

TOWN OF GROTON PLANNING BOARD

November 30, 2017

Meeting Minutes

A meeting of the Planning Board was held on Thursday, November 30, 2017, at 7:00 p.m. in the second floor meeting room at Town Hall, 173 Main Street, Groton, MA 01450

Members Present:

Mr. Scott Wilson, Chair
Mr. Michael Vega, Member
Mr. John Giger, Member
Mr. Russell Burke, Member
Mr. George Barringer, Clerk (Participated via Telephone)
Mr. Timothy M. Svarczkopf, Vice Chair

Members Not Present:

Ms. Carolyn Perkins, Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Public Hearing – (Continued from November 9, 2017, Meeting)

In accordance with the provisions of §184-3 of the Code of the Town of Groton, the Planning Board and Tree Warden will hold a public hearing on **Thursday, November 9, 2017 at 7:00 PM** in the Town Hall (second floor meeting room) to consider the application submitted by Robert Kiley to remove four (4) trees and alter one hundred eighty-eight (188) feet of stone wall within the right-of-way of Old Dunstable Road, along the frontage of 284 Old Dunstable Road located on Assessors Map 243, Parcel 28.

Mr. Tada indicated that Mr. Barringer was participating via telephone and under the terms of the state law that allowed him to do that, any and all votes taken would require a roll call vote.

Scenic Roads Application

Applicant: Robert Kiley, 284 Old Dunstable Road

Chairman Wilson stated that the Board had asked to see a site plan sketch which showed the stone wall and the trees that were discussed at the last hearing.

Mr. Corey Brock, representing the applicant, addressed the Board, and stated that he had provided Mr. Tada with a diagram which illustrated the section of the wall that he was planning to make some changes to as well as the two trees within the right-of-way that he had discussed at the last Board meeting. Mr. Brock commented that the Board asked him to clarify his intentions with regard to the stone wall. He said he intended to adjust some of the grading to improve the line of sight for added

safety pulling in and out of the driveway, as well as cleaning up the stretch of stone wall by using what was already there and rebuilding the wall.

Robert Kiley stated that he did not think the existing stone wall was more than two courses high and there were some places, a number of linear feet, where there weren't any stones remaining and sand covered part of the wall in some places.

Chairman Wilson asked if there were any questions or comments from members of the Board.

Mr. Svarczkopf stated that it looked like there was a rise from the street grade. Mr. Brock replied that the section he proposed to work on was heading towards Hoyt's Warf (to the east) and there was a high berm which made it near impossible to see the cars that came around the corner.

Mr. Svarczkopf asked if the sightline issue was more because of the trees. Mr. Brock replied that the trees were blocking the line of site and the berm also prohibited people from seeing the on-coming cars. Mr. Svarczkopf summarized his understanding that the proposal was to take down two trees and move the wall back off of the road. Mr. Brock replied it was to remove two trees, to lower the grade so the vehicles could be seen coming in and also to rebuild a section of wall where there were missing and/or buried stones.

Chairman Wilson asked if there was a wetland buffer which ran parallel to Old Dunstable Road, as shown on the site plan. Mr. Brock replied there was a wetland on the property, but the proposed work was well outside of the buffer.

Chairman Wilson asked if the applicant planned on doing a wetland crossing for the driveway. Mr. Brock replied that he did not need to.

Mr. Barringer asked to clarify the location of the driveway on the site plan. Mr. Brock said the driveway entrance is located approximately where the 110.34' survey measurement along Old Dunstable Road is shown on the plan.

Chairman Wilson asked if there were any further questions or comments from members of the Board or from the public. There were none.

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

A Roll Call vote was taken, which resulted as follows:

Yea: Mr. Giger, Mr. Burke, Mr. Svarczkopf, Mr. Wilson, 6
Mr. Barringer, Mr. Vega

Nay: 0

MOTION CARRIED

Mr. Burke made a motion, under Chapter 184 and Chapter 87 §3, to approve the removal of the public shade trees as shown and the alteration and rebuilding of the stone wall as shown on the plan prepared

by Ducharme & Dillis, Civil Engineers submitted to the Board with a receipt date of November 16, 2017. Mr. Vega seconded the motion.

A Roll Call vote was taken, which resulted as follows:

Yea: Mr. Giger, Mr. Svarczkopf, Mr. Wilson, Mr. Barringer 6
Mr. Burke, Mr. Vega

Nay: 0

MOTION CARRIED

ANR Plan - Marc Vandembulcke, 45 & 69 Hill Road

Mr. Vandembulcke, the applicant, addressed the Board, and stated that he was attempting to correct a very old lot line issue that probably went back to the mid-80's. He said that in the 1970's a pool was installed at 45 Hill Road that encroached onto the abutting property (69 Hill Road). He said it was an undeveloped lot back then but the property line cuts right through the cement pool deck. Mr. Vandembulcke said that he was trying to rectify that problem by doing a land swap. He said he wanted to make an adjustment to the property line to get around the area that was compromised by the pool and would compensate the abutter by providing an equal amount of land on the back corner of the lot.

Mr. Burke asked if there were two different owners. Mr. Vandembulcke replied there were, noting that he and the abutter, Michael Bouchard, had collaborated and agreed that it was okay to proceed if they had approval to do so. He said that it was his understanding that this was a land swap that did not require subdivision approval.

Mr. Burke asked if the application was filed under both names, pointing out that it should be. Mr. Vandembulcke replied that it was not.

Mr. Vandembulcke stated that he had contacted Ducharme & Dillis to draft the plans and submit them for approval.

Mr. Vega asked if the access to Mr. Bouchard's lot was off of Hill Road. Mr. Vandembulcke replied that it was and he had confirmed that the width of the egress would not be compromised by the new lot line.

Mr. Burke stated that the application had to be signed by both property owners. He noted that the other property owner was in the audience and asked if he would also sign the application. Mr. Bouchard then signed the application.

Mr. Burke stated that there was a note on the plan which said "the endorsement of the plan shall not be deemed to constitute any determination of compliance with the requirements of the zoning by-laws." He said the Planning Board was simply stating that the frontage on both lots was not being affected

and if there were any zoning repercussions as a result of the non-conforming lot then it would be up to the building inspector to make a determination.

Chairman Wilson clarified that the Planning Board's role was to make an endorsement that the plan does not require approval under the subdivision control law.

Mr. Burke said that it did not constitute a subdivision because new road frontage was not being created.

Mr. Giger made a motion to endorse the plan prepared by Ducharme & Dillis Civil Design Group, Inc., dated October 20, 2017, and endorsed by Mark and Karen Vandenbulcke of 45 Hill Road, and Mike Bouchard of 69 Hill Road, Groton, MA. Mr. Burke seconded the motion.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea:	Mr. Vega, Mr. Giger, Mr. Burke, Mr. Svarczkopf, Mr. Wilson	5
Abstained:	Mr. Barringer	1
Nay:		0

MOTION CARRIED

Discussion - Potential Zoning Amendments – Cancelled

Minor Plan Modifications - Groton Inn, 128 Main Street – John Amaral

Chairman Wilson noted that there were two modifications being proposed. One involved building a higher fence around the mechanical pads and the other involved removing a bump-out in the parking lot for an additional parking space.

John Amaral of the Groton Inn stated that they were approved for a 6-foot fence to screen the mechanical pads, but they want to increase the fence height to 8 feet. He said when the units were set on the slabs it became apparent that if they only went with a 6-foot fence you would see some of the units sticking out above the fence and they really did not want that to be the case. Mr. Amaral stated that they had picked out a very attractive fence. He said they had to go with the one that had the offset slats because there still needed to be air circulation inside but that it was capped nicely at the corners. He further said that they were going to go with the vinyl because it would last.

Mr. Svarczkopf asked if there were pads on both sides of the Inn, and if the pads were approximately 16x18 feet as originally proposed. Mr. Amaral responded that there was a pad on each side of the Inn beyond the parking areas; one on the Boynton Meadow (northwest) side and one on the Lawrence

Academy (southeast) side. He also said that the area of the pads had not changed. The only proposed change to the pads was to increase the fence height to 8 feet.

Chairman Wilson asked why the applicant wanted to remove the bump-out. Mr. Amaral said there were two reasons for removal of the bump-out. One was to create another parking space which is important given the parking issues in the center of town. The second reason is that the granite curbing would be a nightmare to plow in that area. He further said that he thought perhaps part of the reason for the required bump-out was to help create shade and add green space to the design. However, he noted that the tree buffer which separated their property from the Lawrence Academy property had plenty of shade.

Mr. Burke stated that he was the Board member who wanted the bump-out there and he still liked the bump-out because it provided some relief from a rather lengthy run of parking spaces and it also provided the opportunity to put shade that would help with the thermal heating. He said he understood the applicant's desire for maintenance purposes and in a perfect world he would love to see a tree there but if they were to eliminate the bump-out then the ability to put any planting there would no longer be available. He further said that it seemed to create an uninterrupted run of asphalt and asked if there was a way that they could eliminate the bump-out and put a different surface on the area to distinguish it from the rest; either cobblestone or to stamp the asphalt to make it resemble brick. Mr. Amaral replied that they could do the stamping but the bump-out was already built and it was not a matter of saving money. He said they would be taking some granite out and putting pavement down and he was not suggesting that they eliminate any of the plants from the plan; pointing out that they would be moved to another location.

Mr. Barringer asked if the mechanical enclosures were visible from Main Street and if they had consulted with the Historic District Commission. Mr. Amaral replied that they had not gone to the Historic District Commission (HDC) because the 6-foot fence had already been approved. He said if they had to appear before the HDC for the two extra feet he thought the HDC members would rather see a taller fence than a fence with 1 ½ feet of mechanical equipment sticking out above it. Mr. Barringer replied that he did not disagree with that statement and he suggested that Mr. Amaral consult with the Historic District Commission.

Mr. Vega stated that he had no issues with the applicant's request. He understood the plowing concern.

Mr. Giger stated that he was okay with the removal of the bump-out and it would be a plus to make it look a little different. He said perhaps the original color of the fence was identified as being white but was wondering if there would be some consideration to picking a darker color which would reduce the visibility from the road.

Mr. Burke stated that he would rather look at a fence, even a white fence but he agreed with Mr. Giger's suggestion that picking a color which was less prominent was a great idea. He said the bump-out was something that he wanted but that in the scheme of things he was not going to make it a big issue.

Mr. Svarczkopf stated that he did not have a strong feeling about the bump-out and he also did not have a problem with an 8-foot fence next to Boynton Meadow, but the proposed 8-foot fence around the

mechanical pad on the Lawrence Academy side was rubbing him the wrong way. He said you could definitely see it from Main Street and the trees along the Lawrence Academy property line did not provide sufficient screening. He further said that the size and the color of the fence was a big concern to him. Mr. Svarczkopf also said that 6-foot fences were very common and often times there were different types of treatments above the 6 feet; lattice or tilted slats to break it up so there was not a giant 8-foot tall wall. He said he had no problem with removing the bump-out as well as the 8-foot fence on the Boynton Meadow side but felt the Board needed to see something a little bit better regarding the fence along Lawrence Academy property line. Mr. Svarczkopf recalled that the original plans did not show a pad on this side of the Inn. Upon further review of the site plans it became evident that the mechanical pad on the Lawrence Academy side was not shown on the original site plans.

Chairman Wilson stated that, with regard to the bump-out, he did not think it was a big issue and he did not even see the point of varying the surface material because once cars were parked there you would not see it anyway and additionally it might be confusing for people because it was marked differently. He said what he did feel very strongly about and what was missing was a visual green screen for the parking which was going to be exposed and for the 8-foot fence around the mechanical equipment. He further said that all of the landscaping along the strip between the parking area and Lawrence Academy was really low grasses which would not be there all winter so the view would be wide open. He wondered if an evergreen planting, like a row of Arborvitae, could be added to help screen the parking as well as the mechanical area.

Mr. Burke suggested that the Board consider voting on the bump-out in order to provide the applicant with the running room to get things done before the snow falls.

Mr. Giger suggested that the applicant put together a drawing and go to the Historic District Commission for their input and then come back to the Planning Board.

Mr. Burke made a motion to approve the amendment to the site plan to allow the removal of the bump-out and instruct the applicant to seek input from the Historic District Commission and return to the Planning Board with additional information and suggestions relative to the screening and fence material for the mechanical equipment on the Lawrence Academy side. Mr. Svarczkopf seconded the motion.

Mr. Amaral asked if the Board would be inclined to approve the fence on the other side of Lawrence Academy because they were under a tight schedule for the grand opening on May 4, 2018.

Revised Motion:

Mr. Burke made a motion to approve, as a field change, that the bump-out shown on the easterly side of the parking area be eliminated and that the applicant be given approval to install an 8-foot fence around the mechanical pad on the northwesterly side of the Inn, subject to a cut sheet for the fence material and revised landscaping plan. Mr. Svarczkopf seconded the motion.

A Viva Voce Roll Call was taken, which resulted as follows:

Yea: Mr. Vega, Mr. Giger, Mr. Burke, Mr. Svarczkopf, 6

Nay:

0

MOTION CARRIED

Mr. Amaral said the Board members were welcome to walk the Groton Inn site at any time.

NOTE: Mr. Barringer excused himself from the meeting at approximately 8:05 P.M.

Regulation of Marijuana

Mr. Burke stated that he drafted a by-law and would like to schedule a public hearing for January to get the process going but that there would also have to be an accompanying moratorium extension by-law. He suggested that the Board go to the Town Meeting first with the amendment to the current moratorium that would extend it to December 31, 2018, which was the maximum amount of time that the Attorney General's Office had indicated that they would have a sense of humor regarding communities extending moratoriums. He further said that after that they would come in with a proposed by-law to repeal and replace the medical marijuana by-law with the marijuana establishment zoning which would apply for both medical and recreational marijuana.

Mr. Burke said that it was the opinion of the Attorney General that communities may still regulate buffers to other perceived sensitive use areas such as playgrounds. He said the law stated that the number of marijuana establishments could not be limited to be any less than one if you have already licensed a medical marijuana establishment, pointing out that Groton had not, or 20% of the licensed alcohol beverage sales establishments where beverages were not consumed on the premises, which in Groton's case was two.

Mr. Giger asked T. Tada to confirm the number of alcohol licenses with the Town Manager.

Mr. Svarczkopf asked if the zoning bylaw would treat different types of marijuana establishments separately, such as cultivation and dispensary. Mr. Burke said that was a possibility.

Mr. Burke stated that, with regard to timing, the state was going to go on-line and start accepting applications from experienced operators as of April 1st. He said that they were currently operating under a moratorium that expired on June 30, 2018. He reiterated that he recommended that the moratorium be extended at the spring Town Meeting because unless someone in the town decided to initiate a moratorium to stop marijuana, noting that the town voted approximately 60% in the affirmative, that he felt it should be on the books.

Mr. Giger stated that his understanding was the State Cannabis Control Commission was supposed to publish a draft of the state's regulations no later than March 15th and have final regulations by July 1st. He said he felt they were off to a great start but once the regulations came out things may be need to be added or changed. Mr. Burke replied that they would still have time to do that.

Mr. Burke said that the Board needs to discuss the draft bylaw proposal and then plan to hold a public hearing on the proposal. The Board can amend the draft bylaw after the public hearing process.

Mr. Burke said that the main point of uncertainty is in regard to buffers around sensitive areas.

Mr. Giger stated that he felt as a Board they should decide what defined sensitive areas and get feedback at the public hearing. Mr. Svarczkopf agreed and added that the Board should consider the density of establishments in the locales where they could be allowed.

Mr. Burke clarified that the draft language regarding buffering around sensitive areas was taken from the current zoning for medical marijuana establishments.

Chairman Wilson asked if what they were talking about were children below a certain age as the sensitive population. Mr. Burke replied that what they had presently was 500 feet from schools, Jr. Colleges, licensed daycare centers, churches, libraries, parks, playgrounds and other marijuana establishments. He said they also had no marijuana establishment would be located in a building containing residential units, which would also include transient housing, motels, dormitories or inside a movable or mobile structure such as a van or a truck.

Mr. Burke suggested that the Board may want to reach out to the Board of Health and request that they get on board in terms of what, if any, the Cannabis Control Commission's final regulations would endow them with in terms of involvement regarding regulating the establishments.

Chairman Wilson and Mr. Giger agreed that the Planning Board and the Board of Selectmen should both be on the same page as to who was working on the zoning regulations. Mr. Burke reiterated that he has been working closely with the Town Manager and also the Economic Development Committee.

Mr. Burke asked that members of the Board review the draft he had prepared and note any changes/amendments/suggestions and send them to Mr. Tada and then he would prepare another draft to be discussed at the December meeting.

Mr. Giger stated that he felt the Board should have a list of action items to think about, i.e. what the protected areas may include as well as some thought as to how it would be communicated to the public. He said he felt it would call for a significant communications plan and execution to enable people to understand all of the options. Mr. Burke replied that he felt it would be helpful if an instructional PowerPoint presentation was prepared.

Master Plan Implementation Committee

Mr. Tada stated that there was an updated list of candidates in the Board's packets.

Mr. Burke suggested that all of the candidates be invited to the December 14, 2017, meeting.

Letter of support for Housing Coordinator

Mr. Burke made a motion to authorize Mr. Tada to submit the letter of support for the Housing Coordinator to the Community Preservation Committee. Mr. Giger seconded the motion.

VOTE: 5 – 0 – MOTION CARRIED

Approval of Meeting Minutes

Mr. Svarczkopf made a motion to approve the meeting minutes from the November 9, 2017, meeting. Mr. Vega seconded the motion.

VOTE: 4 – 0 – MOTION CARRIED

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- December 14, 2017
- January 11, 2018
- January 25, 2018

Adjournment

Mr. Svarczkopf made a motion to adjourn. Mr. Vega seconded the motion. The meeting was declared adjourned at 8:59 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary