

TOWN OF GROTON PLANNING BOARD

September 27, 2018 Meeting Minutes

A meeting of the Planning Board was held on Thursday, September 27, 2018, at 7:00 p.m. in the first 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
Mr. Gus Widmayer, Member (Arrived at 7:22 p.m.)

Members not Present:

Mr. Timothy M. Svarczkopf, Clerk
Ms. Annika Nilsson Ripps, Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Mr. Barringer announced that the agenda would be taken out of order.

General Business

- **Approval of Meeting Minutes from August 16, 2018**

Mr. Burke made a motion to approve the minutes from the August 16, 2018, meeting. Ms. Perkins seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

- **Approval of Meeting Minutes from September 13, 2018**

Page 4, 7th paragraph, last line – the word “would” was changed to “could” - Barringer

Mr. Burke made a motion to approve the minutes from the September 13, 2018, meeting, as amended. Mr. Wilson seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

Committee Updates

- **Community Preservation Committee**

Ms. Perkins stated the CPC voted to change the by-laws to incorporate that the membership term would be annual.

- **Complete Streets Committee**

Mr. Barringer said there had been a great deal of work over the past two weeks on Main Street and Long Hill Road. He said next year's projects would be submitted to the state during the next funding period, which was in early spring.

Amelia Way – Partial Bond Release (Discussion)

Mr. Burke stated that his understanding was the applicant was looking for acceptance and it appeared that would be put off until the spring. He said the Board had some questions regarding an updated estimate for a bonding amount and they currently had a revised amount from Nitsch Engineering which was \$13,123.19.

Mr. Barringer said the revised amount meant that the drainage structure needed to be repaired and that fell under stormwater management.

Mr. Burke made a motion to retain \$13,123.19 to secure the completion of the outstanding work on Amelia Way. Ms. Perkins seconded the motion.

Mr. Burke stated that they needed to ensure the bond was updated and it would go through the following spring.

VOTE: 4 – 0
MOTION CARRIED

Liaisons to the Sewer Commission (Discussion)

Mr. Barringer stated that Mr. Tim Svarczkopf was currently the liaison to the Sewer Commission, which fell under Utilities.

Mr. Burke stated that he would like to assume the duty of liaison to the Sewer Commission.

Ms. Perkins made a motion to appoint Mr. Russell Burke as liaison to the Sewer Commission. Mr. Wilson seconded the motion.

VOTE: 4 – 0
MOTION CARRIED

Mr. Burke noted that he generally did not vote for himself but the vote required a majority.

Engineering Services Contract (Discussion)

Mr. Tada said that Nitsch Engineering wanted to create a master agreement with the Town and when projects came up it would be a task order under that master agreement.

Ms. Perkins asked if it changed the cost at all. Mr. Burke replied it did not. He said it was essentially the same thing except they were not renegotiating it. He further said it would all fall under the umbrella of a master services agreement.

Mr. Barringer asked if there were a retainer. Mr. Burke replied he did not think there was.

Mr. Burke asked if the contract had been reviewed by Town Counsel. Mr. Tada replied it was reviewed by the Town Manager but he wanted the Planning Board and the Stormwater Committee to vet it first.

Mr. Burke made a motion that the Planning Board was comfortable with the arrangement, subject to review by Town Counsel. Mr. Wilson seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

General Business (Continued)

Assignments

- Article 15: Ms. Perkins
- Article 3: Mr. Barringer
- Article 18: Withdrawn
- Article 19: Mr. Widmayer
- Article 21: Mr. Barringer

Gus Widmayer arrives 7:22 PM

**Public Hearing - Special Permit & Preliminary Plan – Flexible Development
372 Townsend Road (R.D. Kanniard Homes, Inc.)**

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

In accordance with the provisions of Massachusetts General Laws, §218-26 (Flexible Development) of the Code of the Town of Groton, the Groton Planning Board will hold a public hearing on **Thursday, September 27, 2018, at 7:30 p.m.** in the Town Hall (first floor meeting room) 173 Main Street, to consider the application submitted by R.D. Kanniard Homes, Inc., Special Preliminary Plan approval and Special Permit at 372 Townsend Road and will result in the subdivision of a 35.7 acre property on the northeasterly side of Townsend Road into nine individual house lots on a new road as shown on the plan entitled Preliminary Subdivision Plan, Groton, MA, Village Meadows, 372 Townsend Road in the Town of Groton.

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.

Mr. Steve Kanniard and Mr. Roger Kanniard were both present. Mr. Steve Kanniard, addressed the Board and stated that they were proposing a flexible subdivision development which was approximately 35 acres in size and 19.75 of those acres would be open space. He said at one time the property was a chicken farm but the buildings had been removed and the lot was currently vacant. He further said that the proposed project included the construction of nine individual house lots and a new road. Mr. Kanniard said each lot would have a single-family house with an associated driveway and an on-site septic system. He also said that stormwater management areas would be included to control the run-off on-site. He noted that the project was designed in accordance with the Town of Groton's subdivision rules and regulations as well as the flexible development special permit standards.

Mr. Kanniard stated that all of the open space would be one contiguous parcel of land.

Mr. Burke asked how many acres were wetlands. Mr. Kanniard replied 16.05 acres of the proposed open space were uplands.

Mr. Wilson asked what the contiguous land use was around the 16 acres and if it connected with other open space or conservation land. Mr. Kanniard replied it connected to all wooded land and/or open space, some of which is privately owned with conservation restrictions on it and some owned by the Groton Conservation Trust. He further said the open space was placed to abut the other conservation land or conservation restricted land.

Mr. Widmayer asked about the difference between the yield plan and the flexible development plan.
Mr. Burke said the yield plan proves they can get nine conventional subdivision lots out of the site.

Mr. Burke stated that he had a problem with preliminary plans being accompanied by a special permit application. He said he felt a special permit was more appropriate to be issued with a definitive plan. He said the applicant had indicated that some of the details had to be worked out and finalized but he would not issue a special permit until the details were finalized.

Mr. Burke pointed out if the Board denied the applicants request for a special permit then they could not come back to the Board for two years. He said the other option was that the applicant could submit a request to withdraw the special permit without prejudice, and file for a special permit when they had a definitive plan. Mr. Barringer stated that he concurred with Mr. Burke's comments. Mr. Kanniard replied he would submit a written request for a withdrawal without prejudice.

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

Ms. Donna Horvath, 338 Townsend Road, an abutter, addressed the Board and asked where the new road would be. Mr. Barringer replied it would roughly follow the existing driveway.

Ms. Susan Tedesco, 366 Townsend Road, an abutter, addressed the Board and expressed concern regarding the increased size of the driveway. Mr. Jim Tedesco, also from 366 Townsend Road, addressed the Board and said he did not want another house right on top of his.

Mr. Andrew Saball, 358 Townsend Road, an abutter, addressed the Board and asked what would be in the back of lot 1. The preliminary plan shows a vegetated berm approximately 3 feet high.

Mr. John Church, 406 Townsend Road, addressed the Board and asked if the property was located in the water protection district. Mr. Barringer replied he believed it was partially in it. The Town's GIS map indicates the entire site is within the Zone 2 aquifer protection district.

Mr. David McPhillips, 354 Townsend Road, asked if he could have a copy of the preliminary plan. Mr. Barringer replied it was a matter of public record and he could pick one up at the Land/Use Department.

Ms. Susan Church, 406 Townsend Road, asked if a project timeline had been presented. Mr. Barringer replied this was still a preliminary plan with many details yet to be worked out. The timeline is unknown.

Mr. Widmayer asked why Lot 4 is so large compared to the others. Roger Kanniard replied that they intend to use some of the Lot 4 area for soil stockpiling.

Ms. Perkins requested that the Board have a site walk on the property. The Board collectively decided to have a site walk on October 11th at 5:30 p.m.

Mr. Wilson made a motion to continue the public hearing to a date specific of October 11th at 7:00 p.m. Mr. Burke seconded the motion.

VOTE: 5 – 0
MOTION CARRIED

Public Hearing - Special Permit for Business Use (Medical Office) – 195 Main Street

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

In accordance with the provisions of Massachusetts General Laws, §218-18 (Special Permit for Business Use of a Medical Office) of the Code of the Town of Groton, the Groton Planning Board will hold a public hearing on **Thursday, September 27, 2018, at 7:30 p.m.** in the Town Hall (first floor meeting room) 173 Main Street, to consider the application submitted by Theresa Piotrowski, M.D., for a Special Permit. The proposed use is a medical office on the 2nd floor of the existing commercial building located at 195 Main Street.

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.

Dr. Piotrowski, the applicant, addressed the Board and stated that she practiced obesity and esthetics medicine and other than that, she did not perform any other procedures. She said she the proposed office space would be open on Tuesdays, Wednesdays and Thursdays.

Ms. Perkins stated that one of her concerns was that there was no handicapped access. Dr. Piotrowski replied that she did not have an elderly clientele and it had not been a problem in the past.

Ms. Perkins asked how much parking the applicant felt would be needed. Dr. Piotrowski replied she had three staff members in addition to herself and she saw patients approximately every 30 minutes.

Ms. Perkins asked the applicant if medical waste was produced. Dr. Piotrowski replied they did not generate any medical waste and any needles used were disposed of in a biohazard waste container that was picked up by a biohazard waste company.

Mr. Barringer read aloud a letter from Ms. Michelle Collette, Americans with Disabilities Act (ADA) Coordinator as summarized below:

As we discussed yesterday, I understand the Planning Board is holding a public hearing for a special permit for a new medical office to be located at 195 Main Street. I have concerns as the ADA coordinator. Is the building parking and access to the building accessible for people with disabilities? ADA Title III; prohibits discrimination on the basis of disabilities for places of public accommodations, including medical offices. More information on Title III is available at www.ada.gov. During site plan review, please consider chapter 218-23C2 which states configuration and dimensions of space shall adequately provide for clearance and movement. The Planning Board shall adopt, and from time to time, amend standards for such dimensions reflecting current vehicle size, parking spaces and shall not block access to dumpsters, specially designated parking and spaces for the physically handicapped shall be provided in accordance with the rules and regulations of the Architectural Access Board 521CMR and the Americans with Disabilities Act and current regulations of the American National Standards Institute. I wish the new doctor well and if this space does not work out, I hope suitable office space can be located.

Mr. Barringer asked if there were any further questions or comments. There were none.

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

VOTE: 5 – 0
MOTION CARRIED

Mr. Burke made a motion to approve the request for a special permit to allow a medical office on the 2nd floor of 195 Main Street consistent with the representations made by the applicant: The office would be open three days per week, employee parking would be sought via public parking and they concurred

that the findings provided by the applicant dated August 30, 2018, met the criteria. Mr. Wilson seconded the motion.

VOTE: 5 – 0
MOTION CARRIED

Public Hearing – Proposed Zoning Amendment (Citizens’ Petition, J. Valentine)

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, §5 and §11 of the Code of the Town of Groton, the Groton Planning Board will hold a public hearing on **Thursday, September 27, 2018, at 8:00 p.m.** in the Town Hall (first floor meeting room) 173 Main Street, to consider the following citizens petition filed by John W. Valentine, 313 Wiley Road, to amend Groton’s zoning by-law §218-16 to permit certain ancillary uses. The purpose of this amendment is to allow parking, storage of boats or other belongings or any other permitted uses on lots which are within 250 yards of the principal residence and where the lot size and configuration will not accommodate at least two cars.

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.

Mr. John Valentine, the applicant, addressed the Board and said the intent of the proposed change was to very narrowly permit changes. He said he did not feel that the history of Groton and Lost Lake was properly reflected in the zoning bylaws. He further said that the intent was to recognize the nature and quality of certain areas in the Town and to retain them. Mr. Valentine stated that the areas of concern typically had off-site parking.

Mr. Wilson said he was very sympathetic to the problem. He said his concern was that the problem was very specific to the Lost Lake area, it was not a problem anywhere else in the Town and if they amended the Town-wide zoning he was afraid they might create unintended consequences in other areas of Town. He said it might be cleaner to create an Overlay District that would address the issue and keep it specific to the Lost Lake area.

Mr. Widmayer commented that he felt the Planning Board needed to find a remedy for the problem and agreed with the suggestion of creating an Overlay District.

Ms. Perkins said that she felt it was a legitimate problem and supported coming up with a resolution.

Mr. Valentine stated if the problem were something the Planning Board would fix, he would be open to the idea of withdrawing the petition. He said he would withdraw the petition with two commitments; that the Planning Board would indicate that they would act to resolve the problem and a commitment to recommend to the Town Manager that they not take enforcement action.

Mr. Burke commented that he encouraged Mr. Valentine to withdraw the petition because should the article go forward and be defeated, a similar zoning article could not be brought forward to Town Meeting for a period of two years without approval from the Planning Board.

Ms. Perkins said that she felt the Planning Board had a responsibility to help fix the problem and said it would be helpful to schedule a time to discuss it. She further said in the meantime, Mr. Tada could take a look at zoning in other towns to see how they handled similar situations.

Ms. Anna Eliot, addressed the Board and stated that there was a conflict in the zoning and what had worked in the past was for the Planning Board and the Zoning Board to get together and re-write what would be an adequate zoning with the advice of Town Counsel. She said the Zoning Board had a hearing scheduled regarding the matter on October 3rd.

Mr. John Riley, 50 Arrow Trail, addressed the Board and stated that he felt the Planning Board had neglected the problem for years. He said a portion of his abutter's home was on his lot.

Mr. Barringer noted that he would attend the next Zoning Board meeting.

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

VOTE: 5 – 0
MOTION CARRIED

Mr. Wilson made a motion not to recommend approval of the article in the Warrant, as written, that the applicant withdraw the request and the Planning Board committed to work with the applicant to formulate a solution. Mr. Burke seconded the motion.

VOTE: 5 – 0
MOTION CARRIED

Russ Burke departs 8:55 PM

ANR Plan – 451 Boston Road (Roux)

Mr. Neil Gorman, David E. Ross Associates, representing the applicants, Steven and Julie Roux, addressed the Board and stated that they had already received approval for a hammerhead lot and were currently before the Board to request an ANR Plan. He said as a condition of the special permit, the Board had made it known that they wanted one point of access for the three driveways (i.e., shared

driveway). He further said they proposed an easement area which extended from the front property line back approximately 150 feet.

Mr. Widmayer asked if the concern expressed by the abutter at 369 Boston Road had been resolved. Ms. Roux said the abutter's concern was that multiple houses would be built on Lot C. Only one house is allowed.

Mr. Wilson made a motion to endorse the ANR Plan for 451 Boston Road, Groton, MA, prepared by David E. Ross Associates, dated September 20, 2018. Mr. Widmayer seconded the motion.

VOTE: 5-4 - 0

MOTION CARRIED

Other Business

Ms. Alison Manugian, Select Board Member, addressed the Board and stated that she and Ms. Anna Eliot wanted to get input from the Planning Board with regard to the Warrant Article for 227 Boston Road, which was the proposed sewer extension. She said she had two concerns, one was the applicant currently had an intentional sketch but had not followed the permitting guidelines as they were going to Town Meeting to request a sewer extension but had not met with any Boards. She further said a public hearing had not been held. She also said her other big concern was that once the sewer was extended, they would not have the right to deny them connection and use. Ms. Manugian noted it was a 17-acre parcel which was currently zoned R-A.

Ms. Perkins asked why the extension of the sewer was necessary. Ms. Manugian replied the stated intent was to turn the existing home into an Airbnb, build a second house that would be the primary residence and turn the existing historic barn into a seasonal function facility.

Ms. Perkins asked if they had gone to the Sewer Commission. Ms. Manugian replied the Sewer Commission agreed, as a courtesy, to be the sponsors of the article but had not taken a position on it.

Ms. Eliot said her major concern was that it did not address any of the procedures which were set up by the Planning Board or by any other Board, especially the Land/Use Department.

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- October 1st – Fall Town Meeting
- October 11th
- October 18th – 25th – SNEAPA Conference, Hartford, CT
- October 25th

Adjournment

Mr. Wilson made a motion to adjourn. Ms. Perkins seconded the motion.

VOTE: ~~5-4~~ - 0
MOTION CARRIED

The meeting was declared adjourned at 9:36 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary