

TOWN OF GROTON PLANNING BOARD

October 25, 2018

Meeting Minutes

A meeting of the Planning Board was held on Thursday, October 25, 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. Timothy M. Svarczkopf, Clerk
Mr. Scott Wilson, Member
Ms. Carolyn Perkins, Member
Ms. Annika Nilsson Ripps, Member
Mr. Gus Widmayer, Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

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

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

Mr. Barringer said that most of the Board had attended a site walk of the property.

Mr. Stan Dillis, Ducharme & Dillis Civil Design Group, Inc., representing the applicant, addressed the Board and stated that the plan was the same one as they had on the site walk but they had subsequently made some modifications which were indicated in red. He said they included Mr. Burke's suggestion to extend the cul-de-sac which would add a couple of parking spaces.

Mr. Dillis mentioned after the site walk they met with the Tedesco's who agreed to give them a grading easement to improve the sight distance and in exchange, they would give them two strips of land. He said they were able to make some positive changes based on the Board's comments.

Mr. Wilson said everything he saw was a positive step forward but his question was that it seemed to be impossible to adjust the driveway apron because there was a stonewall there. Mr. Dillis replied that Mr. Kanniard was planning to remove the wall. Mr. Wilson said the further north the driveway cut could be placed the better to allow for better sight lines to the south. He said the road curved back towards the southeast/southwest and it tended to make the sight lines in that direction very difficult. He suggested that the applicant might want to consider moving the driveway to the north. Mr. Dillis replied he felt they would be able to accomplish that. He said they were very aware that the sight distances were critical.

Mr. Widmayer commented that his main objection was the fork on Lot #1 and it appeared the applicant had addressed it very nicely in the revised sketch. He said he liked the plan as revised and had no further comments.

Ms. Perkins said she felt the revised plan looked a lot better.

Ms. Nilsson Ripps stated that the applicant addressed all of the concerns she had.

Mr. Burke agreed the applicant had addressed all of the Board's concerns.

Mr. Barringer stated that they would have to fine tune the plan as things went forward. He said there was currently approximately 60 cubic yards of fill on the site and asked where it came from. Mr. Dillis replied it was from when Mr. Kanniard removed the old foundation from the chicken coop. He noted that nothing had been brought onto the site. Mr. Barringer asked Mr. Dillis if he would certify that statement. Mr. Dillis replied he could not but Mr. Kanniard could. Mr. Barringer pointed out that he was interested in that because the site was located in a water protection district.

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

Ms. Donna Horvath, 338 Townsend Road, addressed the Board and said she was happy that the entrance had been widened, as it was one of her concerns. She asked if the Planning Board would follow-up to make sure everything was working out the way it was expected to. Mr. Barringer replied that was correct.

Ms. Horvath asked how they would verify that no more water was collecting on Townsend Road. Mr. Burke replied that the applicant would prepare a Stormwater Management Plan which would include the steps required for monitoring and maintaining the drainage system. He indicated that the plan would be prepared by a Certified Registered Engineer and the Planning Board would have a Registered Engineer do a peer review to confirm the plan and it would be inspected during construction as well.

Mr. Barringer commented that water could not exit the property line onto a public way without people knowing about it and there were repercussions if it did. He said in that case, the plan would have to be modified to eliminate any water running onto a public way.

Mr. Barringer said the new subdivision could not increase the amount of water that ran off the property.

Mr. A.J. Saball, 358 Townsend Road, addressed the Board and stated that his biggest concern was with water flowing down onto his property. He also said that there was a lot of wildlife in the area and he was concerned it would push them away. Mr. Dillis replied all of the stormwater would be dealt with through their design and the peer review from the town. He noted there was no plan to drastically raise the grade anywhere in the subdivision.

Mr. Saball pointed out that he would not like to see people purchasing homes, staying for a couple years, and then moving out. He said it had been farming land for over 300 years and was passed through families for generations. Mr. Burke said it was not within the Board's purview to address that.

Mr. Wilson commented that the only thing the Board could do was to make sure everything was done according to the laws and make it the best situation as possible.

Ms. Mary Saball, 358 Townsend Road, addressed the Board and asked what would happen to the endangered species on the property. Mr. Dillis replied that they had met with MassWildlife several times to discuss this issue and the proposed open space parcel would protect the critical turtle habitat.

Mr. David McPhillips, 354 Townsend Road, addressed the Board and stated that he too was concerned with the water run-off, along with traffic and noise.

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

Mr. Barringer asked if there were any further comments from members of the Board. There were none.

Ms. Perkins asked if Mr. Dillis was able to determine if the proposed open space parcel connected to abutting conservation lands. Mr. Dillis replied that he was mistaken; there is privately owned land between the subject property and the conservation lands on Throne Hill.

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

VOTE: 7 – 0

MOTION CARRIED

Mr. Burke made a motion to direct the Town Planner to draft a Certificate of Approval for the preliminary plan which incorporated the standard conditions as well as additional conditions that were addressed during the Public Hearing process and noted the changes that the applicant made to the plan; access to the open space, the relocation of the entrance drive, the elongation of the cul-de-sac and to make some mention of the existing stormwater issues. Mr. Wilson seconded the motion.

VOTE: 7 – 0

MOTION CARRIED

ANR Plan – Cherry Tree Lane, No.'s 216, 226 & 238 (Academy Hill Subdivision)

Mr. George Gallagher, of Habitech Communities, addressed the Board and stated that they were revising the plan to fit in some of their houses. He said his request was to move some lot lines around.

Mr. Perkins stated that she felt it was quite a change and asked why the applicant wanted to do it. Mr. Gallagher replied it was to make a better fit for the homes that were being built on the lots.

Ms. Perkins asked if there was enough frontage on the narrow lot. Mr. Gallagher replied there was and it was a hammerhead lot.

Ms. Perkins commented that Lot #16 was now a hammerhead lot which needed a special permit. Ms. Perkins asked if met the minimum frontage of the original approval.

Mr. Wilson said not much on the plan had changed in that there was still three house lots just as before and asked what jurisdiction they had to question frontage. Mr. Burke replied they had the zoning which effectively said there had to have 5 acres and 40' of frontage. He also said it was a subdivision which was operating under a special permit where they had reduced lot areas and lot frontages. He further said the question became if you could just do a one off without modifying the existing special permit for the overall subdivision or issue a new special permit for it. Mr. Burke suggested that they should issue a modification and make a determination as to whether or not they could do that administratively or if it required a public hearing.

Mr. Burke said if the Board did nothing then after 21 days from the date the application was made, the applicant could go to the Registry and have it endorsed.

Mr. Barringer asked when the application and payment were received.

Mr. Barringer stated that under 218:26(F), Flexible Development, lots could have a reduced frontage. He said at least 10,000 square feet was required with 40 feet of frontage.

Mr. Tada stated that the ANR application was received on October 17, 2018. Mr. Barringer noted that there was still two weeks remaining before the 21 days were up but the next Planning Board meeting was in 22 days. Mr. Gallagher offered to withdraw the application without prejudice.

Mr. Burke made a motion to accept the withdrawal of the application without prejudice offered by the applicant. Ms. Nilsson Ripps seconded the motion.

Mr. Burke indicated that the fee for re-submitting the application would be waived.

VOTE: 7 – 0

MOTION CARRIED

Accessory Units – Discussion

Mr. Barringer stated that the Board had a revised draft copy of the Off-site (Free Standing) Off-street Parking Regulations which was prepared by Mr. Burke.

Mr. Burke said that he and Mr. Tada had met with the Building Inspector and received his input.

Mr. Widmayer commented that he liked the draft for the Lost Lake area but did not think it should apply to the entire town.

Mr. Widmayer read aloud a letter from Mr. Robert Stevens of the Taxpayers Alliance, Groton, MA, as summarized below:

In response to your article in last week's Groton Herald, about the couple, Heather Rhodes and John Riley, using their accessory lot to park cars. How many cars are we talking about, 5, 10, 50? Could this turn the property into a sort of auto junkyard or a business? In a town where acreage is the norm, this could turn Groton into one big parking lot. We are all for people's rights but we think this by-law should be carefully constructed or reconstructed. Let's keep the town beautiful.

Mr. Svarczkopf commented that there were places other than Lost Lake where people were parking illegally and the proposed by-law would address that issue.

Mr. Burke stated that there were two sides that needed to be balanced, those that had the legitimate need for providing parking because they were unable to do it on their own property, but by the same token, where the solution was going to be on the property that was subject to it had to be done in a way that was not injurious to the people who abutted the property.

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

Mr. John Valentine, addressed the Board and stated that he felt the Board had taken a really good step and appreciated how promptly they reacted. He suggested that they solicit input from people in the Lost Lake area because he felt many of them were not even aware of the issue.

Mr. Valentine also suggested that language be added which indicated that any lot that had passed with the land, prior to the zoning, for the purpose of use in conjunction with the principal residence, should be grandfathered. Mr. Burke replied that was already the law.

Mr. Barringer commented that it was a work in progress and they welcomed input from the public.

Ms. Linda Valentine, addressed the Board and stated that she felt some of the concerns were that people would take advantage of the fact that they had permission to park on a lot that did not contain their home. She said for many of them, the ancillary lot was deeded together and purchased as a single entity even though it was two separate parcels for the express purpose of having access to place a vehicle or something else on the property that could not be placed where the house was. She further said that not everyone who had an ancillary lot had it deeded with the house at the time of purchase.

Mr. Burke said the nature of zoning, which was not unique to Groton, was that you could not have an accessory use on a lot. He further said they were proposing to allow parking as a principle use, not an accessory use, by a special permit. Mr. Burke commented that absent of that, someone would have to either make an argument that predated the zoning and there was a pre-existing and non-conforming status or to obtain a special permit to allow it.

Ms. Perkins asked if Ms. Valentine's lots were right next to each other. Ms. Valentine replied the road ran in between the lots.

Mr. Barringer suggested that Ms. Valentine attend the public hearing when it was held, and speak to it again.

Ms. Deb Mendel, addressed the Board and stated that there was a concern about things that were not lake orientated like ocean crafts which were too big.

Recorder's Note: Mr. Burke was excused from the meeting at 8:48 p.m.

Progress on Master Plan Implementation - Discussion

Mr. Barringer stated that the Master Plan Implementation Committee was seeking input on how the Planning Board had responded to the current Master Plan recommendations in areas of natural resources, cultural historic resources, open space recreation, transportation, land/use, housing and residential development, economic development and human services. He said they were being asked as a Board to respond and comment as to how well they thought the town met the recommendations, and how they had done at implementing them.

Ms. Perkins suggested the Board could take it home, answer the questions and then perhaps have a small sub-group of people who could then finalize their responses to it.

Prospective Warrant Articles for 2019 Spring Town Meeting – Discussion

Mr. Barringer said the off-site/off-site parking was one but that the Board should start thinking about bringing more things forward in the next few weeks.

Ms. Nilsson Ripps asked where Groton was with regard to the stretch energy goals. Mr. Tada replied there had been a recent effort to restart the green community initiative. He said a few members of the Select Board were trying to gain momentum for it. He further said his understanding was that previous

efforts to do that were stalled for a few reasons; one was that Groton had not adopted the stretch building code and the other was that Groton was one of the relatively smaller amount of communities that had a municipal electric light plant. The green community designation, and the potential grant funding that comes with it, was only available to towns which had at least one energy customer served by an investor-owned utility. He said Groton did have one commercial property served by National Grid. Mr. Tada commented that Town officials had recently met with the Regional Coordinator for the Green Communities Division of the state and it was confirmed that even with just one or two properties that were not on Groton Electric, it met the criteria. He pointed out that Groton had still not adopted the stretch code, which was the last hurdle they had to get through. Mr. Tada said the next step was for the Select Board to appoint a Green Community Committee.

ZBA Case Updates

Mr. Barringer stated that there were two cases before the Zoning Board of Appeals that were of interest to the Planning Board.

- West Groton Market, 9 West Main Street
- Off-Site/Off-Street Parking Accessory Lot

Committee Updates

- **Complete Streets Committee**

Mr. Barringer stated that the current Complete Streets projects were completed and invoiced through the state for reimbursement which meant they could submit the spring plan for 2019.

General Business

Mr. Barringer noted that the Planning Board received a request from the Historic District Commission to provide an opinion regarding the request by property owners to remove the dead trees at the end of their driveway. Mr. Barringer stated that the consensus of the Board was to remove the dead trees.

Ms. Perkins made a motion that the Planning Board supported the removal of the two dead trees. Ms. Nilsson Ripps seconded the motion.

VOTE: 6 – 0

MOTION CARRIED

Mr. Barringer commented that the NESSP Temple in Groton opened the previous week and their opening ceremony was very well attended. He further commented that there had been some back and forth e-mails by abutters from Littleton, MA, due to the noise level. Mr. Barringer said Mr. Singh had suggested that the Planning Board conduct a site visit in November to review the sitework progress.

Mr. Barringer said the Planning Board was asked to write a letter of support for the annual request to the CPC for funding to support the Housing Coordinator position.

Mr. Svarczkopf made a motion that the Planning Board provide a letter of support to the CPC in support of the grant for the Housing Coordinator position. Mr. Wilson seconded the motion.

VOTE: 5 – 0 – 1 (Abstained – Widmayer)

MOTION CARRIED

Mr. Barringer stated that they needed to change all of the records which indicated the word Selectmen in the zoning regulations as well as their regulations to the words Select Board.

Mr. Tada mentioned they had already done that in the zoning by-law.

Ms. Perkins announced that she would be resigning her seat on the Planning Board after 25 years. Mr. Barringer thanked Ms. Perkins for service and pointed out that she would continue to remain on several other Boards.

Recorder's Note: Mr. Svarczkopf was excused at 9:15 p.m.

- **Approval of Meeting Minutes from October 11, 2018**

Ms. Nilsson Ripps made a motion to approve the minutes from the October 11, 2018, meeting. Mr. Widmayer seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- October 25th
- November 8th
- November 29th

Adjournment

Mr. Wilson made a motion to adjourn. Ms. Ms. Nilsson Ripps seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

The meeting was declared adjourned at 9:18 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary