

TOWN OF GROTON PLANNING BOARD

March 22, 2018
Meeting Minutes

A meeting of the Planning Board was held on Thursday, March 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. George Barringer, Clerk
Mr. Russell Burke, Member
Mr. John Giger, Member
Ms. Carolyn Perkins, Member

Members Not Present:

Mr. Timothy M. Svarczkopf, Vice Chair
Mr. Michael Vega, Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Public Hearing – Re-zoning Request & Concept Plan, 186 Main Street

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

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, §5 & 11 of the Code of the Town of Groton, Chapter 218, the Groton Planning Board will hold a public hearing on **Thursday, March 22, 2018, at 7:00 p.m.** in the Town Hall (second floor meeting room) 173 Main Street, to consider the following citizen's petition Warrant Article filed by Donna T. Ward, owner of 186 Main Street which reads "Citizens Petition to re-zone 186 Main Street, Parcel 113-1 from Residential/Agriculture (RA) to Residential/Business (RB) and to include this property in the Town Center Overlay District" to see if the Town will vote to zone the property situated at 186 Main Street which is shown on Groton Assessor's maps as parcel 113-1 and described in a deed recorded with the Middlesex County Registry of Deeds in book 70,228, page 254, as Residential Business (RB) and include this property in the Town Center Overlay District, §218-30.2 of the Town of Groton Zoning By-Law or take any action thereon.

Copies of the proposed zoning request and concept plan submittal are on file in the Planning Board and the Town Clerk's offices at the Town Hall. The Town of Groton does not discriminate 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.

Chairman Wilson read aloud a letter addressed to the Planning Board from Mr. Richard Curtis, former Chairman of the Planning Board, regarding the efficacy and wisdom of the re-zoning proposal as summarized below:

Please consider this input to your upcoming hearing on the re-zoning of 186 Main Street:

- The provisions of the RB District as set forth in §218-12 appear to be more than sufficient to allow the applicant to move forward with the proposed renovations and change of use. Several other properties in the Town Center have been re-zoned to RB in the past decades with no ill effects for either the property owners or the neighborhood.
- Petition driven addition of any single parcel to the Town Center Overlay District appears to violate the underlying intent of §218-30.2, which is the Town Center Overlay District, to expand the types and scopes of commercial and residential development in the town center. The fact that this provision has been used in the past for one-off re-zonings and service of a specific development proposal does not mean that the Board should continue allowing the district to expand in such a haphazard way. Instead, the Board should move forward with a comprehensive re-zoning article that includes enough of the town's center to constitute a district with the scope and size required to accomplish the goals of §218-30.2 and the Master Plan.

Historically, §218-12, which is the underlying zoning, was intended to provide a statutory mechanism for limited commercial use in a residential/agricultural area. §218-30.2 was intended to drive a largescale shift in uses and density in the Town Center. Invoking the provisions of §218-30.2, in a case like this one, where §218-12 will serve the immediate needs of the applicant is unnecessary, sets a troubling precedent and should not be recommended by the Board.

Attorney Robert Collins, representing the applicant, addressed the Board and stated that he did not disagree with Mr. Curtis. He said he thought an RB would work just fine so he included both in the re-zoning petition. He said when he included the Overlay District he was thinking in terms of that being the highest level of municipal review and control.

Attorney Collins stated that Donna and David Ward had purchased the property and Attorney Donna Ward wanted to have her office in the building. He said the concept plan was to restore the building in accordance with the plans that Dan Qualye had provided which had been reviewed with the Historic District Commission. He said the applicants wanted to bring the house back to the character that it used to have and as it looked a century ago.

Attorney Collins said the driveway would follow the existing driveway that came off Main Street and headed toward Mayfield Drive. He said it would have to be slightly moved to get it away from a resource area and there would be a parking area to the rear of the house that would consist of 16 spaces. He further said that the visual impact of the parking area would be limited as there would be multiple plantings.

Attorney Collins noted that there were two staircases that led to doors that were previously added but they would be removed and the original windows would be replicated. He said the proposed entrance to Attorney Ward's office would be located at the rear of the building. He further said that the front and sides of the house, as well as the yard, would maintain the character of a residential structure.

Attorney Collins said he had received a very pleasant reception from the Historic District Commission and he was going to their next meeting to solicit a vote of support. He said he had also consulted with the Conservation Commission because the property had two resource areas as well as a culvert and he would be filing a request for a determination within the month. Attorney Collins stated that he would also review the plan with the Stormwater Management Committee, noting that there was currently no drainage on the site as it was a house but there was a very long driveway. He said it all sheathed off to a storm drain. He also said there would be a rain garden that would pretreat the run-off before it found its way into the ground water or went off the site.

Attorney Collins stated that the property was right on the cusp of not being able to be structurally redeemed and the applicant was willing to put the necessary resources into restoring the house.

Attorney Collins said there was also a lean-to addition on the carriage house that went right up to the abutter's border and part of the concept plan was the proposal to remove it, which would create a setback from the property line.

Ms. Perkins asked why there was a need for 16 parking spaces given that most of the attorney's clients were off-site. Attorney Collins replied that 16 spaces were allowed under the zoning bylaw and would serve Ms. Ward's needs, but she would be willing to consider a slight reduction in parking spaces.

Ms. Perkins asked if the Conservation Commission would rule on whether or not the road and the parking would be within the 100-foot buffer. Attorney Collins replied that the Conservation Commission had already said that they did not need to do a full notice of intent but simply a request for a determination.

Mr. Giger said it was his understanding that the Wards intended to live in the house as well as having a business in the house. Attorney Collins replied that was incorrect. He said they could apply for a Home Occupation permit but they lived in Dunstable and the intent was for Attorney Ward to use it as an office.

Mr. Giger stated that the wall light in the back of the property was a concern to him. He said he would like to see something that kept the light shining onto the ground and did not have any run over. Attorney Collins replied that was what it was.

Mr. Giger said that he did not understand the need to change it to Residential/Business and go to the Overlay District. He said he felt it was an insurance policy so that if one did not pass then the other one might. He further said it could be added to the Overlay District at any time in the future. Attorney Collins replied that he would amend it so it would just be changed to Residential/Business.

Mr. Burke said that he felt it made sense to request that the zone be changed to Residential/Business for a variety of reasons. He said the special permit under the RB District did not have the same set of standards that the Town Center Overlay District had.

Mr. Burke asked if the entire building would be used as an office. Attorney Collins replied that was correct.

Mr. Burke asked what the square footage of the building was. Attorney Collins replied it was 4,400 square feet. Mr. Burke said that he would like to see a stormwater analysis because additional pavement was being proposed on the site and he wanted to make sure that the site could attenuate

the additional runoff. Attorney Collins replied that he would provide the Board with that information when he applies for site plan review.

Mr. Barringer asked if the entire structure would have only one business. Attorney Collins replied that was correct. Mr. Barringer asked how many employees the law office would have. Attorney Collins replied there would be approximately eight employees. Mr. Barringer commented that at an appropriate future point they might talk about reducing the amount of parking spaces.

Mr. Barringer said that the applicant had intended on removing a number of trees around the border of the property and asked what the reason was for that. Attorney Collins replied that most of the trees were dead or dying. Mr. Barringer asked if there was a plan to replace the trees. Mr. Stan Dillis replied there was a planting plan that showed quite a few plantings along the house and the property line. He further replied that the number of plantings that were being proposed exceeded the number of trees that would be taken out.

Chairman Wilson said that he thought it was a great re-use of the property.

Mr. Barringer said he felt there should be some light in the parking lot. Attorney Collins replied that he wanted to avoid that because he wanted it to look like a residence. Mr. Richard Curtis, an abutter, stated that he did not want a motion-activated light.

Mr. Giger said that he would like the applicant to consider using porous asphalt in the parking lot because that would be one way to help keep the water on the property. Attorney Collins replied that they would look at that.

Chairman Wilson read aloud an e-mail from Tom Orcutt, Water Superintendent, as summarized below:

The applicant should meet with the Sewer Commission regarding additional sewer capacity and the Water Superintendent regarding water service to the property.

Mr. Tada stated that Tom Delaney, Director of Public Works, indicated that he had no comments at the time.

Mr. Burke made a motion to continue the public hearing to the next Planning Board meeting, date specific, of April 12, 2018, at 7:30 p.m. Mr. Barringer seconded the motion.

VOTE: 5 – 0 - MOTION CARRIED

Discussion - ANR Plan, Robin Hill Road, Lot A-10

Attorney Collins stated that he wanted to establish one lot for one of the duplexes that was not there before.

Ms. Perkins asked why the duplex was being moved off the road. Attorney Collins replied that there was not enough room. He said the special permit stipulated that they create four units in two duplexes in order to reduce the density, and the original lot configuration was oversized in order to meet a requirement of the MassWorks grant application for the Four Corners sewer project.

Mr. Burke asked if the special permit needed to be amended. Mr. Collins said this did not require an amendment because it did not change the scope of the permit.

Chairman Wilson and Mr. Barringer asked to clarify that the applicant was asking to simply reduce the size of Lot A-10 within its original bounds. Attorney Collins replied that was correct.

Mr. Giger commented that he wanted to preserve the trees and green area. Mr. Burke and Chairman Wilson both said they were also in favor of preserving the trees, but the Board could not require it without amending the special permit.

Attorney Collins suggested that he withdraw the current request and resubmit a revised ANR plan on April 12th which would include a landscaping note about preserving the trees adjacent to the lot.

Attorney Collins said that he would also be requesting a field change to Oriole Drive consisting of reverting back to the original "T" turn-around instead of the cul-de-sac modification that was approved in 2016. He also said that he spoke with the Fire Chief Steele McCurdy and DPW Director Tom Delaney and they did not have a problem with it. Chief McCurdy requested that the area of the "T" be maximized to accommodate fire trucks. Mr. Collins will provide an updated plan for the Board.

Public Hearing (Cont'd) - Site Plan Review, 163 West Main St. - Proposed Senior Center

Mr. Greg Roy and Mr. Stan Dillis, from Ducharme & Dillis Civil Design Group, representing the applicant, addressed the Board and stated that they discussed the lighting as a team and what they proposed as a condition of the approval was the following:

1. The wall lights at the doors and the lights underneath the canopy would be on during the nighttime hours for safety.

The parking lot lights would go off at 10:00 p.m.

Mr. Giger asked if the lights that would be left on could be taken down to a lower wattage but still provide the security lighting. Mr. Roy replied it was possible but his understanding was the lights would not project, but just light the entrance pad. Mr. Giger said he wanted to make sure the lighting did not have an impact on the neighboring house. Mr. Roy replied the current proposal was not to dim any lights but to turn off the really bright ones, which were the parking lot lights.

Chairman Wilson asked if it were possible that an abutter could see the lamp in the fixture. Mr. Roy replied the actual bulb would not be seen but the shielded illumination could be seen.

2. The change made to the curbing in the beginning was to incorporate sloped, granite curbing on the northerly side of the paved area, which minimizes the turtle barrier. There were already some proposed gaps where it was flush curbing to accommodate the handicapped accessibility. There will be vertical granite curbing in sections where the sidewalk is adjacent to parking spaces.

Mr. Roy said that the Natural Heritage folks had given them a conditional approval for the curbing with the condition that they had asked them to look at a possible opportunity to remove some of the vertical curbing. He said it was a request, not a requirement, to remove the vertical curbing. He said he felt like they had revised the plan as far as they comfortably could in that regard.

Mr. Roy noted that there would be a temporary fence to prevent the turtles from going into the construction area during construction.

3. There were 69 parking spaces in total, eight were van accessible handicapped spaces.
4. The trees that were to be removed had been flagged. A site walk was still available if the Board would like.

Ms. Perkins asked how many trees were being removed. Chairman Wilson replied it was 43. Mr. Burke said he visited the site and observed that many of the trees that were flagged for removal were in the area proposed for the community garden. He said the tree removal did not seem excessive.

Mr. Giger also visited the site and provided 15 photographs of the various trees that were flagged. He suggested that Mr. Roy ask again if they really needed to remove the trees that were set well back on the property. Mr. Roy said they flagged all the trees that they need to remove for grading of the site. Mr. Dillis said some of the flags in the photos indicated the limit of work where the erosion controls would be installed.

After some discussion, the Board was in agreement that a site walk was not necessary.

5. To receive confirmation from the Fire Chief that he had reviewed the turning movements
Mr. Roy noted that that they had received it.

Mr. Tada said that Chief McCurdy had indicated that he was okay with the turning radius; although it would be a little bit tight, he was sure they could do it. Chief McCurdy also confirmed that the 14-foot clearance under the canopy was more than enough for their trucks.

6. The subsurface infiltration areas were sized to entirely infiltrate the run-off associated with the 100-year storm event without overflow. If for some reason we had a storm event in excess of 7 inches, the revised plan includes a swale along the edge of the driveway so any overflow would continue to infiltrate on the Town's property and if that were to become overloaded, it would go into the wetlands. These revisions were required as a condition of the Stormwater Management Permit.

Ms. Michelle Collette commented that the Stormwater Management Committee requested three minor engineering changes and all of those changes have been shown on the revised plan.

Chairman Wilson read aloud from a letter addressed to the Planning Board from Ms. Julie Lisk, 63 Spencer Circle, an abutter, as summarized below:

Tom Murray and I noted the trees slated for removal had been flagged. Although the architect said there were only a couple of trees to be removed, we counted 43. Please consider the plan to include an 8-foot barrier fence that will not impede the movement of

wildlife and give us and future homeowners relief from the headlights from cars as well as privacy from increased activity. I have seen too many developers “accidentally” remove trees and filling in wetlands as well as altering approved plans, only to later receive a slap on the hand. I have discovered that curbing is a serious problem at the Groton/Dunstable Regional High School to nesting and migrating turtles. The lighting is already a minor problem. I am told that LED lights, while economical, are very bright and harsh. We hope they won’t be too bright and are not the same as a couple of trees being

43. We hope you will do what you can to mitigate the noise during construction.

Chairman Wilson then read aloud from a letter from Ms. Darcy Donald, addressed to the Planning Board, an abutter, as summarized below:

As illustrated by the photo below, please eliminate square curbing and replace it with sloped curbing to accommodate the rare species known to exist on this property. Square curbing at the GDHS has proved disastrous for rare species there. I question the size of the parking lot. I have included the stats for the Groton Public Library’s busiest days, which clearly show exceptionally greater usage than the Senior Center and the library has 35 parking spaces. Please consider the financial burden to the Town for staffing and maintenance of such a large facility when so many existing handicapped accessible town facilities are underutilized. The decision to move forward will be made by the citizens at the Town Meeting. Please consider these areas of critical concern.

Mr. Giger suggested that it might be advisable to install a fence in place of some of the trees that were coming down to prevent the shine of the headlights.

Mr. Roy said that the Building Committee probably would not be in favor of a fence. He also said that it was important to keep in mind that it was an area that was needed for snow storage.

Mr. Peter Cunningham, Chairman of the Building Committee, addressed the Board and stated that they would explore the possibility of landscape plantings that could mitigate the areas where there may be headlights visible to the abutters.

Mr. Burke commented that there should be a stipulation attached to the approval, which indicated that the applicant would be obligated to make a good faith effort to screen the headlight overspill.

Mr. Burke made a motion to close the public hearing and asked Mr. Tada to begin the preparation of the approval with the noted stipulations. Mr. Barringer seconded the motion.

VOTE: 5 – 0 - MOTION CARRIED

Mr. Roy stated that the project had been put out to bid the previous Wednesday and the bids would close five weeks from that date, which would be April 19th. He further stated that they would like to have the approvals in the contract documents.

Mr. Giger made a motion that the Planning Board should provide a letter of support for the funding of the construction of the Senior Center. Ms. Perkins seconded the motion.

VOTE: 5 – 0 - MOTION CARRIED

Discussion - Amelia Way (Bertozzi Farms)

Mr. Tada stated that he had multiple communications with both the financial management company that owned the subdivision development as well as the engineering firm that they hired to do the plans that would eventually lead to a request for a street acceptance and release of the bond. He further said that they were aiming to get some requests to the Planning Board during the summer so they would be ready to get approval at the Fall Town Meeting.

Mr. Tada said that there was one issue with the final survey because of the unfortunate location of some of the utilities that were in place. He further said that there were two transformers, one electrical box and one driveway that conflicted with the placement of standard survey markers around the cul-de-sac. Mr. Tada said they had asked him to contact the DPW as well as Nitsch Engineering to get some feedback on how they could alternatively place some bounds that would provide the same survey control for the right-of-way. He said he had reached out to Nitsch and they provided one suggestion, which was to put a pin in the middle of the circle in line with the centerline of the road and use that as an offset. Tom Delaney said that would be fine with him. Mr. Tada said that if the Planning Board felt that was okay, when the developer was ready to submit the final as-built plan, it would use Nitsch's recommended method of marking the cul-de-sac.

Discussion - Master Plan Implementation Committee

Mr. Tada noted that with the unfortunate passing of Mr. Michael Roberts, the MPIC had a total of eight members and two of the members had indicated that their schedules did not allow them to be very active on the MPIC until June, especially if the meetings were held on Monday afternoons. Ms. Perkins replied that it would become a problem when they could not get a quorum so she felt they might want to think of reducing the number of MPIC members.

Ms. Perkins stated that the MPIC had gone through all of the Master Plan recommendations and identified whom they were going to talk to. She said the next step was to get organized and begin to do interviews with people.

Discussion - Regulation of Marijuana

Mr. Tada said that Monday evening the Board of Selectmen had a public hearing and went over the Warrant Articles for the Spring Town Meeting and there was some discussion on the two proposed zoning by-law amendments, one of which was the extension of the moratorium and the other, which was the proposed zoning.

Mr. Tada noted that a specific question they had for the Town Manager was if they could get some maps that showed geographically where the marijuana establishments would be allowed. He said the previous Town Planner, Michelle Collette, provided some maps for the Selectmen relative to medical marijuana. Mr. Tada said that they ended up with one map that showed the two zones that were in

play for marijuana, the General Business and Industrials Districts. Mr. Tada stated that it was just a basic map that showed the two districts, the General Business District was indicated in red and the Industrial District was in purple. He said they used the same 500-foot buffers from sensitive locations as the medical marijuana zoning.

Mr. Giger commented that the map should be larger and easier to read.

Ms. Judy Anderson, citizen, addressed the Board and stated that she would like to see a map that only showed the exact places where it was possible to have a marijuana establishment.

Ms. Perkins commented that a combination of maps could be used. She said that the map displayed could be shown initially and then a map that indicated the possible locations could have been shown.

Mr. Tada said that he would consult with the Town's GIS consultant.

Approval of Meeting Minutes

Page 7, Mr. Barringer suggested changing "they" and "them" to the Land/Use Department and IT Department respectively as well as adding that the discussion on page 7 was in regard to the "Form of Intent" process that previously existed.

Ms. Perkins made a motion to approve the meeting minutes of the February 22, 2018, meeting, as amended. Mr. Burke seconded the motion.

VOTE: 4 – 0 – 1 (Abstained – Barringer)

MOTION CARRIED

Board Member Comments

Mr. Giger asked where Mr. Tada was at regarding getting the signature authorization certificate to the registry. Mr. Tada replied that it had not happened as of yet. He said that initially Mr. Collins had offered to record it, but he had a personal situation come up and it had not happened.

Mr. Burke asked if the Board could be provided with a zoning manual that reflected the changes of the last Town Meeting. Mr. Tada replied that he would check on that.

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- April 12 & 26
- April 30 – Spring Town Meeting
- May meeting dates TBD
- May 24-25 – MA Association of Planning Directors conference

Adjournment

Mr. Barringer made a motion to adjourn. Mr. Burke seconded the motion. The meeting was declared adjourned at 9:11 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary