked if there were any members of the public who wished to speak.

Mr. Jack Petropoulos stated that he was a member of the Board of Selectmen but he was there to speak as a citizen of Groton. He said it was his perspective that the town had tried to preserve Prescott as a community asset to run community programs out of the building and they had selected the Friends of Prescott to help them meet that objective and he expressed support for them.

Mr. Barringer asked what the schedule was to comply with the ADA issues, and if they had started offering classes already. Ms. Jennings said the first continuing education class started last week.

Ms. Jennings replied that they were sub-leasing from the Groton-Dunstable Regional School District and that while Friends of Prescott were responsible for about 20% of the building that the parking lots were not necessarily something that they were responsible for. She further replied that they were going to work with the school district on that issue and that some grants had already been written with regard to the parking lot, lighting, and stairways.

Chairman Wilson commented that he felt it was a beneficial way to bring two unrelated operations together.

Chairman Wilson asked if there were any further comments from the public. There were none.

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

VOTE: 6 – 0 – MOTION CARRIED

Mr. Burke made a motion to approve the special permit with the suggested comments of the Commission on Accessibility. Mr. Barringer seconded the motion.

Mr. Giger stated that the first two comments suggested by the Commission on Accessibility needed to be done right away for this to happen. He further stated that it was unclear to him if the Commission on Accessibility was commenting on the entire building or just what needed to be done for the 270 square feet (office space). He said that he did not understand why there needed to be three ADA parking spaces at that location.

Ms. Perkins replied that she thought they were looking at parking spaces for the entire building.

Mr. Giger commented that he felt that was beyond the scope of the lease for the 270-square foot office space and that placed a burden on the applicant.

Mr. Burke stated that he phrased his motion such that they had to deal with the building inspector and the Commission on Accessibility to resolve the issues, and with the lessor who was the Regional School District.

Chairman Wilson said the issues would not go unaddressed.

Mr. Giger stated that he wanted to go on record as saying that he did not believe the scope of what needed to be done for the ADA for the temporary rental should exceed entrance and egress from the building.

Chairman Wilson replied that was duly noted.

VOTE: 6 – 0 – MOTION CARRIED

Ms. Jennings stated the property was zoned educational but that in the future they would be seeking permission to use the facility for uses other than educational and asked if the Board had any advice regarding that. She noted, for example, that they would like to host children's birthday parties in the gymnasium as well as allowing annual meetings to be held in the gymnasium. She said she did not think it would be reasonable to have to file a formal request for a special permit for every rental request.

Chairman Wilson replied that perhaps they could discuss the idea of having an umbrella type of special permit in place.

Mr. Burke replied that there were a couple of issues; one was the underlying zoning (“P” for Public Use) and it was also within the Town Center Overlay District. He said the uses in the “P” District tended to be a little bit more restrictive. He noted that offices were not allowed in the “P” District but that they were allowed by special permit in the Overlay District. Mr. Burke stated that he agreed with Chairman Wilson in that they should look at an overall umbrella approach in which an omnibus permit could be issued that gave as much specificity as possible but still allowed for flexibility in terms of the usage and the intensity. He also said it would depend on what type of uses were happening in the interior of the building and that would determine what type of changes needed to be made to the exterior of the building; he noted that waivers may need to be requested.

Mr. Vega commented there were some challenges for a non-profit operating with private uses and advised the applicant to seek an accountant’s guidance.

Mr. Giger stated that it was clear that there was no zoning category called schools. He said any school that the town owned was considered a public building. He commented that he felt the Board needed to have a much better understanding of what the uses would be including whether or not the use would be commercial and what type of anticipated tenants there would be.

Mr. Burke stated that the Planning Board was not the arbiter of zoning but that it was actually the building inspector/code enforcement officer.

Mr. Giger stated that the idea would be to find a zoning category to put the building in which would not necessitate the applicant coming before the Planning Board every time they wanted to change a tenant.

Mr. Giger said that in an Overlay District there was an underlying zoning which did not change when the Overlay District was created but that within the context of what was sitting on top of the foundation there was opportunity for more flexibility with a special permit.

Discussion

Proposed Modifications

*1003 Boston Road, NESSP Temple – **Postponed at the request of the applicant.***

Mr. Tada stated that Nitsch Engineering had requested the applicant, NESSP Temple, provide additional information on the proposed modifications to the septic system design and to detention pond #3. The applicant will come before the Board after the additional information has been provided.

Chairman Wilson said that the applicant would be at the next Planning Board meeting which would be on October 12, 2017.

Ms. Perkins asked to clarify the location of detention pond #3. It is located at the northeastern part of the site, near Monarch Path.

Mr. Giger noted that the terrain in the northeastern part of the site slopes down behind the Temple building. The applicant will need to provide drainage calculations.

Updates

Master Plan Implementation Committee

Mr. Tada stated that there had been only one expression of interest this far.

Mr. Burke asked if they were still soliciting the opportunity. Mr. Tada replied that it had been advertised for two weeks in the Groton Herald and it was still on the town's website.

Planning for Recreational Marijuana

Mr. Burke stated that the Economic Development Committee had addressed this issue in general. He said that the state would be promulgating regulations next year and the Town of Groton had a temporary moratorium in place. At some point they would be looking at making some type of legislative initiative on recreational marijuana. He said he was currently in the process of drafting zoning for a client community and one of the items was drafting provisions for recreational marijuana. He said that it was suggested that he and Alison Manugian work offline and share their notes. Mr. Burke said that Groton had voted affirmatively on the state-wide vote in favor of recreational marijuana but if the town was to change course and say they did not want it in the town then it would involve a two-step process; it would mean that there would have to be a ballot referendum and then also the Town Meeting would have to vote to prohibit it. He said zoning would have to be written to prohibit it or allow it. Mr. Burke said that Halifax, MA had adopted a very rudimentary zoning in that a special permit allowed recreational marijuana in their industrial district with not a lot of accompanying provisions and Shelburne, MA had a draft of a provision but it was far from being promulgated. He also said that he would be attending a session sponsored by the Massachusetts Municipal Lawyer's Association on recreational marijuana.

Mr. Tada stated that he would also attend that session.

Mr. Giger asked when the moratorium expired. Mr. Tada replied it expired on June 30, 2018.

Mr. Burke said that it would expire on June 30th but if they passed the proposed zoning that would delete the temporary moratorium and replace it with something else.

Mr. Giger commented that if they were going to beat the deadline, if it were going to change, it would require the vote and the Special Town Meeting prior to June 30, 2017. He said he thought they should be prepared to have two different proposed zoning sections with one to extend the moratorium and the

other one being the right zoning information should there be no change in the town's decision to allow recreational marijuana.

Mr. Burke stated that while he was not taking one position or the other that there may be an economic benefit to be derived that could find its way to the taxpayers and that might have persuaded some in the decision-making process. The Town can levy a tax of up to 3%, but it needs to have host agreements in place.

Former GELD Garage Building

Mr. Barringer said there was an RFP out and there was a rumor of an interested party.

Mr. Tada said that it was his understanding that there was only one bid and he had heard that they did reach an agreement on a purchase and sale. He said the bidder is Dan McElroy who is also renovating the center fire station. Mr. Tada said he put it on the agenda at the request of the Town Manager, Mark Haddad, because there will be some permitting involved in the reuse of the building and Mr. Haddad wanted the Planning Board, as well as other Boards to know about it.

Board Member Comments

Mr. Giger said that he had a problem with the employee evaluation form provided by Mr. Haddad because it was supposed to reflect the entire 12 month year and for 9 ½ of those months Mr. Tada was working for the Conservation Commission. He said he felt the Conservation Commission should comment on that 9 ½ month period of time.

Chairman Wilson suggested that the Board just make a note of the period of time they were talking about.

Mr. Tada said that Mr. Haddad would give him a review based on his performance for the entire year in October which would include his time with the Conservation Commission as well as his time at the Planning Board.

Mr. Giger commented that he felt there should have been instructions included with the evaluation.

Chairman Wilson replied that he would talk to Mr. Haddad regarding the evaluation form.

Chairman Wilson stated that the October 26, 2017, meeting would be cancelled as Mr. Tada and Mr. Burke would be attending a conference. He said if there were any items that came up which needed to be addressed they could hold a short meeting on October 23, 2017, prior to the Town Meeting.

Approval of Meeting Minutes

Chairman Wilson asked if there were any questions or comments regarding the August 10, 2017, meeting.

Page 5, 4th paragraph – “in the amount of” was changed to “to the amount of.” – Barringer

Mr. Barringer made a motion to approve the meeting minutes from the August 10, 2017, meeting, as amended. Ms. Perkins seconded the motion.

VOTE: 6 – 0 – MOTION CARRIED

Chairman Wilson asked if there were any questions or comments regarding the August 31, 2017, meeting.

Page 4, 3rd paragraph under Board Member Comments – the word “they” was changed to “Friends of Prescott School.” - Giger

Mr. Barringer made a motion to approve the meeting minutes from the August 28, 2017, meeting, as amended. Mr. Giger seconded the motion.

VOTE: 6 – 0 – MOTION CARRIED

Chairman Wilson asked if there were any questions or comments regarding the September 14, 2017, meeting.

Ms. Perkins made a motion to approve the meeting minutes from the September 14, 2017, meeting, as written. Mr. Giger seconded the motion.

VOTE: 5 – 0 – 1 ABSTENTION (VEGA) - MOTION CARRIED

Chairman Wilson requested that the words “Meeting Minutes” be added at the top of each set of minutes going forward.

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- October 12, 2017
- October 23 – Fall Town Meeting

- October 26, 2017 – **Cancelled**
- November 9, 2017
- November 30, 2017

Board Member Comments

Mr. Barringer stated that the last time they had spoken the Complete Streets Committee was considering an article for the Fall Town Meeting and that they had a grant in hand in the amount of \$339,000 for the construction of Main Street safety improvements provided that the town pay for the engineering. He said that the engineering was relatively simple and the first number that came in was about \$54,000 but it had been negotiated down to about \$40,000. He said it would be on the Warrant to approve engineering funds from the town for the completion of the Main Street safety improvements, which consisted of the crosswalks and two other projects.

Mr. Burke asked if there was a timeline on how fast the construction needed to be done.

Mr. Barringer replied that there was a timeline and it was his understanding that it had to be completed by the end of August, 2018.

Ms. Perkins asked if there was going to be more opportunities to get more monies.

Mr. Barringer replied that it was a rolling program and they were going back in the spring for the rest of the projects that had been identified.

Mr. Burke stated that he had attended a training session sponsored by the Executive Office of Environmental Affairs on the Municipal Vulnerability Preparedness Program. He said they had initiated funding for communities to take stock of their preparedness and vulnerability with respect to when flooding, drought and other emergencies happened. He said they allowed communities to apply for funding to do an assessment of their municipal vulnerability and in order to do that you had to hire trainers who were certified by attending programs such as the one he had attended. He said that he was now certified. Mr. Burke further stated that the first round of funding had already been awarded and the grants ranged between \$12,000 and \$15,000. He suggested that it was important to look at for the next funding cycle.

Mr. Giger commented that he felt the Emergency Management Committee needed to be front and center on this subject and asked Mr. Burke to please make sure that they knew about it and then the Planning Board could assist them. Mr. Burke replied that he would let them know about the program.

Chairman Wilson stated that he thought the Planning Board also had a role to play. Mr. Giger said he agreed.

Adjournment

Mr. Barringer made a motion to adjourn. Mr. Giger seconded the motion. The meeting was declared adjourned at 8:35 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary