

## **TOWN OF GROTON PLANNING BOARD**

**February 22, 2018**

### **Meeting Minutes**

A meeting of the Planning Board was held on Thursday, February 22, 2018, 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. Timothy M. Svarczkopf, Vice Chair  
Mr. Russell Burke, Member  
Mr. John Giger, Member  
Ms. Carolyn Perkins, Member

#### **Members Not Present:**

Mr. George Barringer, Clerk  
Mr. Michael Vega, Member

#### **Also Present:**

Mr. Takashi Tada, Land Use Director/Town Planner

#### **Discussion - Senior Center Building Committee**

Mr. Peter Cunningham, Chairman, Senior Center Building Committee, addressed the Board and stated that he was present to discuss the Articles that would be on the Warrant for the Spring Town Meeting regarding the Senior Center. He said last fall there was an Article that was approved by the Town to support hiring an architect to do design renderings for a new Senior Center, which would then go out to bid and then come back to the annual Spring Town Meeting with specific plans. He said they had been working with the architect for quite a while as well as with the owner's project manager.

Mr. Cunningham said they felt the best plan going forward was a design that was a single level, which would provide a little less than 11,000 square feet so it would essentially double the size of the current center. He said that it worked with the existing site and there was no new green space or parking proposed. He also noted that the traffic flow would be a lot easier than what currently existed. Mr. Cunningham said there would also be space on the site for some of the outdoor activities, the garden activities that were an important component of the program for seniors in addition to trails on the site and on the adjacent parcel. He said a separate Article at the Spring Town Meeting would be to acquire the adjacent parcel, which was the old Squannacook Sportsman Parcel from the Groton Emergency Management Society (GEMS). He further said that they would probably convey that to the town for \$1.00. Mr. Cunningham said there was a conservation restriction on the land and the only plan at that point would be to use it for trails.

Mr. Cunningham stated that they were trying to get other Boards to support them at the Town Meeting as well and felt the plan was consistent with many of the goals that were identified in the Master Plan.

Chairman Wilson said that he thought it was a very exciting project.

Chairman Wilson asked if there were anyone else who had questions or comments.

Ms. Michelle Collette, member of the Senior Center Building Committee, addressed the Board and stated that in terms of the regulatory process, they were aware that the Planning Board would be holding a public hearing on the site plan that was submitted and that hearing would be held on March 8, 2018. She said in terms of stormwater management and Conservation Commission issues, it was being treated as a redevelopment site. She said the population of people 60 and older was increasing and it was important to provide that segment of the population with the appropriate social services.

Mr. Gregg Yanchenko, of HKA, addressed the Board and stated that he was the architect and was also a resident of Groton. He said one of the things he wanted to compliment the Senior Center Building Committee on was that for a very nominal fee they were adding two showers, which meant the Senior Center would be able to function as an emergency center as well. He further said that it would also be used for continuing education and he felt while it was designated as a Senior Center it was becoming a wonderful Town asset that many groups could use.

Ms. Perkins asked if there would be an additional driveway to help with the traffic flow. Mr. Cunningham replied that the driveway would be reconfigured which would improve the traffic flow. Ms. Perkins said she appreciated the committee's work. Ms. Kathy Shelp, Director of the Council on Aging, said the portico design at the building's front entrance is essential to the circulation through the site, but would also protect visitors and the COA vans in inclement weather.

Mr. Giger said that he clearly recognized that there needed to be some changes made to the Senior Center but he was a little bit unsure of what he was being asked to do at this meeting. He said if he were being asked to say that he saw a problem and something should be done about it then he was fine. He further said that if he were being asked to approve or suggest the approval of what was going to be presented at the Town Meeting, he did not have enough information to make an intelligent judgement. Chairman Wilson replied that they would see the plan on March 8<sup>th</sup>. Mr. Giger said if anyone had an expectation that if the Planning Board voted in the affirmative to recommend at this meeting, it would not mean that they would come back and get everything they want. Chairman Wilson said he did not think anyone expected that.

Mr. Cunningham said that they were looking for a recognition that there was a problem with the current facility in providing services for senior citizens in the Town of Groton. He said the current facility was inadequate and the town could be open to liability in terms of accessibility issues. He further said that they fully appreciated the regulatory due diligence that the Planning Board wanted to pursue and check all of the details of the plan. Mr. Cunningham stated that if it was the Planning Board's decision to make a recommendation at the Town Meeting that would be fine. He said they had additional work that needed to be done; the project needed to be bid on and they needed to know what the estimated construction cost was. He further said the Town needed to know what the impact was going to be on the tax rate and they were also engaged in a private fund raising effort in an attempt to identify resources that may help drive the cost down.

Ms. Collette asked if the Board would be more comfortable if they came back and asked for a vote after the process of the site plan review had concluded. Chairman Wilson stated that made perfect sense although he presently supported it.

Mr. Svarczkopf commented that he was fine with the committee coming back with a plan. He said he thought there were two issues at hand, one was the regulatory site plan review around the Senior Center and the other one was more related to the needs of the town as well as the tax implications. He further said that as a Board member, he would like to comment on the Planning Board issues after seeing the

plan. Mr. Svarczkopf said there had been plenty opinions regarding the appropriateness and the location of the project. He said he thought it was a great project and it had received a great deal of support.

Mr. Burke asked about the status of the abutting parcel formerly owned by the Squannacook Sportsmen's Club. It is presently owned by the Groton EMS Association. Mr. Cunningham said the property has been largely neglected and it has a Conservation Restriction (CR) on it. The Senior Center Building Committee is talking with the Conservation Commission about potential uses of the property under the CR, but those are not part of the Senior Center proposal.

Mr. Burke also asked if the existing Senior Center facility would remain in use during construction. Ms. Shelp said the existing building would be demolished first, and the programs would be temporarily relocated to other facilities such as the Country Club, Twomey Center, and GELD.

Mr. Giger asked about the transition timeline. Mr. Yanchenko said he anticipates a 12-month construction schedule after the contract is awarded. Ms. Collette noted that it could take years to make changes to the CR on the abutting property because of Article 97 requirements.

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

### **Public Hearing - Scenic Roads Application, Indian Hill Road, Parcel 236-33 - -EMJ Trust**

Mr. Tada stated that Mr. Tom Delaney, Tree Warden, was not present as he had a scheduling conflict but he had spoken with him and he supplied the Board with a brief summarization of his input.

Mr. Burke opened the public hearing and read aloud from the Public Hearing Notice as summarized below:

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, February 22, 2018, at 7:15 p.m.** in the Town Hall (second floor meeting room) 173 Main Street, to consider the application submitted by EMJ Trust to remove three trees and alter 42 feet of stone wall within the right-of-way of Indian Hill Road, along the frontage of 220 Indian Hill Road, located on assessor's map 236, parcel #33.

Copies of the application are on file in the Planning Board office and the Town Clerk's office at the Town Hall. The Town of Groton does not discriminate against on the basis of disability and further, a signed translation of this public hearing will be provided for the hearing impaired upon request by contacting the Planning Board at 978-448-1105 at least one week prior to the hearing.

Mr. Tada commented that the Board had the plans of the driveway cut that was currently in place. He said it was an "after the fact" filing.

Mr. Burke asked if anyone was present on behalf of the applicant. Mr. Tada replied there was not.

Mr. Burke asked how the situation came about. Mr. Tada replied that the applicant had submitted a Scenic Roads application at the end of 2017 but the application was incomplete and noted they did not include a filing fee check with it. He said at the same time they also submitted a driveway permit application to the DPW and he surmised the Highway Department thought they would be using the existing cut in the wall. He issued a driveway permit and the applicant proceeded to cut-in the driveway.

Chairman Wilson stated that because the driveway came in at such an angle there was 42' of stonewall that was destroyed.

Mr. Giger said they were at the Annual Stormwater Committee meeting on Tuesday night and there was another party involved. He said a portion of the land was under conveyance and it was either the portion that was owned by the Groton Conservation Trust or some other organization that put land in a trust. He further said that they had to get permission from that organization to move the driveway. Mr. Giger commented that they might have assumed after having that conversation and getting that permission; that was all they had to do. He said none of the committee members had a sense that anyone was trying to play games.

Chairman Wilson noted that Mr. Delaney's comments read, "no Town trees were removed and he recommends using the displaced stones to bolster the remaining sections of the walls." He said all of the work was done without a permit and all they could do at this point was to wag their finger at them. Mr. Svarczkopf stated that there were no consequences for people who were making changes and not going through the right process. Ms. Perkins replied that the answer was not always punish the person but to look at the individual circumstances and determine if what they did was harmful in some way.

Chairman Wilson said that one way to prevent it from happening again was to be informed whenever a building permit application submitted.

Mr. Burke said that he agreed the Board should be made aware of all projects.

Mr. Tada said that prior to the town having an on-line permitting system, when building permits were submitted, there was a Form of Intent which would have been included that was distributed to all of the town departments. He commented that did not happen any longer but the information was available on-line; but paper copies were not sent out. Mr. Tada said there was discretion on the part of the Building Department to modify the list of people who would be notified for different types of permits.

Ms. Perkins said that she thought there were many people that did not have any idea about the Scenic Roads bylaw. She asked if there was some way to make people more aware of it, so when they were developing a lot, the building could inspector remind them of the process.

Mr. Burke suggested that the Planning Board could put a condition on the approved plan which stated that they use the displaced stone to bolster the remaining sections of the stonewall and if need be, bring in additional stones to improve the appearance of the wall.

Mr. Burke made a motion to approve the driveway location with the stipulation that the stones removed from the driveway construction and any other stones on the property that were uncovered because construction be used to augment the existing gaps in the stonewall including the former driveway.

Ms. Perkins suggested that it should be specified that they were approving the Scenic roadway and not the location of the driveway.

Mr. Burke replied that he agreed.

### **Revised Motion:**

Mr. Burke made a motion to approve the Scenic Roads application with the stipulation that the stones removed from the driveway location and any other stones on the property that were uncovered because of construction be used to augment the existing gaps in the stonewall including the former driveway. Ms. Perkins seconded the motion.

### **Discussion:**

Mr. Giger stated that he hoped they would wind up with a stonewall of similar size and materials to what was currently there.

**VOTE: 5 – 0 - MOTION CARRIED**

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

**VOTE: 5 – 0 - MOTION CARRIED**

### **ANR Plan - 33 West Main Street, Squannacook Hall**

Chairman Wilson stated that Platt Builders was seeking an endorsement of a 2013 perimeter plan.

Mr. Tada stated that his understanding was, based on a conversation he had with Michelle Collette, that there was a meeting held immediately prior to the 2013 Fall Town Meeting and the Board never finalized the minutes from that meeting. He said what was in the Board's packet was a draft but it was based on Ms. Collette's notes from that meeting. He further said that the minutes indicated that the Board voted to endorse the ANR Plan that was presented but the plan was never signed and not recorded, and as a condition of the special permit for the Squannacook Hall conversion project, they needed to record the ANR Plan before the permit could take effect.

Mr. Tada said the special permit was issued in February of 2016.

Mr. Burke noted that the ANR Plan was done a long time before they requested the special permit. He said that special permits had a provision that said if you do not start construction within two years then the special permit would lapse and he supposed they were intending to start construction, pointing out that if they did not then their permit would lapse and they would not be able to get a building permit to start construction.

Chairman Wilson asked if the plan before them was the exact plan that the Planning Board had approved but did not endorse. Mr. Tada replied that was correct.

Mr. Svarczkopf asked a member of the audience if the intent was to start construction.

Mr. Chris Brown, Co-Owner, Squannacook Hall, addressed the Board and stated that he had submitted the building permit application. He noted that was how they discovered that the ANR plan was never filed with the Registry of Deeds.

Mr. Svarczkopf asked Mr. Brown if there were any changes to the plan. Mr. Brown replied there was not and they were hoping that construction would be completed by September or October.

Mr. Svarczkopf made a motion endorse the ANR Plan called "Plan of Land in Groton, MA, owned by the Town of Groton, prepared by David E. Ross & Associates, dated October 18, 2013. Mr. Burke seconded the motion.

**VOTE: 5 – 0 - MOTION CARRIED**

**Discussion - Master Plan Implementation Committee**

Ms. Perkins stated that they were having a little bit of trouble with getting everyone to attend the meetings and at some point; they may have to talk about a quorum. She said it was moving along.

Mr. Tada said that he would draft a memo on behalf of the Planning Board that would help the members of the MPIC as they began to reach out to various stakeholders to get feedback on how the Town was doing implementing the Master Plan.

**Discussion - Regulation of Marijuana – Draft Warrant Articles for the Spring Town Meeting**

Mr. Burke said that he had spoken to Margaret Hurley at the Attorney General's office. He said the Board had talked about limiting the number of marijuana establishments and they put it in the proposed bylaw that they would limit the number of retail marijuana establishments to no more than 20% of the number of alcohol retail establishments (not consumed on the premises). He also said that they could not prevent the conversion of medical marijuana dispensaries to recreational but they did not have to worry about that because Groton has no such facilities. Mr. Burke said the other provision was that they could not prohibit any type of marijuana establishment and it left the question if someone came in with a non-retail establishment, would they still have to allow it even if they met the number of retail establishments. He said he asked the Attorney General if it was permissible to say that the town shall have no more than one non-retail marijuana establishment. He said the Assistant Attorney General said that she concurred that they had the right to place the limit.

Mr. Burke said he also confirmed that in order for a community to allow on-site consumption, they had to go through a referendum process to opt in.

Mr. Giger stated there was verbiage in the first summary on the Warrant Article regarding the extension of the temporary moratorium on recreational marijuana and the second summary said the "proposed zoning bylaw defines the types of marijuana establishments authorized under...." He suggested that they put the word "recreational" in front of the word "marijuana."

**Approval of Meeting Minutes – 2/08/2018**

Mr. Tada said that he although he had a copy of the minutes from the February 8, 2018, meeting, in draft form; he had not yet had an opportunity to review them and said they could be approved at the next meeting.

**Discussion - Groton History Center CPC Application**

Chairman Wilson stated that the Groton History Center had requested a letter of support for a CPC application to preserve the Oliver Prescott House murals.

Mr. Burke made a motion to request that Mr. Tada send a letter to the CPC from the Planning Board that indicated support for the mural project. Mr. Svarczkopf seconded the motion.



**VOTE: 4 – 0 - 1 (Abstained – Perkins)**

**MOTION CARRIED**

**Discussion - Signature Authority at Registry of Deeds**

Chairman Wilson asked what the Signature Authorization Certificate for the Registry of Deeds was. Mr. Tada replied that he provided the Board with a draft.

Mr. Svarczkopf nominated Mr. Burke and Chairman Wilson to have signatory privileges in the event Mr. Tada was on vacation or not available. Mr. Giger seconded the motion.

**VOTE: 5 – 0 - MOTION CARRIED**

**Discussion - Project Notification Procedures**

Mr. Giger asked Mr. Tada how the Board could better help him raise the issue of the Land Use Departments displacing a process (Form of Intent) that was working pretty well relative to letting everyone in town government know that an application had come in. He said if they could not get the process to work electronically then they should go back to the paper process.

Mr. Burke asked if there was a list of building permits available on a weekly basis. Mr. Tada replied that they used to keep a paper log but it was presently only available on-line. Mr. Burke said that the on-line list should be able to produce a report. Mr. Tada replied that it could produce a report but he did not think they had developed a habit of doing that.

Mr. Giger suggested that perhaps they only needed to know about the building permits pulled that requested pouring any type of foundation.

Mr. Tada explained that he had a weekly meeting with the Town Manager on Friday's and he would mention that concern and come up with some ideas.

**Planning Board Meeting Schedule**

2<sup>nd</sup> & 4<sup>th</sup> Thursday of the Month:

- March 8 & 22
- April 12 & 26
- April 30 – Spring Town Meeting

**Adjournment**

Mr. Burke made a motion to adjourn. Mr. Svarczkopf seconded the motion. The meeting was declared adjourned at 8:25 p.m.

Respectfully submitted,

Trish Gedziun  
Recording Secretary