

TOWN OF GROTON PLANNING BOARD

April 26, 2018
Meeting Minutes

A meeting of the Planning Board was held on Thursday, April 26, 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 (Arrived at 7:07 p.m.)
Mr. George Barringer, Clerk
Mr. Russell Burke, Member
Mr. John Giger, Member
Ms. Carolyn Perkins, Member

Members Not Present:

Mr. Michael Vega, Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Public Hearing Continuation – Concept Plan, 279 Main Street

Chairman Wilson read aloud a portion of a decision made by Mr. Ed Cataldo, Building Commissioner/Zoning Enforcement Officer, as summarized below:

The requirements in 218-27(C)4 would need to be met and only three units would be allowed and the owner must live in one of the units.

Mr. Tada stated that Mr. Cataldo's interpretation was that the applicant needed 80,000 square feet plus 10,000 square feet per bedroom. He said that not being met, the only other zoning relief that he saw was if they were to treat it as a multi-family conversion, which would be the three units and the owner would have to live in one of them. Mr. Tada said that Mr. Cataldo agreed that going straight to the Zoning Board of Appeals under the non-conformance portion of the by-law might be the one and only path forward.

Chairman Wilson stated that the Planning Board could also provide the applicant with a favorable recommendation to the Zoning Board of Appeals because the density and the re-use was appropriate for that part of town and it made perfect sense from a planning perspective.

Chairman Wilson read aloud a letter from Mr. Michael Woods, an abutter from West Street, as summarized below:

I spoke at the public hearing on April 12th regarding this plan and I am still very much in support of it. I wish to add one further point that was not mentioned on the 12th. On April 2nd, at the Board of Selectmen meeting, I presented evidence that the parking lot of this property, now mostly empty for the past 15 years, is partly to blame in causing a safety issue on West Street and request that the town provide a traffic management solution. To summarize, I believe that the State Highway sign on Route 119 East, immediately before which is west of the Main Street entrance to the Sacred Heart parking lot, instructs motorists that Route 111 South and 225 West are the second right. While this is technically correct, West Street is the first right and Elm Street, Route 111 is the second. The problem is that the church parking lot, often empty and expansive, is mistaken as the first right by out of town motorists who then go down West Street by mistake thinking it is the second right. I submitted my observations, including scores of such lost motorists over the past year. My neighbors, Mark and Sheila, who live at the end of the West Street, spoke to the frequency of vehicles traveling at high speed on West Street only to turn around in their driveway and speed back towards Route 119. The section of Route 119 East by the church is a 35 mph zone yet parts of West Street, nearest the Seven Hills facility are a school zone. Having a lost motorist nearly doubling the speed limit by mistake is certainly something worth fixing and for these reasons; I believe the current state of this property, specifically the large parking lot, is causing a safety issue on West Street. I believe this is something Mr. Lewis' concept plan will reduce or even eliminate and further submit as a supporting argument for his plan. I understand that this site is a non-conforming and that lot size requirements for such a proposal typically would require more land. I would like to ask the Planning Board to make an exception in this case, as it will increase the safety to our neighborhood residents and the people who work around here.

Chairman Wilson said, regarding Mr. Woods' request for the Planning Board to make an "exception," it was not within the Board's purview to make that type of exception but the town offered recourse through the Zoning Board of Appeals which he felt would be the best route for this application.

Mr. Giger commented that there were two people present who were interested in the water run-off. Mr. Giger read aloud the requirements for storm water flow as summarized below:

The applicant must avoid more than a 10% increase in peak hour storm water flow from the site for a one-year storm, no increase in storms of ten years or 100 years intensity.

Mr. Giger said the proposed reduction of the impervious surface suggested that a decrease in runoff might be possible in the future.

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:

1. Express support for the residential reuse of the property.
2. Recommend to Town Meeting that the Concept Plan not be approved, with a note that the Planning Board could not, technically, recommend approval of the Concept Plan because the Building Commissioner/Zoning Enforcement Officer had determined it could not move forward under the current zoning regulations.
3. Encourage the applicant to seek relief from zoning through a special permit under the non-conformance provisions of the Zoning By-Law, §218-6(E)1, from the Zoning Board of Appeals.
4. If approved by the Zoning Board of Appeals, recommend that the applicant return to the Planning Board for site plan review under §218-25, prior to the issuance of a Building Permit.

Mr. Barringer seconded the motion.

Chairman Wilson and Mr. Burke both indicated they had reviewed the minutes from the meeting they missed with regard to 279 Main Street, per the Mullen Rule.

VOTE: 5 - 0 - 1 - (Svarczkopf Abstained)

MOTION CARRIED

Ms. Judy Anderson asked for, and received, confirmation from the Board that the Concept Plan proposal of record is a four unit residential conversion.

Site Plan Review Decision – Proposed Senior Center

Chairman Wilson stated that there was a waiver for a landscaping plan because there was no significant landscaping proposed.

Mr. Barringer suggested that the sentence “no jack hammering, hydraulic drilling or rock crushing shall be conducted without 24-hours prior notification to the abutters” should be added.

Ms. Perkins commented that she was not comfortable with waiving the landscaping plan. Chairman Wilson stated that he agreed with Ms. Perkins.

Mr. Burke suggested that the applicant should provide a planting plan to the Planning Board for approval prior to the issuance of a Certificate of Occupancy.

Mr. Burke made a motion to grant all of the waivers as proposed by the applicant as amended. Ms. Perkins seconded the motion.

VOTE: 5 – 0 – 1 (Svarczkopf abstained)

MOTION CARRIED

Mr. Barringer made a motion to approve the site plan review 2018-2 for the Town of Groton, 163 West Main Street, with the stipulations added above. Mr. Burke seconded the motion.

Mr. Barringer read aloud a Mullin Rule certification as summarized below:

I, George Barringer, member of the Planning Board, certify that I have examined the minutes of the meeting and all evidence received at the March 8, 2018, session of the public hearing relative to the application to the Town of Groton's proposed Senior Center for site plan review approval – Planning Board #2018-02.

VOTE: 5 – 0 – 1 (Svarczkopf abstained)

MOTION CARRIED

Spring Town Meeting Reports

- Marijuana Zoning Amendments, Articles 20 & 21

Mr. Burke said the he and Mr. Tada had put together a slide presentation that summarized the points of the proposed recreational marijuana establishments. He said the intent was that they would request that Articles 20 & 21 be discussed together but voted on separately.

Mr. Burke commented that he was in receipt of a communication from the Moderator which stated the Selectmen would like some time to talk about the non-binding ballot questions that were placed on the agenda for the Town Meeting. He said that he sent a reply that expressed his reluctance to having the Selectmen bring up a discussion of the proposed non-binding referendum because it may cause confusion and may give some Town Meeting members the misunderstanding that it would be sufficient to prevent any marijuana establishments and lead to the question of why there needed to be any regulations put in place. He further said that he respectfully suggested that the Moderator try to find another spot for the Selectmen to have their discussion.

Chairman Wilson asked how the Moderator responded. Mr. Burke replied that he had not yet received a response.

Mr. Burke said the pathway to opt out of the marijuana establishments was a very high hurdle. He further said there would have to be a town-wide referendum and then receive a 2/3 vote at a Town Meeting.

Mr. Burke noted if anyone had questions pertaining to why we would not be dealing with security his proposed reply would be that there were establishments in Groton that dealt with pharmaceuticals that were much more potent and powerful than marijuana, as well as financial institutions that had a great deal of money on the premises. He said he was not aware of any requirements for approving those businesses based on going through a security plan first. He said he felt that medical marijuana establishments should be treated the same way.

Mr. Burke said the proposed zoning for marijuana establishments would delete the existing §218-16.1, Registered Marijuana Dispensaries and replace it with a new §218-16.1 which had a purpose, applicability, general requirements and conditions for all marijuana establishments as well as the special permit requirements and provisions for abandonment and discontinuing of use.

Chairman Wilson asked the Board if they were in agreement with the marijuana zoning amendments as Mr. Burke had described. The Board indicated they were in agreement.

Mr. Giger suggested editing the slide presentation terminology to mirror the Board of Selectmen's non-binding ballot questions. Mr. Tada noted that the presentation had to be provided to the Town Moderator by April 23rd.

Mr. Svarczkopf asked if any Board members were aware of a movement or desire among residents for opting out. None were aware of any support for opting out.

Mr. Giger stated that they needed to designate Board members to read Town Meeting reports on Articles #5, #19, #29 and #30.

Ms. Perkins volunteered to read the report on Article #5, the Senior Center construction funding.

Mr. Giger volunteered to do Article #29, Citizens' Petition to rezone 186 Main Street.

Mr. Barringer volunteered to do Article #30, Citizens' Petition, 279 Main Street Concept Plan.

Mr. Svarczkopf volunteered to do Article #19, Nashua Wild & Scenic River Stewardship Plan.

Master Plan Implementation Committee Update

Ms. Perkins stated that she did not have an update but they had reached out to Mr. Bob DeGroot, who is on the Historical Commission, to see if he might be interested in replacing Mr. Mike Roberts. Mr. Tada replied he had not yet heard from Mr. DeGroot.

Complete Streets Committee Update

Mr. Barringer stated that the main project was the Main Street pedestrian crossing signalization. He noted that the engineering was done and Mr. Tom Delaney had sent out the request for construction bids. He said the project would signalize the pedestrian crossings between Route 40 and Elm Street with the exception of the crossing in front of the Salt & Light Café which would not be getting lights but would have improvements on the street and sidewalk.

Mr. Barringer said the second phase was being submitted the following week for the coming year and that was the West Main Street sidewalk, which would continue the sidewalk that runs past the West Groton fire station and ends before it reaches the westerly side of Blood Farm. He said the project would extend the sidewalk from the end of the current sidewalk past Blood Farm, into the woods along the former road right-of-way and connect it with the driveway entrance to the current Senior Center.

Mr. Barringer said the other project, which consumed the other half of the funding requested, was a pedestrian bridge located at the end of West Street where there had previously been a bridge over the

railroad (now the Rail Trail). He said they were applying for funding for a new pedestrian bridge and were going to ask the CPC for engineering funds under the recreational provision so that people could access the Rail Trail more safely. He also said that the residents and patients of Seven Hills would be able to get down to the rail trail.

Mr. Barringer said the other update was that there was a Citizens' Petition for signaling two pedestrian crossings on Route 119 just west of Elm Street. He said the Complete Streets Program could not fund these two crossings because they are located on the state highway right-of-way. The Citizens' Petition had come in with an Article to request town funding for the construction of the signalized crossings because it was a very busy part of town.

Mr. Barringer stated that the Complete Streets Committee voted to support that Citizens' Petition and he also asked the Planning Board to consider voting to support the petition. He further stated that the project would be funded by the Town and the construction would be performed by DPW employees.

Mr. Giger made a motion that the Planning Board favorably recommend Article #11. Mr. Barringer seconded the motion.

Discussion:

Mr. Burke commented that although he would support the motion, he felt one traffic light in Groton was sometimes one too many.

Ms. Perkins commented that although it changed the ambiance of the street, it would be safer for pedestrians.

VOTE: 6 – 0

MOTION CARRIED

Approval of Meeting Minutes – March 22, 2018

Mr. Barringer made a motion to approve the meeting minutes from March 22, 2018. Mr. Burke seconded the motion.

VOTE: 5 – 0 – 1 (Svarczkopf abstained)

Approval of Meeting Minutes – April 12, 2018

Ms. Perkins made a grammatical change on page 4 and Mr. Barringer made a grammatical change on page 3.

Mr. Burke changed "Mr. Svarczkopf" to "Mr. Vega" under the adjournment section.

Mr. Barringer made a motion to approve the meeting minutes from April 12, 2018, as amended. Ms. Perkins seconded the motion.

VOTE: 4 – 0 – 2 (Burke and Wilson abstained)

MOTION CARRIED

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- May 10th
- May 24 - 25 – MA Association of Planning Directors Conference
- May 31st

Adjournment

Mr. Burke made a motion to adjourn. Mr. Svarczkopf seconded the motion. The meeting was declared adjourned at 8:50 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary