

## TOWN OF GROTON PLANNING BOARD

**August 16, 2018  
Meeting Minutes**

A meeting of the Planning Board was held on Thursday, August 16, 2018, at 7:05 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  
Mr. Scott Wilson, Member  
Ms. Carolyn Perkins, 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

### **ANR Plan – 162 Martins Pond Road (Pietras/Jans Investment LLC)**

Attorney Bob Collins, representing the Pietras family (seller), addressed the Board and stated that the request was for a lot line change for a plan which the Planning Board had already approved in July. He said the property still had five building lots and one non-buildable lot. The non-buildable lot has been expanded but it no longer abuts the back portions of the other lots. Mr. Collins said the applicant wanted to have a parcel that could perhaps serve as a garden.

Mr. Widmayer asked why they did not propose a common parcel in the back. Mr. Collins said they cannot create a landlocked parcel, and also it is mostly wetlands in the back area.

Mr. Don Black, 573 Longley Road, said there used to be access rights to the agricultural fields off Martins Pond Road. He wished to retain the potential for access easements in the future.

Mr. Wilson made a motion to approve the ANR Plan, for 162 Martins Pond Road, dated August 10, 2018, prepared by Ducharme and Dillis Civil Design Group for Jans Investment LLC (buyer). Mr. Burke seconded the motion.

**VOTE: 6 – 0**

**MOTION CARRIED**

### **ANR Plan – 9 West Street (Pietras/Strickland)**

Attorney Bob Collins, representing the applicants, addressed the Board and stated that the property was very old and at some point in the past, somebody discovered that Mr. Pietras' driveway was located on the former Parsonage property, 271 Main Street. He further stated that the current owner of the aforementioned Parsonage property, Mr. Mark Strickland, was selling the property and neither he nor the future owner liked the idea of owning Mr. Pietras' driveway. He said the proposed plan would create an 8-foot wide parcel which would contain Mr. Pietras' driveway.

Attorney Collins commented that the purpose of the plan was to change the lot for 271 Main Street by reducing the depth of it by 8.04 feet at the street frontage and 8.02 feet in the back.

Mr. Burke made a motion to approve the ANR Plan for 9 West Street, dated August 8, 2018, prepared by Ducharme and Dillis Civil Design Group for Mark W. Strickland. Mr. Wilson seconded the motion.

**VOTE: 6 – 0**

**MOTION CARRIED**

### **ANR Plan & Discussion – 419 Old Ayer Road (Madigan)**

#### **Discussion**

Attorney Collins, representing Patricia Madigan, addressed the Board and stated that the plan was reconfigured to accomplish what had been discussed with the Board previously when Ms. Madigan withdrew her Special Permit application. He said instead of doing an ANR Plan with a shared driveway, it would be submitted as a residential compound plan. He further said that for the near future it would only serve the applicant's house.

Attorney Collins noted that the regulations for residential compounds specified construction standards which the plan would meet and it indicated that lots on a residential compound plan should be at least 3 acres and have at least 50 feet of frontage. He said because it was part of the regulations and not part of the zoning there was actually some flexibility in the lot size and frontage.

Attorney Collins commented that his preference was to go with the residential compound plan with a waiver on the lot size because it was cleaner. The Board members were in agreement.

#### **ANR Plan**

Attorney Collins commented that the ANR Plan would create a new lot for the existing house at 419 Old Ayer Road, which is under agreement and is already being renovated by the buyer. This ANR Plan would allow the purchase and sale of the existing house to be completed, while

also allowing Ms. Madigan to begin her new house project. He noted that the Building Commissioner already reviewed the ANR Plan and had no issues with it.

Ms. Nilsson Ripps made a motion to approve the ANR Plan for 419 Old Ayer Road, dated July 19, 2018, prepared by Ducharme and Dillis Civil Design Group for Patricia A. Madigan Trust. Mr. Wilson seconded the motion.

**VOTE: 5 – 0 – 1 (Abstained, Perkins)**

**MOTION CARRIED**

**Public Hearing – Proposed Marijuana Zoning Amendments (Select Board)**

Mr. Barringer stated that in November of 2016, a citizen's petition for the approval of recreational marijuana use was approved at the statewide ballot by a majority and in Groton it was approved by a 56% majority. He said that triggered the formation of the state's Cannabis Control Commission as well as the beginning of a long and laborious process to generate regulations related to the use of recreational marijuana in the State of Massachusetts. He further said that then triggered a hearing process and the generation of zoning amendments by the Planning Board which were approved at the 2018 Spring Town Meeting. He noted at the same time, the Town Meeting approved extending the moratorium recreational marijuana to cover the town in the event the zoning amendments were not approved by the Attorney General. Mr. Barringer pointed out that the moratorium was subsequently not required because the zoning amendments for recreational marijuana use were approved by the Attorney General. However, the Select Board had proposed a referendum on the use of recreational marijuana which was on the Town elections ballot in May and was referred back to the Select Board, which proposed a series of amendments to the marijuana zoning.

Mr. Barringer said the Select Board was the applicant for the hearing.

Mr. Barringer opened the public hearing and Mr. Wilson 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, the Groton Planning Board will hold a public hearing on **Thursday, August 16, 2018, at 7:30 p.m.** in the Town Hall (second floor meeting room) 173 Main Street, to consider the following zoning amendments proposed by the Select Board of the Town of Groton. **(Proposed amendments are attached.)**

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.

Ms. Alison Manugian, representing the Select Board, addressed the Board and stated that what they had proposed in the bylaw was to allow cultivation, testing and indoor research in the industrial and general business zones for a total of three entities. She further stated that it was in alignment with what the ballot results were the previous May.

Mr. Barringer commented that it was important to point out that the marijuana cultivation, as proposed, would be permitted in the general business and industrial zones but it would not include craft marijuana cultivation. Ms. Manugian replied that was correct.

Ms. Becky Pine, also a member of the Select Board, addressed the Board and stated that the other change proposed was that there would be no retail marijuana establishments.

Mr. Barringer asked if there were any members of the Board who had questions or comments regarding the proposed changes.

Ms. Perkins asked why the Massachusetts General Law provision was crossed out on page two. Ms. Manugian replied it was because they were proposing to allow more than the minimum the state required them to have.

Ms. Pine read aloud from the questions regarding marijuana as summarized below: (starting with #2)

2. Should marijuana cultivation be allowed? (Results: 50% YES - 50% NO)
3. Should craft marijuana cooperatives be allowed? (Results: 45% YES - 55% NO)
4. Should the manufacturing of marijuana products be allowed? (Results: 45% YES – 55% NO)
5. Should retail sales be allowed? (Results: 43% YES – 57% NO)
6. Should there be marijuana research facilities? (Results: 51% YES – 49% NO)
7. Should there be independent testing laboratories? (Results: 51% YES – 49% NO)
8. Should marijuana transporters be allowed? (Results: 41% YES – 59% NO)
9. Should marijuana microbusinesses be allowed? (Results: 44% YES – 56% NO)

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

Mr. Jack Petropoulos, resident of Groton, addressed the Board stating there were three allowed uses and asked if a resident wanted to strike one or more of the uses, would they be able to do that at Town Meeting. Mr. Wilson replied it would have to be made via a written request that was submitted to the Town Moderator. Mr. Barringer replied that it was a zoning article and was bound by the same rules as any other zoning article.

Mr. Petropoulos asked if a motion could be made to remove one or more of the uses, if a motion could be made to add a use. Mr. Burke replied that the rule of thumb regarding amendments to zoning was that the scope of zoning could not be expanded with an amendment. Mr. Burke further replied that he felt Mr. Petropoulos should consult with Town Counsel regarding that question for clarification.

Ms. Manugian suggested that in conjunction with Town Counsel, anyone who wished to make an amendment should also consult with the Town Moderator, Mr. Jason Kauppi.

Mr. Russ Harris, resident of Groton, addressed the Board and stated that he felt the craft marijuana cultivator cooperative should be allowed because there would be many business opportunities that did not have to do with “getting high” from marijuana but had significant health benefits.

Mr. Peter Cunningham, resident of Groton, addressed the Board and stated that there was an emerging market for hemp based industrial products being used for building projects.

Mr. Burke noted that in order for the proposed amendments to be made it required a 2/3 vote of approval at Town Meeting and then would require a ballot referendum vote on the same language.

Ms. Pine added that the article was scheduled for a special Town Meeting within the regular Town Meeting so the vote would be finalized on October 1, 2018, specifically in order to allow enough time should an election to endorse it be required.

Ms. Nilsson Ripps pointed out that there were no provisions that prevented home deliveries. Mr. Barringer replied that was correct. She said that she felt it was important for people to understand if they voted against a retail establishment, it was important to note that the access to the product would not be changed.

Ms. Pine commented that should the proposed amendments be approved, it would allow three establishments which would all be commercial marijuana establishments in one way or another.

Mr. Barringer asked if there were anyone else present who had questions or comments regarding the proposed amendments. There was none.

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

**VOTE: 6 – 0**

## **MOTION CARRIED**

Mr. Burke stated that the Planning Board acted in creating provisions in the zoning by-law to regulate recreational marijuana based on the cards which they were dealt. He said in 2016, the Town had voted to opt in and the Planning Board felt they should put in a regulatory scheme to address that.

Mr. Burke commented that they were being asked to issue a report and not necessarily a recommendation. He said that he was of the opinion that their report should state that they had no recommendation and let it go to Town Meeting. He further said that he did not wish to sway people's decision.

Mr. Wilson said that he did not understand where the idea of a report came from because he thought the Board was being asked to review the proposed amendments and then make a recommendation to support or not support at Town Meeting.

Mr. Burke replied that State Statute §5 stated that the Planning Board issued a report.

Mr. Wilson commented that he agreed with Mr. Burke and further, he did not feel the proposed amendments helped or clarified anything except to muddy the waters and confuse people even more. He said he would simply vote no. Mr. Barringer commented that he agreed with Mr. Burke's position.

Mr. Barringer noted that the Planning Board would meet on September 13, 2018, to create a report for Town Meeting relative to the proposed amendments.

### **Discussion – Zoning Changes for Lost Lake Area (John Valentine)**

Mr. John Valentine, the applicant, addressed the Board and stated that he had purchased a home on Whiley Road and it had a lot across the street which had traditionally been used for parking. He further stated that he had "heard" that there were approximately twenty other lots in the same vicinity that were used for ancillary purposes with no action taken against them.

Mr. Valentine said in certain neighborhoods, like the Lost Lake area, where there were similar smaller units of property with adjacent lots, that parking on them should become legal.

Mr. Barringer stated that the applicant was proposing to add a new sub-section 3 to 218-16 stating "notwithstanding any other provision or interpretation of Chapter 218, permitted uses which are ancillary to a principal residence shall be allowed on adjacent or nearby lots where the principal residence in the adjacent or nearby lot or lots are all located in an area of the town

where the original sub-division of the land resulted in small, cap sized lots, i.e. in the Lost Lake section of the town or neighborhoods where lot sizes are generally below the minimal lot dimensions for residences set forth in 218-20.”

Mr. Barringer further stated that the applicant also declared the purposes of the Warrant Article to allow parking, the storage of boats, other belongings or any other permitted uses or lots which were adjacent to or nearby the principal residence in neighborhoods where lot sizes were historically much smaller than presently required. He noted that the applicant concluded that ancillary uses permitted by this amendment shall still be subject to 218-5(A) of the zoning by-laws which prohibited uses which were dangerous or detrimental to a neighborhood because of fire hazard, offensive noise, smoke, vibration, electrical interference, dust, odor, fumes, heat, glare, unsightliness or other objectionable characteristics.

Mr. Burke said that he felt the applicant, among other things, was asking for spot zoning by asking for specific uses in a zone but only in certain areas. Mr. Burke asked the applicant how he defined a “nearby” lot. Mr. Valentine replied he would welcome alternative wording from the Board.

Mr. John Riley, an abutter, addressed the Board and stated that he had a similar type of situation. He further stated that he was an on-call firefighter and he had to park his car at the firehouse because he could not park his car on land that he owned and for which he paid taxes.

Ms. Anna Eliot addressed the Board and stated that the proposed article was an attempt to correct an existing problem and not to create another type of zoning.

Mr. Barringer asked if the proposed amendment had been reviewed by Town Counsel. Mr. Valentine replied it had not.

Mr. Barringer stated that he felt there was sympathy to the plight of the applicant but the article, as proposed, had more than a few deficiencies to resolve before Town Meeting.

Ms. Perkins commented that she would like to hear from the Building Commissioner as to what his recommendation was regarding the request.

Ms. Elliott suggested that the applicant, the Building Inspector and Town Counsel have a conversation regarding the request. Mr. Barringer replied that it was a citizens’ petition and the citizens were welcome to approach the Town Manager with any questions or comments.

Mr. Barringer commented that a public hearing would have to be held before Town Meeting if the applicant wished to move forward. The applicant noted that he would reach out to the Town Manager for assistance.

### **Committee Updates**

- **Master Plan Implementation Committee (MPIC)**

Ms. Perkins stated that the MPIC was expecting to meet in early September and they were beginning to get some feedback from the people they had reached out to.

- **Complete Streets Committee**

Mr. Barringer commented that work on the first round of funded projects was underway. He would update the Planning Board after the next Complete Streets Committee meeting.

### **General Business**

- **Approval of Meeting Minutes from June 28, 2018**

Page 2, 5<sup>th</sup> paragraph – the word “semi-conductor” was changed to “semiconductor” – Widmayer

Mr. Burke made a motion to approve the minutes from the June 28, 2018, meeting, as amended. Mr. Wilson seconded the motion.

**VOTE: 4 – 0 – 2 (Abstained - Nilsson Ripps & Widmayer)**  
**MOTION CARRIED**

- **Approval of Meeting Minutes from July 26, 2018**

Ms. Nilsson Ripps made a motion to approve the minutes from the July 26, 2018, meeting. Mr. Widmayer seconded the motion.

**VOTE: 6 – 0**  
**MOTION CARRIED**

### **Planning Board Meeting Schedule**

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

- September 13
- September 27
- October 1 – Fall Town Meeting

### **Adjournment**

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

**VOTE: 6 – 0**  
**MOTION CARRIED**

The meeting was declared adjourned at 9:10 p.m.

Respectfully submitted,

Trish Gedziun  
Recording Secretary