

## TOWN OF GROTON PLANNING BOARD

July 12, 2018  
Meeting Minutes

A meeting of the Planning Board was held on Thursday, July 12, 2018, at 7:00 p.m. in the second floor meeting room at Town Hall, 173 Main Street, Groton, MA 01450.

### Members Present:

Mr. George Barringer, Chair  
Mr. Russell Burke, Vice Chair  
Ms. Carolyn Perkins, Member  
Mr. Scott Wilson, Member  
Ms. Annika Nilsson Ripps, Member  
Mr. Gus Widmayer, Member

### Members not Present:

Mr. Timothy M. Svarczkopf, Clerk

### Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

### **Public Hearing (Continued)**

#### **Special Permit under §218-26, Flexible Development 419 Old Ayer Road (Assessors Parcels 221-19 & 221-20)**

(Recorder's Note: The Public Hearing Notice was read in at a previous meeting.)

Attorney Bob Collins, representing the applicant, addressed the Board and stated that he had given Mr. Tada a letter requesting that the application be withdrawn.

Attorney Collins said the reason he had to withdraw the application was because two of the members who were part of the Planning Board when the public hearing opened, are no longer members. He said the one hearing they were able to have was attended by four members who would be eligible to vote, pointing out that five members out of seven were required to vote on a special permit.

Attorney Collins commented that the applicant wanted to divide the property into five lots including the existing house, even though 11 or 12 lots could fit on the lot. He noted the applicant also wanted to put a conservation restriction on the back portion of the property and keep ownership of the existing field where the applicant's new house will be built. Attorney Collins said that he felt there was some dismay regarding a common driveway serving Mrs. Madigan's home and her children's potential homes which would be on the other three lots. He said he was surprised that the plan had not been more widely applauded.

Attorney Collins stated that when he re-submits the application he would do so as a residential compound plan and do a private way which for the next decade would serve only Mrs. Madigan's house.

He asked the Board if they felt that would be a better approach. Ms. Perkins replied she would like that better.

Mr. Wilson commented that he was not sure how a residential compound plan would be any different. He said the plan made perfect sense for the current owner and her family but at some point there would be new owners who would not necessarily have family ties to the other properties and it could create problems. Attorney Collins replied that he thought a road might be a little bit more palpable. Mr. Wilson stated that he did not see the shared driveway issue as a deal breaker but found it to be a high price to ask future owners to pay.

Ms. Nilsson Ripps asked if it would meet the requirements for fire protection. Attorney Collins replied that the driveway would have to and the Fire Chief would have to approve it.

Mr. Burke commented that the overall concept had merit. He further commented that the bylaw limited shared driveways to three lots and he had a problem with getting a variance for a fourth lot, pointing out that there was no hardship on the property which would warrant a variance. He said a residential compound plan would allow for a greater amount of flexibility in terms of how the houses were sited. Attorney Collins replied that the house sites were dictated by the Natural Heritage & Endangered Species Program (NHESP).

Mr. Barringer stated that he felt it was a good use of the property in that it had a major conservation component and he was also in favor of a residential compound plan as opposed to a shared driveway.

Mr. Barringer asked if there were any other questions or comments from the public or members of the Board. There was none.

Mr. Burke made a motion to accept the withdrawal for a Special Permit under §218-26, Flexible Development at 419 Old Ayer Road, without prejudice. Mr. Wilson seconded the motion

**VOTE: 6 – 0**

**MOTION CARRIED**

Mr. Burke made a motion that in light of the quorum issues that the Board had, a subsequent application fee for a residential compound plan would be waived. Mr. Wilson seconded the motion.

**VOTE: 6 – 0**

**MOTION CARRIED**

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

**VOTE: 6 – 0**

**MOTION CARRIED**

**Discussion: ANR Plan & Ch. 61A Withdrawal, 162 Martins Pond Road**

Attorney Bob Collins, representing the applicant, addressed the Board and stated that the family wanted to sell the property. He said he put in an application for a withdrawal because someone had come forward to purchase the property and the Select Board needed feedback from the Planning Board as well as the Conservation Commission. He further said that the Conservation Commission had considered purchasing the property and unfortunately, it was not something that they were able to do. He noted that the purchase price was \$1.430 million. Attorney Collins commented that he was hoping that the Planning Board would advise the Select Board that it had no interest in the property.

Ms. Perkins made a motion that the Planning Board had no special interest in preserving the property through any Master Plan recommendations.

**Discussion:**

Mr. Burke commented that he was rather neutral on the situation.

Ms. Perkins withdrew her motion.

Mr. Burke made a motion that the Planning Board provide the Select Board with a written decision of no recommendation in terms of whether or not the property should be purchased. Mr. Wilson seconded the motion.

**VOTE: 6 – 0**

**MOTION CARRIED**

Ms. Perkins made a motion that the Planning Board endorse the Approval Not Required (ANR) plan submitted by Ducharme & Dillis for the Estate of Julia Pietras, 162 Martins Pond Road, dated June 1, 2018. Mr. Burke seconded the motion. The ANR plan shows 5 conforming house lots.

**VOTE: 6 – 0**

**MOTION CARRIED**

**Public Hearing**

**Special Permit under §218-23.1, Hammerhead Lots, 451 Boston Road**

Mr. Barringer opened the public hearing and 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, July 12, 2018, at 7:30 p.m.** in the Town Hall (second floor meeting room) 173 Main Street, to consider the concept plan submitted by Steven J. Roux and Julie A. Roux for a special permit to create a hammerhead lot under the provisions of Groton Zoning By-Laws, §218-23.1, Hammerhead Lots. The project is located at 451 Boston Road, Groton, MA, Assessor's Parcel 118-2 and will result in the division of the existing 10.35 acre property on the easterly side of Boston Road into three lots as shown

on the plan entitled "Plan of Land in Groton, MA, owned by Steven J. Roux and Julie A. Roux, prepared by David E. Ross Associates, dated June 13, 2018."

Mr. Neil Gorman, David E. Ross Associates, representing the applicants, addressed the Board and stated that the existing property was a 10.35-acre lot that was quite square in shape and Boston Road was located at the bottom of the lot. Mr. Gorman said that one of the unique features of the property was that it had two other smaller dwellings on the property that had house numbers assigned to them which made it a non-conforming lot. He said the applicants were proposing to remove the two smaller dwellings leaving the one existing dwelling.

Mr. Gorman further said that the project would create a 1.96-acre lot off Boston Road which would have more than the required frontage, and a second ANR lot with the required frontage of 2.67 acres would be designated as lot C, but lot B was the one requiring a special permit to create a hammerhead lot which would have over 75 feet of frontage. He said the existing house was set back more than 200 feet from the road and it met all of the required offsets from the newly created side property lines.

Mr. Gorman noted that there was an area of wetlands in the back and they performed the necessary soil testing required on the entire property for any future sewage disposal system designs needed. He said that Lot B met the minimum size requirements, upland area requirements and frontage requirements for a hammerhead lot.

Mr. Burke asked Mr. Gorman if he had contacted the Massachusetts Department of Transportation with regard to the access permits. Mr. Gorman replied he had not. Mr. Burke pointed out that he was concerned that the applicant wanted to increase the access points on the highway by 200%; instead of a single access point, they would have three access points. He asked if any thought had been given to having a shared driveway or a singular access point. Mr. Gorman replied they had discussed that but shared driveways often got complicated.

Ms. Perkins commented that she shared Mr. Burke's concern. She said she would prefer to see some sort of shared driveway even if it was only with Lots A & B, given the traffic on that particular road.

Mr. Widmayer asked if only a short portion of the driveway off Boston Road can be shared, with the remainder being owned by the hammerhead lot owner. Board members said that could be the case.

Mr. Barringer said that he too would like to reduce the number of curb cuts on Route 119.

Mr. Barringer asked if there were any members of the public who had comments or questions.

Mr. Casey Freeman, 469 Boston Road (an abutter), addressed the Board and stated that his only concern was regarding Lot C. He asked how close the house would be to his property line. Mr. Barringer replied that it could go anywhere but it had to meet all of the setbacks.

Mr. Barringer asked if there were any other members of the public who had comments or questions. There were none.

Mr. Gorman stated that the applicants were open to the idea of a shared driveway. Ms. Perkins pointed out that there were specific stipulations regarding a shared driveway which could be put in the deed.

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

**VOTE: 6 – 0**

**MOTION CARRIED**

Mr. Burke stated that the usual standard conditions should be included in the special permit, that a condition be added that the three lots should be accessed by a private, common driveway and a detailed final plan shall be submitted to the Planning Board for approval prior to the issuance of a building permit. Ms. Perkins added that the driveway needed to meet the standards. Mr. Burke also added that the site work would have to be done in order to obtain certificates of occupancy.

***Discussion: Request for Minor Site Plan Modifications & Revised Bond Estimate***  
**NESSP Temple, 1003 Boston Road**

Mr. Barringer stated that the Board had a modification request letter from NM Construction and a modified construction estimate in the amount of \$539,022.91 from Nitsch Engineering.

Mr. Scott Nelson, Construction Supervisor, addressed the Board and stated that he had sent the revised lighting plan to the Board.

Mr. Burke stated that there was a request to modify the site plan and these modifications were among the items that were included in the original estimate.

Mr. Jared Gentilucci, Nitsch Engineering (Town's consulting engineer), addressed the Board and reviewed the main changes to the site plan, as requested by the applicant. The porous paving that was to be located in the back edge of the site will be eliminated; this area will be loamed and seeded instead. This area will still provide overflow parking. He said that would save approximately \$150,000.

Mr. Gentilucci said that the applicant had originally proposed sloped granite curbing throughout the site and they were now proposing to change the sloped granite curbing to asphalt curbing. He also said the original plan called for concrete curb at the edge of the stone strip as well as concrete curb stops within the parking lot area. He further said that the applicant was proposing to eliminate both of those items from the parking areas. These modifications would not impact the site drainage, but would require additional long-term maintenance by the applicant.

Mr. Gentilucci stated that the applicant was also proposing to delete some of the site lighting. He further stated that he had no concerns, as there was still pretty good light coverage across the site.

Ms. Perkins commented that the line item for landscaping had been reduced to \$80,000 and asked if any buffering trees/bushes would be eliminated. Mr. Gentilucci replied they would not be eliminated.

Mr. Burke asked the applicant what form of surety they were looking at. Mr. Mahender Singh, President of NESSP, replied the site contractor looked at what was done and what was eliminated and based on that they had obtained a performance bond. Mr. Burke asked what the term of the bond was. Mr. Singh replied it was a one-year term that could be renewed for a second year. He provided a copy of the bond agreement.

Mr. Burke stated that he felt Town Counsel should review the bond. He further said if performance was not done before the expiration of the bond that they should have the ability to call the bond. Ms. Perkins stated that she agreed.

Mr. Barringer commented that the difference between the June 28 and July 11 bond estimates was \$320,000.

Mr. Barringer said that there were two issues that the Board had to deal with; one was how they handled the bond if they accepted it and the amount of the bond to ensure that the work was done under prevailing wages.

Mr. Nelson stated that he felt the 20% contingency should currently be 10%. He further stated that the other issue he had was the inflation over a period of two years at 3% given that he felt it would only take them less than a year.

Mr. Burke stated that the applicant's request was for a \$50,000 reduction. Mr. Nelson replied that was correct.

Mr. Barringer pointed out that the Board would not accept the bond at this meeting because Town Counsel had to review it. He said if the applicant were able to get the work on the steep slope done, they would probably be willing to compromise on the loam and seed. He also asked about the handicap ramps. Mr. Gentilucci replied that the cost of the ramps is factored into the cost of the sidewalks.

Mr. Barringer asked if there were any members of the public who had questions or comments.

Ms. Leslie Lathrop, 55 Sunset Road, an abutter, addressed the Board and asked if the new curbing had any changes to the angle. Mr. Burke replied the curbing would be bituminous instead of concrete. She said she had some concerns about lighting in the vernal pool. Mr. Burke replied that was not within their jurisdiction. She said the lighting was within their jurisdiction and the promise was that the lighting would be turned off by 10:00 p.m. but it had been like a lighthouse on the property. She further said that sometimes the lights on the steeples were left on all night. Mr. Barringer replied that they could do something about the parking lot lights but the lighting on the temple steeples were out of bounds because that was a religious freedom. Ms. Lathrop said that there was a promise made to the neighborhood and asked who she could speak with. Mr. Barringer replied that he would look into it. Mr. Nelson replied that he would check the timer on the steeple lights the next morning. Ms. Lathrop also asked if there would be enough parking for both the Temple and the Auditorium. Mr. Singh said they had no plans to use both facilities at the same time.

Ms. Lathrop asked if it would be possible to hold a meeting with the Planning Board, the applicant and the neighbors to discuss the property. Mr. Barringer replied they could have an informal discussion.

Mr. Russ Arena, 17 Ernies Drive (an abutter), addressed the Board and stated that he would like to see the Temple completed. He said he had two concerns; one was that his property was very close and one of the lights in particular shines directly into his bedroom. He further said there was one area which

would require a fairly large tree to buffer the light. He said he would like to do a walkthrough of the property in the fall after the leaves had fallen.

Mr. Barringer stated that the applicant would appear before the Planning Board in two weeks and during that time he would review the original permit as well as the data that came with it and he would make sure it would be complied with.

Mr. Burke made a motion to advise the applicant that the Planning Board accepted the proposed amended plan changes dealing with the lighting, the curbing, the parking which would be green banked for the time being until such time as they built the auditorium, the substitution of the bituminous berms for the sloped granite and that the concrete tire stops shall be eliminated. Mr. Wilson seconded the motion.

**VOTE: 6 – 0**

**MOTION CARRIED**

Mr. Gentilucci asked the Board to confirm that he should keep the contingency and inflation costs as shown in the bond estimate. Mr. Barringer said those costs should remain for now.

### **Committee Updates**

- **Master Plan Implementation Committee Update**

Ms. Perkins said that they had a meeting coming up very soon.

- **Complete Streets Committee Update**

Mr. Barringer stated that the work on Main Street had started and the handicapped ramps on all of the crosswalks were being constructed. He further stated that all of the estimates on the prevailing wage contracts came in way above the engineering estimates and Tom Delaney had worked out some ways to get it done. Mr. Barringer said the work should be done by September and then they could apply for the next round.

### **Appointments of Committee Representatives**

Mr. Burke mentioned that he had been sworn in as a member of the Montachusets Regional Planning Commission and the Joint Transportation Committee.

Mr. Barringer mentioned that he had been sworn in as the Earth Removal Stormwater Advisory Committee representative from the Planning Board.

Ms. Perkins mentioned that she had managed to become the Chairman of the Community Preservation Committee.

Mr. Burke stated that they did need liaisons for other Boards, Commissions and Committees.

- Zoning Board of Appeals – Mr. Barringer
- Environmental (Board of Health, Conservation and Parks) – Mr. Wilson
- Historic District Commission (Town Center Overlay District) – Mr. Widmayer
- Housing Committee – Ms. Perkins
- Public Safety Officials – Mr. Barringer
- School Committee – Ms. Nilsson Ripps
- Utilities (Electric Light, Water & Sewer – West Groton Water District) – Mr. Svarczkopf
- Economic Development Committee – Mr. Burke

### **General Business**

There was none.

### **Planning Board Meeting Schedule**

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

- July 26<sup>th</sup>
- August TBD
- September 13
- September 27
- October 1 – Fall Town Meeting

### **Adjournment**

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

**VOTE: 6 – 0**

**MOTION CARRIED**

The meeting was declared adjourned at 9:15 p.m.

Respectfully submitted,

Trish Gedziun  
Recording Secretary