

TOWN OF GROTON PLANNING BOARD

November 8, 2018

Meeting Minutes

A meeting of the Planning Board was held on Thursday, November 8, 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 – Special Permit for Shared Driveway, 227 Boston Road & ANR Plan, 227 Boston Road (Lindemer)

Ms. Perkins read aloud from the public hearing notice as summarized below:

In accordance with the provisions of Massachusetts General Law 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, November 8, 2018, at 7:00 p.m.** in the Town Hall (second floor meeting room) 173 Main Street, to consider the application submitted by Kevin and Christine Lindemer for a special permit to utilize the provisions of the Groton zoning by-law, 218-23, Shared Driveways. The existing driveway that is serving the house located at 227 Boston Road is proposed to be shared with a house to be built on a subdivided parcel of the existing property. No alterations to the existing driveway are proposed. The project is located at 227 Boston Road, Accessor's parcel 235-1, as shown on the plan entitled Driveway Plan in Groton, MA, prepared for Christine Lindemer, by David E. Ross Associates and dated May 19, 2006.

Mr. Barringer asked who was present to speak in favor of the application. Mr. Kevin Lindemer, the applicant, addressed the Board and stated it was his intention to subdivide the parcel and the driveway would skirt the 50' buffer and go up to the new lot.

Mr. Barringer commented that they would discuss the request for a special permit in addition to the ANR Plan for 227 Boston Road.

Mr. Burke asked if there was a previous ANR Plan that divided the lot into three parcels. Mr. Lindemer replied the original ANR Plan was done in 2009, but they did not file it at that time. He said they

currently had to have some wetlands re-delineated on the north side of the property but that was underway.

Mr. Burke asked if the applicant had gone to the Conservation Commission. Mr. Lindemer replied the Conservation Commission signed off on the existing wetlands which were delineated in 2009, and he would return to the Conservation Commission after the wetlands were re-delineated.

Mr. Burke asked what the width the existing driveway was and what the width of the proposed driveway was. Mr. Lindemer replied the existing driveway was 16' edge to edge and he was not proposing any changes to it.

Mr. Wilson commented that he felt it was a little bit premature to approve a shared driveway when there were still so many unknowns.

Mr. Widmayer commented that the driveway would be split between both properties and asked if an easement would be given to each one for the other half. Mr. Lindemer replied that was correct.

Mr. Widmayer said there was a concern raised regarding potential development on the apple orchard behind the applicant's property. Mr. Lindemer replied that the Fairview Farms property abutted his, and it had nothing to do with his property except for perhaps some shared resources because he had a small orchard on his property as well.

Mr. Wilson stated the concern was that a future owner of the applicant's parcels would have an opportunity to buy the adjacent orchards and it raised the potential of a significant development. Mr. Barringer noted that the hearing was with regard to the shared driveway application and the pending request for an ANR determination and neither of those things had any bearing on what might happen on an adjacent property.

Mr. Svarczkopf asked if there were any planned improvements or widening to the existing driveway. Mr. Lindemer replied there were not.

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

Mr. Jack Petropoulos clarified the State of Massachusetts was the owner of the Agricultural Preservation Restriction (APR) on Fairview Farms, therefore the State of Massachusetts would have to be the one to remove the restriction on the property.

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

VOTE: 7 – 0

MOTION CARRIED

Mr. Burke made a motion to endorse the Approval not Required (ANR) Plan for 227 Boston Road,

Entitled, “#227 Boston Road, Plan of Land in Groton, MA”, dated May 22, 2009, prepared by Precision Land Surveying. Mr. Widmayer seconded the motion.

VOTE: 7 – 0

MOTION CARRIED

Mr. Burke made a motion to request that Mr. Tada draft a decision for review with respect to the request for a Special Permit for a Shared Driveway Plan for 227 Boston Road, Groton, MA, prepared for Christine Lindemer. Ms. Perkins seconded the motion.

VOTE: 7 – 0

MOTION CARRIED

ANR Plan – Cherry Tree Lane (Academy Hill Subdivision)

Mr. Barringer stated that the plan was referred to Town Counsel because the Board had a question as to which regulation would prevail. He said the Board was not sure whether the regulations at the time the special permit for the property was approved would prevail or if the current zoning regulations would prevail. He said the required frontage when the permit was originally approved was 100’ but, over the years it had been reduced to 40’. He further said it was not defined as a hammerhead lot in either case.

Mr. Barringer noted that the opinion of Town Council was that the Planning Board should endorse the ANR under the current frontage requirement of 40’.

Mr. Burke asked if the applicant was able to comply with the other dimensional requirements. Mr. Gallagher, the applicant, replied all of the other dimensional requirements were in compliance.

Mr. Svarczkopf made a motion to endorse the ANR Plan in Groton, MA; Cherry Tree Lane (Academy Hill Realty Trust) dated September 14, 2018. Mr. Svarczkopf added the opinion from Town Counsel, Louis M. Ross, Esquire, regarding the endorsement of the ANR Plan, dated November 8, 2018, shall be included in the motion. Ms. Nilsson Ripps seconded the motion.

VOTE: 7 – 0

MOTION CARRIED

**Preliminary Plan Approval – Flexible Development, 372 Townsend Road
(R.D. Kanniard Homes, Inc.)**

Mr. Barringer stated that the Preliminary Subdivision and Flexible Development Plan Certificate of Approval had conditions attached to it:

1. The approval of the Preliminary Plan does not constitute approval of the subdivision but does facilitate the procedure in securing final approval of the definitive plan for said subdivision.
2. The submission of the Preliminary Plan for examination by the Board shall not be deemed as submission of a definitive plan. The subdivision of land for approval by the Board

under Massachusetts General Law, Chapter 41, §81L. The action of the Board on such Preliminary Plan shall not prejudice its action on a definitive plan.

3. As offered by the applicant, the open space parcel boundary shall be configured to allow direct access from the cul-de-sac's subdivision road.
4. As offered by the applicant, that the layout of the cul-de-sac shall be elongated to provide better open space and allow direct access to and parking for the open space parcel.

Mr. Barringer suggested modifying condition #3 to incorporate the words "non-vehicular" before the words "from the cul-de-sac."

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

Mr. Widmayer stated that there had been some conversation while they were on the site walk pertaining to perhaps preserving the stonewall by pushing it back a little beyond the road. Stan Dillis, of Ducharme & Dillis Civil Design Group, commented that the stonewall would be regraded. He further commented that the wall was not in very good shape.

Mr. Dillis also clarified that the pile of material left on the site was from the removal of the building foundations.

Ms. Nilsson Ripps made a motion to approve the Preliminary Plan, as amended in condition #3 to include non-vehicular access. Mr. Wilson seconded the motion.

VOTE: 7 – 0

MOTION CARRIED

Sign Permit Modification Request – Building located at Four Corners

Mr. Barringer stated that the request was in the form of an e-mail dated November 5, 2018. Mr. Barringer further stated the request was with regard to the reconstruction at Four Corners, specifically for a building that was destined to become a Dunkin' Donuts (Dunkin').

Ms. Perkins pointed out that they were asking for three signs on the building and they were only permitted for one sign.

Mr. Tada said the permit issued by the Planning Board, was for the overall signage of the development and included four signs.

Mr. Svarczkopf asked if the Planning Board approved signs. Ms. Perkins replied the Planning Board approved signs for new construction. Mr. Burke added that it depended upon where the main application came from, and the project before them was approved by a special permit from the Planning Board so the sign permit was within their jurisdiction.

Mr. Svarczkopf asked if the Planning Board had any jurisdiction over expressing suggested changes. Mr. Barringer replied they did.

Mr. Svarczkopf commented that there was a lot of discussion regarding how large the main signs would be on the two roads. Mr. Svarczkopf pointed out that he did not know what “externally lit” meant. Mr. Barringer replied externally lit meant there was a light above the signs.

Ms. Perkins pointed out there were very specific regulations for signs and she said she felt it was important to adhere to them. She asked how the Planning Board approved something which did not comply with the sign by-law. Mr. Tada replied the Planning Board approved it under “special and unique circumstances.” Ms. Perkins asked what the unique circumstances were. Mr. Tada replied it was for the entire development, which included the signage for the three buildings for which there were intended uses. Mr. Perkins asked how the Planning Board singled out Dunkin Donuts to get such big signs. Mr. Burke replied they did not but at the time of approval, it was a generic coffee store and not a Dunkin Donuts. Ms. Perkins requested to see a hard copy of what they approved.

Mr. Svarczkopf commented that he recalled there was originally quite a bit of discussion regarding signage and he did not understand why the Planning Board was approving a sign plan.

Mr. Burke commented that he felt they needed further information with regard to the lighting as well as the signs. He also commented that he had questions regarding the awnings.

Mr. Barringer stated that he would like to see examples of what other communities had done with regard to signage at Dunkin Donuts.

Mr. Barringer suggested that the Board provide a copy of Groton’s sign by-laws to the applicant and request them to notify the Board as to how the proposed sign would comply with them.

Mr. Burke commented that he wanted to see the site plan which indicated where the proposed signs would be placed.

Mr. Tada stated the photos and the signage plan, which had been approved by the Planning Board, were attached to the request and he would resend the documents as well as the original sign permit. He said his interpretation was that the request before the Board is to modify a permit that was already granted.

Mr. Barringer stated that the Board would discuss the proposed signs at the next meeting after having time to review the documents.

Parking on Accessory Lots – Discussion

Mr. Burke commented that he would incorporate the suggested changes and the updated draft would be available at the next Planning Board meeting.

Amend Planning Board Regulations with Select Board Name Change - Discussion

Ms. Perkins made a motion to change all of the “Board of Selectmen” references in the Planning Board regulations to “Select Board.” Ms. Nilsson Ripps seconded the motion.

VOTE: 7 – 0

MOTION CARRIED

Mr. Burke pointed out that any changes to the regulations required a public hearing.

Ms. Perkins withdrew the motion. Mr. Burke seconded the motion to withdraw.

VOTE: 7 – 0

MOTION CARRIED

A public hearing will be advertised for the December 13th meeting.

Committee Updates – To be discussed at the next scheduled meeting.

General Business

- Mockingbird Hill Road (Rocky Hill Subdivision) – Paving – November 12, 2018
- Red Pepper Lane (Reedy Meadow Estates) – Paving – TBD
- Academy Hill – Complaint about Roadway Conditions
 - Complaint received from a resident of the subdivision who suggested that the developer was not keeping the construction debris off the travel way.

Ms. Perkins made a motion to send a letter to the developer to monitor their roads better as to not endanger the residents. Mr. Burke seconded the motion.

VOTE: 7 – 0

MOTION CARRIED

- Country Club – Potential Housing Project
 - Mr. Tada said the Town Manager had met with Ducharme & Dillis and asked them to provide an estimate to perform a preliminary site investigation.
 - Ms. Perkins said the CPC received an application to fund this investigation.
 - Mr. Svarczkopf said the Planning Board should be generally supportive of affordable housing.
- FY 2020 Budget
 - Mr. Tada noted the budget planning for FY 2020 had begun. He said the directive that was handed down from the Finance Committee was to cap the overall municipal government expenses at a 2.54% increase.

Ms. Perkins asked if the final paving was going to be done at 134 Main Street, as there were many complaints from residents.

Ms. Perkins made a motion for the Planning Board to send Senate Construction a letter inquiring when the paving would be completed. Mr. Wilson seconded the motion.

VOTE: 7 – 0

MOTION CARRIED

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- November 8th, November 29th & December 13th

Adjournment

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

VOTE: 7 – 0

MOTION CARRIED

The meeting was declared adjourned at 8:29 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary