

TOWN OF GROTON PLANNING BOARD

**October 11, 2018
Meeting Minutes**

A meeting of the Planning Board was held on Thursday, October 11, 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
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

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

Mr. Barringer stated that the public hearing notice was previously read into the record at the last meeting.

Mr. Barringer stated the applicant offered to withdraw the application for a special permit for 372 Townsend Road which would allow them to first look at a preliminary plan.

Mr. Burke made a motion to accept the withdrawal without prejudice. Mr. Wilson seconded the motion.

VOTE: 6 – 0

MOTION CARRIED

Mr. Stan Dillis from Ducharme and Dillis Civil Design Group, Inc., representing the applicant, addressed the Board and stated that the proposed Flexible Development Plan would consist of nine lots with nine individual homes and nine individual septic systems. He said they could use the existing topography to create stormwater retention areas and they were proposing nine individual driveways.

Mr. Dillis said there was 16 acres of open space (uplands) which abutted other land that was owned by the Conservation Commission. He further said the road was approximately 600' long and would be a conventional cul-de-sac. He noted there would be West Groton Water Supply District service and on-site septic.

Mr. Burke asked if there was a way to change the shape of the cul-de-sac to give it a little bit more curb appeal. Mr. Dillis replied they could look at that and there was some room on Lots 5 and 6.

Ms. Perkins asked if most of the lot was already cleared. Mr. Dillis replied it was mostly cleared, as it had been an old farm.

Mr. Widmayer asked if the houses would be priced on the higher-end, and how large they would be. Roger Kanniard replied they would be approximately 2,500 square feet to 2,800 square feet. Steve Kanniard added that their goal is to keep the homes in a moderate price range.

Mr. Wilson asked if all of the homes would be single-family homes, and if there was a requirement to include affordable homes. Mr. Dillis confirmed all the homes would be single-family, as required in a Flexible Development. The affordable requirement does not apply to smaller developments (less than 10 lots).

Mr. Barringer asked why the entrance road was located where it was. Mr. Dillis replied the intention was to provide a little bit more space on Lot 9. Mr. Barringer commented that he would like to see it brought in a little bit with a curve.

Mr. Burke asked if soil testing had been performed. Mr. Dillis said they dug more than 20 test holes during site investigations.

Ms. Perkins asked what the L-shaped feature on Lot 1 was for. Mr. Dillis replied it was graded berm for stormwater infiltration.

Mr. Wilson asked about the width of the proposed road. Mr. Dillis said it would be 22 feet wide, according to the "lane" specifications.

Mr. Widmayer observed that the subject property appears to wrap around the abutting lot to the southeast of the proposed road. Mr. Dillis confirmed the unusual property line.

Ms. Perkins asked what type of a cut was proposed for the road. Mr. Dillis replied there would not be a need to make a large cut. The existing grade along the driveway is about 10%, which isn't too steep. He also said the first 50 feet of the proposed road would have a final grade of 3%.

Ms. Nilsson Ripps said she felt the two lots to the left were squished and much of the land was unusable which created a steeper incline. Mr. Dillis replied that it might help if they changed the configuration of the cul-de-sac. He said he agreed that Lots 1 and 9 were pretty tight.

Mr. Wilson commented that he thought it was an excellent use of an Open Space Flexible Development Plan, and that the proposed houses were in keeping with the surrounding neighborhood. Mr. Dillis added that the proposed open space parcel would preserve habitat for the rare Blanding's turtle.

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

Jim Tedesco, abutter at 366 Townsend Road, asked how close the new road and the proposed homes would be to his house. Mr. Dillis replied that the houses on Lots 1 and 9 would be more than 175 feet from Mr. Tedesco's back property line. Mr. Dillis said he would look into alternate road layouts.

Ms. Donna Horvath, an abutter at 338 Townsend Road, addressed the Board and expressed concerns about visibility and safety along Townsend Road, especially when it rained. Mr. Barringer replied that one of the things that the Planning Board would review was the sight lines. Mr. Dillis mentioned that they would utilize the existing high point at Townsend Road for the entrance.

Ms. Horvath also said she was concerned with the runoff the site would create. Mr. Dillis replied that they were obligated under the subdivision regulations to mitigate all of the runoff which came from the site.

Ms. Horvath asked about water and gas service. Roger Kanniard said the homes would be served by West Groton Water Supply District and individual propane tanks.

Mr. John Church, an abutter at 406 Townsend Road, addressed the Board and asked how the site would affect their property tax values. Mr. Burke replied it should remain neutral but that was not an area that they could use in the decision-making process. Mr. Church also said traffic was another concern as well the impact of nine additional septic systems. Mr. Barringer replied the Board of Health would deal with the septic systems, and the project would need to meet the requirements in the Zone 2 Water Resource Protection District.

Ms. Perkins asked if the applicant's intent was to deed the open space to the town or put a restriction on it. The applicant replied he would like to deed it to the town. She further asked what the purpose of the proposed access easement was. Mr. Dillis replied it was to gain access to the open space, although he pointed out that there were other ways to get to the open space that was contiguous. He further said when they looked at reconfiguring the cul-de-sac they could have a strip going through it that was part of the open space and was not in-lot ownership.

Mr. Wilson stated that some of the contiguous property was conservation land and it was listed as private ownership on the plan. Mr. Dillis replied he would check into that.

Mr. Barringer said the Board did not have the planned site walk due to the weather and it would still be helpful to do that.

Mr. Widmayer asked Mr. Tedesco if he remembered why the lot was cut in the middle of Mr. Lawrence's farm instead of on the edge. Mr. Tedesco replied that his father bought the land in the 1940's from the Bertozzi Farm. There was an existing farm road along the southeast edge.

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

Mr. Burke made a motion to continue the public hearing, date specific to October 25, 2018, at 7:00 p.m. and the Board would do a site walk of the property. Mr. Widmayer seconded the motion.

VOTE: 6 – 0

MOTION CARRIED

The Planning Board scheduled a site walk for Saturday, October 13th, at 8:00 AM.

ANR Plan – 228 West Main Street (Palmer)

Mr. Dillis, representing the applicant, addressed the Board and stated that Lot 3A was owned by Judy Palmer and Lot 2A was owned by the estate of her mother and they were proposing to modify the lot line which would create parcel A which would go to Ms. Palmer and would be taken from the land that was in her mother's estate.

Mr. Burke made a motion to endorse the ANR Plan for 228 West Main Street, prepared by Ducharme and Dillis Civil Design Group, Inc., dated September 18, 2018, entitled Plan of Land in Groton, MA. Ms. Nilsson Ripps seconded the motion.

VOTE: 6 – 0

MOTION CARRIED

Accessory Uses – Discussion

Mr. Barringer stated that the topic stemmed from the discussions the Board had with respect to accessory uses of land, primarily in the Lost Lake section of town because some lots were being used for remote parking separate from the residential use. He said Mr. Burke had drafted a potential amendment entitled “Off-site/Free-Standing/Off-Street Parking.”

Mr. Burke said that parking was treated as an accessory use so if another lot was owned in addition to the main residential property, which was not contiguous, and the owner wanted to place something on that lot, the Building Inspector would not allow it because it would be in violation of the zoning. He said there was a citizen’s petition that basically tried to set forth a zoning relief mechanism for lots but it was brought forward with a lot of ambiguity and it may have caused unintended consequences.

Mr. Burke stated that the applicant had withdrawn the citizen’s petition and as part of that willingness to withdraw, the Planning Board assured him that they would work towards putting some regulatory mechanism in place to address the issue.

Mr. Burke commented that he was proposing to create a definition of an “Off-Site/Off-Street Parking” use within the Use Regulations. He further commented that after they established a definition they could put it in the Schedule of Use Regulations as an allowed use by a special permit. He said there was a new section of the zoning under Special Regulations, §218:20A which read:

“to provide relief from standards and properties that can not provide or satisfy the off-street parking requirements on-site due to unique circumstances owing to topography, lot size, lot shape, existing building placement or an authorized change of use where off-street parking can be secured on property under the same ownership or control in a manner that is compatible with the surrounding uses.” “Consistent with the provisions herein, may petition for parking on a non-contiguous property under their control and demonstrate the circumstances to the Planning Board associated with their property for which parking can not be provided on-site.” “The petitioner must demonstrate that the proposed parking will address those unique circumstances associated with their property and it will be done in a manner which is consistent with the surrounding characters.” “The proposed zoning would also tie in with the special permit process and all of provisions of site plan review.”

“The applicant must demonstrate that they have a controlling interest in both of the properties, either through ownership or a lease hold.”

Mr. Burke said in those circumstances the special permit would go with the applicant unless the applicant was the owner of both of the properties and in those cases, the special permit would go with the land as long as it stayed under the same ownership. He further said the breaking of that ownership would revoke the special permit. He noted that the property which would be used for the off-street parking, the underlying zoning, must allow the same use for which it was seeking for the parking to be.

Mr. Burke stated the citizens petition was fairly broad and since the issue was really focused on parking, the change he was proposing zeroed in on off-street parking and in order to avoid collateral damage that could arise should people start using it as an accessory use for storage, such as trailers, it specified that they would not allow it for stand alone parking to ensure the space were not rented out. He also said on a case-by-case basis they would limit the number of parking spaces.

Mr. Burke said the last piece was shared parking and the reason he felt it was allowable in most of the districts in town was because they may, in the future, have shared parking.

Ms. Perkins asked if someone could build a garage on an accessory lot. Mr. Burke suggested that the Building Inspector should take a look at the proposal as a next step.

Ms. Nilsson Ripps commented, with regard to the possible idea of garages, if it was a legal building lot and they would allow off-site/off-street parking, if the Board could dictate that it only be a one-story structure because she could see someone constructing one that was larger and then living in the upper level even though there was not a septic system. Mr. Burke replied the proposal had town-wide implications and said it would be prudent to take baby steps as they moved forward and nix the garage or structure at the current time and perhaps revisit it in the future.

Mr. Widmayer commented that he would be very nervous about opening it up to the entire town and asked Mr. Burke what the obstacles of an Overlay District were. Mr. Burke replied the applicants' would have to demonstrate to the satisfaction of the Planning Board, that there were unique circumstances which necessitated it. He said he felt an Overlay District would be more complicated.

Ms. Nilsson Ripps asked if Mr. Burke's proposal would dictate how the parking area aligned on the lots, as there would be a visual impact. Mr. Burke replied that would fall under the traffic circulation and design criteria of Site Plan Review, Zoning Bylaw Section 218-25.

Mr. Widmayer read aloud a letter from Paul Martel, 7 Arrow Trail, dated September 27, 2018, which he saw in the Groton Herald as summarized as follows:

To the Editor: Regarding Article 19 on the Fall Town Meeting Warrant, there are a lot of detached lots around the Lost Lake area and that particular by-law is there to protect abutters. Should this Article pass then the detached lot that abuts the back of my lot could become the dumping ground for the owner to clear the lot of trees, fill and level the lot which would make it higher than my own and park their 4 cars, ATV's, trailer and boat on it as well as store the ancillary equipment that goes with it. It would make their house across the street look better and cleaner but not do anything for his abutters who are faced daily with a parking lot of junk.

Mr. Burke pointed out that was a good example of both sides and the importance of proving a legitimate circumstance which warranted the extraordinary type of relief.

Ms. Perkins commented that there were a number of people who had boats and trailers in that area.

Kevin Mendel, 57 Pine Trail, said he was glad the Planning Board was thinking about this issue. He asked if the Board would consider specifying the distances between principal structures and accessory uses, and if temporary structures might be allowed as an accessory use. Mr. Burke replied that the

Special Permit process is able to deal with temporary structures, while the distances would be best left to the Planning Board's discretion on a case-by-case basis.

Mr. Widmayer asked if it could be done by neighborhood. Mr. Burke replied it had to be by zone because otherwise, it would be spot zoning.

Mr. Barringer noted that the Board would continue the discussion at the next meeting.

Special Permit Decision, 195 Main Street (Medical Office Use)

The Board reviewed the decision and made no changes to it.

Committee Updates

Mr. Burke stated that he and Mr. Barringer had a meeting with the Sewer Commission to open up dialogue with regard to expanding the Sewer District. He said he felt it was important to work in concert with the Sewer Commission and they were very receptive to that.

- **Master Plan Implementation Committee**

Ms. Perkins said that she needed a response from the Planning Board with regard to the list of questions that were sent out. She asked if they could discuss it at the next meeting. Mr. Barringer replied they would.

- **Economic Development Committee**

Mr. Burke stated that the Economic Development Committee had met with Ms. Anna Eliot and went through the questions at their last meeting.

- **Complete Streets Committee**

Mr. Barringer said that the Safe Streets Committee would be meeting soon, now that the Phase 1 projects were done.

Mr. Tada commented that there was some momentum to revive the Green Community Initiative in Groton. He further commented that one of the hurdles that put a stop to previous efforts to get into the Green Community Program was that Groton had not adopted the stretch building code.

(Russ Burke left at 8:46)

General Business

- **Approval of Meeting Minutes from September 27, 2018**

Ms. Perkins and Mr. Widmayer proposed edits to the draft minutes.

Mr. Wilson made a motion to approve the minutes from the September 27, 2018, meeting, as amended. Ms. Perkins seconded the motion.

VOTE: 6 – 0

MOTION CARRIED

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- 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: 6 – 0

MOTION CARRIED

The meeting was declared adjourned at 8:50 p.m.

Respectfully submitted,

Trish Gedziun

Recording Secretary