

TOWN OF GROTON PLANNING BOARD

December 13, 2018

Meeting Minutes

A meeting of the Planning Board was held on Thursday, December 13, 2018, at 7:00 p.m. in the second floor meeting room at Town Hall, 173 Main Street, Groton, MA 01450.

Members Present:

Mr. Russell Burke, Vice Chair
Mr. Timothy M. Svarczkopf, Clerk (Arrived at 7:05 p.m.)
Mr. Scott Wilson, Member
Ms. Carolyn Perkins, Member
Mr. Gus Widmayer, Member

Members Not Present:

Mr. George Barringer, Chair
Ms. Annika Nilsson Ripps, Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Mr. Burke noted that some agenda items would be taken out of order.

ANR Plan – 535 Old Dunstable Road (Darling)

Mr. Stan Dillis, from Ducharme & Dillis, addressed the Board and stated the proposed plan was to take one lot and create two lots; pointing out that both lots met the frontage area requirements.

Mr. Burke asked if there were questions or comments from members of the Board or the public. There were none.

Mr. Wilson made a motion to approve the plan of land, dated November 10, 2017, prepared by Ducharme & Dillis on behalf of James Darling, 535 Old Dunstable Road. Ms. Perkins seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

Public Hearing – Special Permit Renewal, Planned Multi-Family/Residential 33 West Main Street, Squannacook Hall (Squannacook Hall LLC)

Mr. Burke commented that the project had previously been before the Board and a special permit was issued in 2016, but it had since expired. He further commented the proposed project was to convert Squannacook Hall into four residential apartments.

Mr. Halsey Platt of Platt Builders addressed the Board and stated the proposed plan was identical to the one previously presented and approved by the Planning Board. He said the reason for the delay was of a personal nature.

Mr. Burke asked if there were members of the Board who had questions or comments.

Mr. Widmayer asked if the Town had applied any time constraints in terms of when the project would be started or finished. Mr. Platt replied the Town did not.

Mr. Widmayer asked if the proposed bedrooms were stacked on top of each other for noise abatement. Mr. Platt replied they were.

Ms. Perkins asked if a handicapped parking space was included on the proposed plan. Mr. Platt replied there was not.

Ms. Perkins asked if the landscaping consisted of mostly lawn or if trees and bushes would be included. Mr. Platt replied he did not recall a landscaping plan.

Mr. Platt commented that if the proposed plan were approved, they would obtain the financing in January or February and begin construction in March.

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

VOTE: 5 – 0
MOTION CARRIED

Mr. Svarczkopf made a motion to issue a new special permit for conversion of Squannacook Hall into four residential units, with the same stipulations as the previous building permit. Mr. Wilson seconded the motion.

VOTE: 5 – 0
MOTION CARRIED

Discussion – Parking on Accessory Lots

Mr. Burke stated the next step to prepare the proposed new zoning ready for the Spring Town Meeting was to schedule a public hearing to hear testimony from the public.

Mr. Widmayer asked if the abutters would be notified in any case where a resident wanted to adjoin two lots for the purposes of parking. Mr. Burke replied they would per the public hearing requirements for a special permit.

Mr. Widmayer asked if there were any fear that it would flood the Planning Board with like requests. Mr. Burke replied he did not think so because it would only apply in a narrow set of circumstances.

Mr. Widmayer also asked if the proposed zoning changes would be presented at Town Meeting as a Planning Board sponsored warrant article. Mr. Burke said it would, if the Board votes to approve the amendments.

Mr. Svarczkopf asked if the parking concerns addressed by this proposal were unique enough to require a zoning amendment. Mr. Burke said it is up to the Planning Board to decide that. He noted that most towns do not allow usage variances.

Mr. Svarczkopf said he agreed that the special permit requirement makes sense.

Mr. Widmayer asked if Chapter 61A was an option for dealing with these parking situations. It was expressed that Ch. 61A has a minimum acreage requirement. The non-conforming lots subject to the proposed zoning would be too small to qualify.

Mr. Tada noted he would schedule a public hearing for Thursday, January 24, 2019, at 7:00 p.m.

**Public Hearing – Proposed Revisions to Chapter 381 Planning Board Regulations
Name Change from “Board of Selectmen” to “Select Board”**

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

The Groton Planning Board will hold a public hearing on **Thursday, December 13, 2018, at 7:30 p.m.** in the Town Hall (second floor meeting room) 173 Main Street, to consider revisions to the Code of the Town of Groton, Chapter 381 - Planning Board Regulations. The proposed revisions will replace all references to the “Board of Selectmen” with the new name of the “Select Board.”

Mr. Burke asked if there were members of the Board or the public who had questions or comments. There were none.

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

**VOTE: 5 – 0
MOTION CARRIED**

Ms. Perkins made a motion to approve the proposed revisions to the Groton Planning Board Subdivision Regulations to replace all references to the words “Board of Selectmen” with the new name of “Select Board,” wherever it appeared. Mr. Wilson seconded the motion.

**VOTE: 5 – 0
MOTION CARRIED**

Performance Bond Reduction Request
Mockingbird Hill Road (Rocky Hill Subdivision – Moulton)

Attorney Bob Collins, representing the applicant, addressed the Board and stated that he was present to request the bond for Mockingbird Hill Road be reduced to \$139,573.74, which is the revised amount estimated by Nitsch Engineering.

Ms. Perkins made a motion to approve the reduction of the bond to \$139,573.74 for Mockingbird Hill Road, as shown in the revised bond estimate prepared by Nitsch Engineering on December 13, 2018. Mr. Wilson seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

Discussion – Old Ayer Road (Madigan)

Attorney Bob Collins, representing Patricia Madigan, asked the Board for guidance on whether to submit Ms. Madigan’s development proposal as a Flexible Development or a Residential Compound. The Flexible Development option would include a shared driveway component for the 5 lots, whereas the Residential Compound option would require a lot size waiver. Ms. Madigan has already received a variance from the ZBA for the shared driveway.

After the Board had some discussion, Mr. Burke commented that he felt the applicant’s request should be for a Flexible Development Plan if it were going to be called a “private way.” He said the road would be approved under the subdivision control law; having adequate width and quality construction for the proposed uses. He mentioned that way they would not have to call the “private way” a “driveway.” He also said he disagreed with the ZBA’s decision to grant a variance for the additional lots to be served by a shared driveway. Collectively, the Board indicated they prefer the Flexible Development option.

Special Permit for Shared Driveway, 227 Boston Road (Lindemer)

Mr. Burke stated that the Board had asked Mr. Tada to compose a draft of a special permit decision. He indicated he made the following changes:

The word “house” was changed to “single-family dwelling”

Mr. Burke also stated he added the following:

“The Planning Board finds that the shared use of the existing driveway is adequate for the existing and proposed single-family dwellings. Any increase of change in use shall be subject to further review and/or approval as determined by the Planning Board.”

Ms. Perkins stated that one of the things the applicant had talked about was the possibility of changing the existing house into an Air B & B and asked if that would have an impact. Mr. Burke replied if the applicant wanted it to be converted into an Air B & B then the applicant would have to return to the Planning Board, as it was a change in use.

Ms. Perkins made a motion to approve the special permit for 227 Boston Road, for the applicants Kevin and Christine Lindemer, subject to the decision drafted by Mr. Takashi Tada, Town Planner. Mr. Wilson seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

Discussion – Historic Commission Re: 372 Townsend Road

Mr. Robert DeGroot, Chairman of the Historical Commission, addressed the Board and said it had been brought to his attention that some of the buildings located at 372 Townsend Road were potentially of a historic nature and were demolished without a permit.

Mr. DeGroot stated that the Historical Commission had a survey done in 2010, which they sponsored and used CPA funds for, to map out potential historic, archeological, and/or Native American sites in the Town of Groton. He said part of the property on 372 Townsend Road had a very high potential for Native American activity.

Mr. Burke commented the property had gone through multiple owners and the current owner had inherited a site that was disturbed by a previous owner.

Mr. Burke said the Planning Board knew nothing about the demolitions which occurred on the property. Mr. Degroot replied the current landowner did not follow the normal process for demolition established in the Town of Groton.

Mr. Burke commented that he thought the building which was demolished was a practice burn building for the Fire Department.

Mr. DeGroot commented it was his understanding that a demolition permit was required prior to a building being demolished. He further commented it was clear that established buildings were clearly torn down without a permit being filed.

Mr. Burke asked when the demolition took place. Mr. DeGroot replied it happened in 2017.

Mr. DeGroot stated it was the normal practice for the Historical Commission to have the opportunity to tour the site and photograph it prior to demolition.

Mr. DeGroot commented there was some concern regarding the tremendous amount of recent subsurface disturbance on the property.

Mr. Burke commented the Planning Board was not aware there was a possibility that the site contained historic resources. He further commented when the applicant returned to the Board with their formal application for a definitive plan and special permit, they would inform the Historic Commission so they could weigh in.

Mr. Burke pointed out that typically archeological sites had a higher level of protection if the Massachusetts Environmental Policy was invoked and said the site was not under such review.

Mr. Burke said Mr. Tada would provide the Historic Commission with copies of the preliminary subdivision plan.

Mr. Degroot noted that the Historic Commission wanted to make the Planning Board aware of their active interest.

Mr. Burke suggested that the members of the Historic Commission attend the monthly Land/Use Committee meetings to get a heads up on any developments that were coming forward.

Committee Updates

- **Master Plan Implementation Committee (Feedback from the Planning Board – Draft)**

Ms. Perkins commented that she and Mr. Tada had reviewed the questions related to the Planning Board. She further commented she thought there were some things they had achieved much progress on but said it would be a good idea if members of the Board took the draft home and it could be reviewed at the next meeting.

General Business

- **Reedy Meadow Estates – Drainage Issue**

Mr. Tada stated there were some drainage issues on Olivia Way. He further stated there were ten condominiums on the teardrop shaped looped road and residents had been flooded out of their homes for while.

Mr. Tada said Nitsch Engineering as well as the engineer who was working for the developer were both trying to figure out what the problem was. He said they had arranged a meeting, in conjunction with the Stormwater Committee, which would be held on Monday, December 17, 2018, at 2:00 p.m.

Mr. Burke asked if they were holding any surety on the development. Mr. Tada replied they were but it was mainly for Red Pepper Lane. He indicated he would have to check to see how much of the surety would actually cover anything that needed to be done on Olivia Way.

Approval of Meeting Minutes – October 25, 2018

Mr. Wilson made a motion to approve the minutes from the October 25, 2018, meeting. Ms. Perkins seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

Approval of Meeting Minutes – November 8, 2018

Mr. Svarczkopf made a motion to approve the minutes from the November 8, 2018, meeting.

Mr. Wilson Seconded the motion.

VOTE: 5 – 0
MOTION CARRIED

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month

Adjournment

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

VOTE: 5 – 0
MOTION CARRIED

The meeting was declared adjourned at 8:34 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary

Approved 1/10/2019