

TOWN OF GROTON PLANNING BOARD

**June 14, 2018
Meeting Minutes**

A meeting of the Planning Board was held on Thursday, June 14, 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. George Barringer, Clerk
Mr. Russell Burke, Member
Ms. Carolyn Perkins, Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Public Hearing

Special Permit under §218-26, Flexible Development – 419 Old Ayer Road (Assessor's Parcels 221-19 & 221 & 20)

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, §9 & §11 of the Code of the Town of Groton, Chapter 218, the Groton Planning Board will hold a public hearing on **Thursday, June 14, 2018, at 7:00 p.m.** in the Town Hall (second floor meeting room) 173 Main Street, to consider the application submitted by Patricia A. Madigan, Trustee, Patricia A. Madigan Trust, for a special permit to utilize the provisions of Groton Center by-law, §218-26 – Flexible Development for Division of the property at 419 Old Ayer Road, into five lots as shown on the plan entitled “Special Permit, Lot Layout Plan, Old Ayer Road, Groton, MA, drawing number 5616, prepared by Ducharme & Dillis, Civil Design Group. The proposed sub-division is located on Assessor’s Map 221, parcels 19 & 20 on the easterly side of Old Ayer Road and northerly side Snake Hill Road.

Copies of the application plan 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 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.

Attorney Robert Collins, representing the applicant, addressed the Board and stated the property was a little larger than 30 acres. He said Mrs. Patricia Madigan had purchased the property because she wanted to build a new house for her family. He said the property could very easily support nine or ten

lots and they had the luxury of a landowner who was not interested in maximizing what the property could produce.

Attorney Collins said there were three additional lots shown and those were intended for her children at some point in the future. He also said that there was a large parcel to the rear of the site, which was approximately 12 acres, which would be subject to a permanent conservation restriction because it contained rare species habitat.

Attorney Collins stated that the proposed plan, more than most, embodied what §218-26 was intended to do when it was adopted 38 years ago.

Ms. Perkins stated that she did not love the proposed plan. She further stated that under the bylaw, there was an expectation which stated that the road created would have reduced frontage; she noted she was aware that the Board could waive that.

Ms. Perkins asked if the public would have access to the open space and to whom it would be deeded. Attorney Collins replied that the deed would stay with Mrs. Madigan's house but it would be subject to a permanent conservation restriction. He further replied that public access was not envisioned because it was primarily a mapped habitat for protected species.

Attorney Collins noted that a single driveway would serve all of the proposed homes and that he received a variance from the Zoning Board of Appeals to allow for the proposed four lots, if and when they were developed, to be served by a single, shared driveway.

Ms. Perkins asked how long the driveway would be. Attorney Collins replied it would be 16 feet wide and paved.

Mr. Stan Dillis, of Ducharme and Dillis, addressed the Board and stated that the proposed driveway would be 100 feet long.

Ms. Perkins commented that she was a little concerned that the fire department would have sufficient access.

Attorney Collins stated that dimensionally, at 16 feet, the proposed driveway was sufficient for emergency vehicles.

Ms. Perkins asked if there were wetlands on the property. Attorney Collins replied there were a series of small resource areas.

Mr. Burke asked Attorney Collins if he was submitting an informal submittal at this meeting or if it was a final application. Attorney Collins replied that it was a Special Permit Application. Mr. Burke stated that the Board had submission requirements, like topography, wetlands, etc. Mr. Dillis replied he would be happy to forward that information to the Board which included a driveway design.

Mr. Burke asked if on-site soil testing had been done with respect to septic suitability. Mr. Dillis replied they had a septic permit for Mrs. Madigan's proposed house as well as the existing house. Mr. Burke asked if they had also done it for the proposed other lots. Attorney Collins replied they had not because

the applicant did not have plans to build on the lots in the near future. Mr. Burke said that he wanted to see the testing information.

Mr. Burke commented that Attorney Collins had received a variance for the shared driveway and asked what the hardship was that enabled him to get that variance. Attorney Collins replied it was the configuration of the site, the location of the wetlands and the desire to minimize environmental intrusion given the mapped habitat as well as the active agriculture on the property. Attorney Collins commented that he would provide the Board with a copy of the Zoning Board of Appeals decision.

Mr. Burke said that he felt there was still a lot of homework that needed to be done. He also asked that the applicant show where the tree lines were located.

Mr. Barringer asked if it met the criteria for open-space developments. Attorney Collins replied that it did.

Mr. Svarczkopf said he would like to see the additional site plans before commenting.

Chairman Wilson stated that he felt it was an excellent attempt to maximize open space and protect critical habitat. He further stated that he felt the Board needed more information and he thought the public hearing should be continued.

Ms. Perkins suggested that they should schedule a site walk.

Mr. Barringer asked if the centerline of the driveway and the corners of the proposed lots could be staked. Attorney Collins replied they could be staked.

Chairman Wilson stated that the site walk would be on Saturday, June 23, 2018, at 8:00 a.m.

Mr. Burke made a motion to continue the public hearing to a date certain of June 28, 2018, at 7:00 p.m. Mr. Barringer seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

NESSP Temple Updates – Site Walk; Performance Bond

Chairman Wilson stated that he, Mr. Barringer, Mr. Burke and Mr. Scott Nelson, Construction Supervisor, had done a site walk and Mr. Nelson was in attendance and presented a preliminary as-built plan.

Mr. Nelson said that as he understood it, the engineer was supposed to have verified what work was left to be done, and then provide the Planning Board with an estimated cost for completion. Mr. Burke noted that what they had discussed was that the Planning Board review the work as per the approved site plan and then the special permit would need to be completed. He said if that was not the case, then the only other way the applicant could get the Planning Board's blessing for a certificate of occupancy would be if a surety, in a form acceptable to the Planning Board, and an amount determined by their consulting engineer was placed with the town to secure the performance of the outstanding

work. Mr. Nelson replied that they were well underway on that. Mr. Burke said that the next step would be that they needed to get an estimate from Nitsch Engineering as to what the cost of their services would be. He asked Mr. Tada if the well had run dry with what they had on deposit. Mr. Tada replied that was correct. Mr. Burke asked if they would need to know what the cost of the engineering services would be in advance. Mr. Nelson replied that they would handle Nitsch in the same way they usually had which was that they usually billed the town and then the town billed them.

Mr. Mahender Singh, President of the Temple, addressed the Board and stated that he felt they were almost there but the project had gone longer than they had anticipated. He asked when it was time to come before the Board he hoped they would give it favorable consideration.

Chairman Wilson said that the Planning Board also wanted to see the temple succeed.

ANR Plan, 451 Boston Road (Assessor's Parcel 118-2)

Chairman Wilson stated that the application had been withdrawn. Mr. Tada said the applicant wanted to take a 10-acre parcel and divide it into three lots, one of which was to be a hammerhead lot containing the existing house. He further said the existing house was set back far enough from the road to meet the hammerhead requirement, and they also did not have enough frontage for three conforming frontage lots. He said the applicant needed to obtain a special permit for the hammerhead lot before they could submit an ANR Plan for endorsement.

Recreational Marijuana – Results of Non-Binding Ballot Questions

Mr. Burke said he had been approached by Alison Manugian regarding the results of the recent referendum which was held at the municipal elections. He said he was asked what the Planning Board's next action would be as a result of the referendum. He further said that all but two items were voted negatively, pointing out that testing and research facilities were the only ones that were favorably voted on.

Mr. Burke stated that while he could not respond on behalf of the Planning Board, his personal position was that they promulgated regulations that were submitted at the Town Meeting which were predicated on the fact that Groton was deemed to be an opt-in community by the results of the 2016 statewide election. He further stated that he did not feel that any member of the Board provided a value judgement as to whether or not they favored it or not, but acted in response to the law of the land.

Mr. Burke indicated that the Board did not view the referendum as being a useful vehicle for two reasons; one was that it had no validity in terms of opting out and it had the potential to cause voter confusion. Mr. Burke commented that, in terms of the results of the local referendum it was his opinion that the Planning Board should remain on the sidelines and see what happened. He said if a citizen or the Select Board wanted to pick up the mantle and further regulate beyond what 94G did then they would have to put together a proposed referendum item which would have to go to the Town Meeting.

Mr. Burke stated that he felt if the Planning Board were to be involved in promulgating any type of further zoning it could be construed as the Planning Board taking a value judgement and he said he felt the Planning Board should remain neutral.

Chairman Wilson stated that the Select Board was considering a zoning proposal which would allow for research, testing, and cultivation of marijuana but would prohibit the sale of marijuana. Mr. Tada commented that was the most recent report. Mr. Burke said that the Select Board would have to develop language which would go on a referendum and would also be a zoning article before the Town Meeting. He further said that they would both have to be very close in language because there was a very small degree of imprecision which would be tolerated. He said that the referendum would also be accompanied with a summary by the Town Council.

Mr. Burke said that he had heard that the Select Board had the Town Counsel draft a very simple, outright prohibition of all recreational marijuana. Mr. Tada replied that was correct. Mr. Burke said that it would still require a referendum vote, a ballot vote which would have to obtain a majority vote and also go to the Town Meeting where it would require a 2/3 vote.

Chairman Wilson asked if zoning was the appropriate vehicle to use. Mr. Burke replied it was.

Chairman Wilson stated that he agreed with Mr. Burke in that the Planning Board should take a neutral stance on any of those kinds of questions.

Commercial Growth in Groton

Chairman Wilson stated that he had received an e-mail from Mr. Jack Petropoulos regarding a study that he and Mr. Kevin Lindemer had put together to evaluate the potential for expanding commercial property in Groton and expanding the commercial tax base in Groton. He said the question had been thoroughly evaluated over the years but, Jack and Kevin wanted to do their own study and they provided the Board with a PowerPoint presentation. He further said that they wanted to attend a meeting and make the presentation to the Board. Mr. Tada noted that he would put the presentation on the July 12, 2018, or the July 26, 2018, meeting.

Mr. Burke said this study was presented to the Economic Development Committee recently and was well received. It would be worth the Planning Board's time.

Committee Updates

Chairman Wilson stated that the committee updates would be addressed at the next meeting.

Board Membership & Recruitment

Mr. Svarczkopf commented that he would not be in attendance at the June 28, 2018, meeting but he would review the meeting minutes and watch the video. Mr. Tada noted that with Mr. Svarczkopf's

absence, there would not be a quorum and at present, he did not have any applications to fill the two vacancies which were on the Planning Board.

Mr. Barringer commented that he had spoken with Ms. Annika Nilsson Ripps and she was going to put in an application to join the Board.

General Business

Mr. Barringer asked Mr. Tada if he would bring up Zoning Board of Appeals (ZBA) applications that might be of interest to the Planning Board. He said he seen a Zoning Board of Appeals application for a special permit with regard to the old Clover Farms store which was proposing to convert a commercial property into a two-family residence, within the Village Center Business district. He further said that he felt granting the request would be counter-productive to the Master Plan. Mr. Tada replied that he would make an effort to keep an updated tab in the binders for ZBA projects.

Re-Organization of the Planning Board

Mr. Burke made a motion to nominate Mr. Barringer to the position of Chairman of the Planning Board. Ms. Perkins seconded the motion.

Mr. Barringer accepted the nomination. The nominations were closed.

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

MOTION CARRIED

Mr. Barringer made a motion to nominate Mr. Burke to the position of Vice Chairman of the Planning Board. Ms. Perkins seconded the motion.

Mr. Burke accepted the nomination. The nominations were closed.

VOTE: 4 – 0 – 1 (Abstained – Burke)

MOTION CARRIED

Mr. Burke made a motion to nominate Mr. Svarczkopf to the position of Clerk of the Board. Mr. Barringer seconded the nomination.

Mr. Svarczkopf accepted the nomination. The nominations were closed.

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

The Board collectively thanked Mr. Wilson for his hard work as Chairman of the Board during the past year.

Approval of Meeting Minutes – May 31, 2018

Page 5, 2nd Paragraph – the word “sedimentation” was changed to “for erosion control” – Perkins

Mr. Barringer made a motion to approve the meeting minutes of the May 31, 2018, meeting, as amended. Mr. Svarczkopf seconded the motion.

VOTE: 5 - 0

MOTION CARRIED

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- June 28th
- July 12th
- July 26th
- August 9th
- August 23rd

Adjournment

Mr. Barringer made a motion to adjourn. Mr. Burke seconded the motion.

VOTE: 5 – 0

The meeting was declared adjourned at 8:25 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary