

TOWN OF GROTON PLANNING BOARD

April 11, 2019
Meeting Minutes

A meeting of the Planning Board was held on Thursday, April 11, 2019, 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 (Arrived at 7:35 p.m.)
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 – Citizens’ Petition to Expand the Town Center Overlay District to Include 11 Lowell Road, a.k.a. Waters House (J. Amaral)

Mr. Barringer opened the public hearing and the Public Hearing Notice was read into the record.

Attorney Robert Anctil, from Perkins & Anctil, representing the applicant, addressed the Board and stated they were going to put forth a Citizens’ Petition at the Annual Town Meeting on April 29, 2019, and were present to seek the Planning Board’s support.

Attorney Anctil commented that the property was formerly used as a dormitory and had fallen into disrepair. He said that the Waters House consisted of approximately 7,000 square feet and the barn consisted of 1,988 square feet with the overall parcel area of 2.7 acres. He said they were seeking to maintain the underlying zoning, which was RA but wanted to add it to the Town Center Overlay District (TCOC). He further said they had not yet advanced their plan for what the intention was but there would be a residential component as well as a complimentary parking set-up. He pointed out their goal was to tie in the Groton Inn from a façade standpoint. He said the applicant was aware the proposed project would be heavily regulated in a positive way.

Attorney Anctil introduced Mr. Jeremy Baldwin from Mauge Architects who reviewed some of the schematics of what their preliminary design was. He also mentioned that Mr. John Amaral and Mr. Mark Brooks from the ownership group were present to address any questions the Planning Board may have had.

Mr. Baldwin stated they were not present to seek approval of what was shown on the screen but it merely represented the possibilities of what could be done on the site. He further stated they wanted to respect the green, open-space in front of the property, the Groton Inn’s setback from the road and the Waters House’s setback from the road. He said the Groton Inn and the Waters House were approximately 75 feet from the road and the bulk of the new parking would be in

the back of the Waters House and would not be visible from the road. Mr. Baldwin pointed out they were trying to link everything to the neighboring properties. He stated as per the bylaw, there would be connectivity with the parking lot, bicycle paths and pedestrian access.

Mr. Baldwin said the applicant was thinking of breaking up the style of the proposed additions so as to match the aesthetics of both the Groton Inn and the Waters House. Mr. Baldwin then distributed a handout which showed some schematic ideas of new structures that would still hold true to the existing styles.

Mr. Widmayer asked if the development was meant to be residential? Mr. Baldwin replied he believed the idea was to create a mixed use of residential and retail.

Mr. John Amaral, addressed the Board and stated the concept would be a mixed-use plan to include some small retail, some residential as well as hospitality. He further stated the Waters House could be a beautiful facility after it was renovated to tie in with the hospitality of the Groton Inn.

Attorney Ancil mentioned he had spoken with Mr. Tada and a few members of the Planning Board and at initial thought he felt the Planning Board would have a tremendous amount of control over what was going to happen on the property.

Mr. Amaral added all they were seeking from the voters at the Town Meeting was for them to allow the property to be designated in the TCOD, which would give them the opportunity and obligation to appear before the Planning Board, the Historic District Commission, Stormwater Management, Design Review Committee, the Land Use Committee and the Accessibility Committee. He said they felt keeping it zoned as RA made sense as did allowing the Boards, Commissions and Committees to have a high level of input. He further said it would be a benefit that they were looking at one and two-bedroom units which did not typically result in a lot of families with children and therefore, would expect the development to produce a fair amount of tax revenue for the town. He added that 15% of the residential units would be allocated for affordable housing, per TCOD requirements.

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

Mr. Widmayer asked if any thought had been given to the regrading which would be required on the property because the Waters House was much higher than the Groton Inn. Mr. Amaral replied they were working with Ducharme & Dillis Civil Design Group who would advise them.

Mr. Barringer stated that Mr. Widmayer had a project coming up and asked him who he was using for an engineer. Mr. Widmayer replied it was Mr. Stan Dillis. Mr. Barringer then suggested that Mr. Widmayer recuse himself.

Mr. Widmayer recused himself as a voting member of the Board and took a seat in the audience section of the room.

Mr. Wilson commented that he viewed the proposed project as a positive one and felt it was a much-needed expansion of the parking area with increased traffic circulation. He said the modern Mansard roof styles shown in the handout photographs were very handsome, and it would be great to see architectural elevations for the project.

Ms. Nilsson Ripps asked what the “block” was on the proposed plan which connected the Waters House and the new building. Mr. Baldwin replied that it was the vertical transportation, the elevator and the stairs for both the Waters House and the addition. Ms. Nilsson Ripps further said she was excited about the possibilities the proposed plan could bring to the Town.

Ms. Nilsson Ripps commented that one of the things that concerned her was that the parking, while increased, seemed as though it would create some difficult corners, especially if the barn structure is retained, and asked that some thought be given to traffic flow in the parking lot.

Ms. Perkins said she was concerned with the amount of traffic that would be brought to the intersection. She suggested that a traffic study be done.

Ms. Perkins asked if the residential units would be rentals or condos? Mr. Amaral replied it was undecided but their research showed that people wanted to own property in the center of town but pointed out there were also not a lot of available apartments in the center of town.

Ms. Perkins stated there were very few affordable housing units that were rentals. She also pointed out that the applicant needed to check with the fire department to make sure a fire apparatus could navigate the proposed turns in the parking lot.

Mr. Burke stated that he felt it would be a nice addition to the downtown. He further stated that the TCOD provided the Town with creativity and control and felt that worked well for both parties. He suggested the applicant show a building envelope with some articulation around the edges at the Town Meeting so voters do not get the impression that it would just be a massive multi-family apartment building.

Mr. Burke asked what was going to happen to the barn. Mr. Amaral replied, prior to acquiring the property, they engaged a structural engineer to look at the barn with the permission of Lawrence Academy. He said there were some major issues with it and they were going to have the barn further studied to determine the degree of repairs that would be necessary. He further said the 18-months demolition delay bylaw applied to the barn but they would do further analysis prior to making a decision and would work with the Historic District Commission as they received more information.

Ms. Nilsson Ripps commented that the barn provided coverage to the parking lot. Mr. Amaral replied they would be attending the Historic District Commission meeting on April 23rd and was sure that issue would come up and be discussed.

[Tim Svarczkopf arrived at 7:35]

Mr. Barringer commented that he was in support of the proposed project.

Mr. Amaral stated he was not sure that all of the Town Meeting voters would necessarily understand the intent of the proposed project and asked if it made sense to have a member of the Planning Board explain it at the Town Meeting in two or three sentences in addition to the information that would be presented.

Mr. Burke replied the Planning Board had to make a presentation at the Town Meeting anyway.

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

Mr. Channing Lambert asked if the parking near Lowell Road would be required to meet the applicant's goals for parking. Mr. Amaral replied the existing paved driveway off Lowell Road would probably be widened by about two feet to allow them to have the appropriately sized parking spaces. He further replied the answer to the question was yes.

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: 6 – 0
MOTION CARRIED

Mr. Burke made a motion that the Planning Board recommend approval of Article 25 at the Town Meeting to designate the property with the Town's Center Overlay District. Ms. Nilsson Ripps seconded the motion.

VOTE: 6 – 0
MOTION CARRIED

Discussion – Mockingbird Hill Road (Rocky Hill) – Request for Acceptance of Tri-Party Agreement and Release of Cash Bond

Mr. Widmayer remained recused from the discussion due to his business relationship with Attorney Bob Collins.

Attorney Bob Collins, representing the applicant, Mr. Dave Moulton, addressed the Board and said Mr. Moulton had posted a cash bond for what was left on the road bond on Mockingbird Hill Road. He said the Treasurer was holding \$139,573.74 and he was seeking to replace that with a Tri-Party Agreement. In the future, he will seek to increase the amount to include Oriole Drive. The amount of the Tri-Party Agreement still includes the Street Lights line item. Mr. Collins further said the lender, Main Street Bank, provided an irrevocable letter of credit which simplified the tri-party agreement.

Mr. Burke made a motion to notify the Treasurer to release the cash bond as it was being replaced by a tri-party agreement with a letter of credit. Ms. Perkins seconded the motion.

VOTE: 6 – 0
MOTION CARRIED

Attorney Collins noted, for the record, that he was an incorporator for the Main Street Bank.

Discussion – Reedy Meadow Estates Drainage Issues - Update

Mr. Widmayer returned to his seat as a voting member of the Board.

Mr. Barringer stated that he believed the Stormwater Committee had recently met and heard the proposals for remediation from the developer and his engineer. Mr. Tada informed the Board

that the meeting was continued to April 16th. He said the developer's engineer requested to make some revisions which Nitsch Engineering had not yet had a chance to review.

Mr. Barringer asked if there were anyone present who had questions or comments.

Mr. Channing Lambert, 10 Olivia Way, asked if the new plans were going to be sent to the residents because there had been some changes. Mr. Tada replied he was not sure.

Discussion – Notice of Intent to Convert Land Under Ch. 61A to Residential Use on 523 Martins Pond Road (Assessors' Parcel 233-43)

Mr. Svarczkopf stated if land enrolled in Ch. 61A were taken out then the Town had the right of first refusal.

Mr. Barringer replied that was why the item was being discussed and the Planning Board had to make a recommendation to the Select Board.

Mr. Widmayer asked how many years of back taxes the owners are required to pay. Mr. Tada replied he believed it was five years.

Mr. Tada said the Conservation Commission had sent a letter to the Select Board recommending that the Town not exercise its right of first refusal option.

Mr. Svarczkopf asked if the lot had transferred ownership. Mr. Tada replied he did not believe so. Mr. Svarczkopf noted if it came out of 61A, with a 60-day notice, it could transfer and someone could submit a proposal to the Planning Board to subdivide it. Mr. Tada commented he had discussions with prospective buyers and he was not sure how the lot could be subdivided because there was not enough frontage.

Mr. Svarczkopf asked what would happen if they added another piece of property. Mr. Tada replied it would depend on the amount of frontage.

Mr. Widmayer asked if there were guidelines which outlined when the Town would want to take a property out of 61A. Mr. Burke replied it was on a case by case basis.

Mr. Burke commented he felt the Conservation Commission was more attuned with what land would be desirable for acquisition.

Mr. Burke made a motion to not recommend the Select Board's right of first refusal.
Mr. Svarczkopf seconded the motion.

VOTE: 6-1-0 (Nay - Widmayer)
MOTION CARRIED

Discussion – Municipal Vulnerability Preparedness (MVP) Grant

Mr. Burke commented that he and Mr. Tada had an informational meeting yesterday and invited all of the departments and representatives of Boards they thought would have an interest in being involved with the Municipal Vulnerability Preparedness and said they had a good discussion and provided them with a presentation. He said participants at the meeting included

the Fire Chief, the Police Chief, representatives from the Agricultural Commission, GELD and the Groton Conservation Trust. Mr. Burke stated they also provided an example of what the Town of Stow had done with the program.

Mr. Burke stated they had already received letters of support from the Police Department, GELD and the Town Manager which was a required part of the application process. He said the next step would be to put together the application for submittal which was due on May 3rd. He further said it would allow them to receive funding so they could go through the process of assessing their vulnerability and submit it to become certified as an MVP community, which would then make them eligible to apply for action grant funding to implement mitigation response measures that were identified.

Committee Updates

There were none.

General Business

- Bertozzi Farm Estates – Update on Amelia Way

Mr. Tada mentioned at a recent meeting they received an engineering report from the bank that owned the development and confirmation from Nitsch Engineering that the leaking seal around the pipe did not amount to a significant amount of flow and volume in the pipe. Mr. Tada said at some point the bank who owned the property would have to return to the Planning Board with an as-built plan showing all of the work that had been completed to date as well as a request to release the bond and recommend street acceptance to the Select Board. He noted that would be taken up at the fall Town Meeting.

- Housing Production Plan

Mr. Tada stated that Ms. Fran Stanley, Housing Coordinator, had applied for a grant for technical assistance through the MRPC (Montachusett Regional Planning Commission) and they received an award letter which was contingent upon agreeing on a scope of work and a memorandum of agreement. He further stated they agreed on the scope of work but were waiting for the MRPC to provide them with their standard template of what a memorandum of understanding looked like.

Mr. Tada added that Ms. Stanley also submitted a CPC application in the event they did not get the grant, and would allow the Town to pay for an outside consultant to do an update to the plan.

Mr. Barringer asked if there were any updates with regard to the Wireless 5G from the Municipal Lawyer's Association? Mr. Tada replied he had not seen any.

- ZBA Updates

Mr. Tada mentioned the next Zoning Board of Appeals meeting would be on Wednesday, April 17th and the project regarding 240 Main Street was on the agenda.

Board Member Comments

Ms. Perkins mentioned she had concerns with Bob France's project (Boynton Meadows) because according to the residents, he was failing to complete the project. Mr. Burke replied the Planning Board had approved, by special permit, that they could get occupancy permits after the binder course of pavement was installed on Blacksmith Row, which is a private road. He further said there was nothing in the decision which said it had to be completed because it was simply assumed.

Mr. Burke stated the Planning Board had two options; they could notify the Building Inspector that the developer was in violation of the special permit, but it would fall on the homeowners. He also said the Conservation Commission still had to sign off on the conditions that needed to met before issuing a final certificate of compliance. He said if the rain gardens were not put in and the final top coat was not put on the streets then the project would be incomplete and could be issued an enforcement action which would result in a fine being imposed.

Mr. Burke made a motion to request that Mr. Tada send a letter to the developer asking him to provide the Planning Board with a time table for completion of the project and advise him that failure to do so may result in zoning violations and zoning enforcement action. Ms. Perkins seconded the motion.

VOTE: 7 – 0
MOTION CARRIED

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- April 25th
- April 29th – Spring Town Meeting

Adjournment

Mr. Svarczkopf made a motion to adjourn. Mr. Burke seconded the motion. The meeting was declared adjourned by unanimous vote at 8:33 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary

Approved 4/25/2019