

TOWN OF GROTON PLANNING BOARD

April 25, 2019
Meeting Minutes

A meeting of the Planning Board was held on Thursday, April 25, 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. Scott Wilson, Member
Ms. Carolyn Perkins, Member
Mr. Gus Widmayer, Member

Not Present:

Mr. Timothy M. Svarczkopf, Clerk
Ms. Annika Nilsson Ripps, Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Public Hearing – Special Permits for Hammerhead Lots and Shared Driveway 125 Martins Pond Road (Conservation Commission)

Mr. Barringer opened the public hearing and Mr. Widmayer read the Public Hearing Notice into the record as summarized below:

To create two hammerhead lots as provided in Groton Zoning Bylaw §218-23.1 – Hammerhead Lots and §218-23.F Shared Driveways to construct a shared driveway. The proposed hammerhead lots and shared driveway are shown on the plan entitled, “Plan of Land in Groton, MA, prepared for the Groton Conservation Commission” and prepared by David E. Ross, dated April 2, 2019. The subject property is located at 125 Martins Pond on the northeasterly side of Martins Pond Road and is owned by Helen H. Trimper Investment Trust.

Mr. Nikolis Gualco, Conservation Administrator, stated that Mr. Olin Lathrop, from the Conservation Commission, the landowners and their attorney were also in attendance. He said there were three special permits before the Planning Board. He further said the Conservation Commission was trying to acquire and protect as much land as possible on the 49-acre parcel but noted there was an existing home on the property. Mr. Gualco commented if the Conservation Commission were to purchase the entire parcel with the typical grant reimbursement that was sought from the state, they would not be able to own the land with a building on it. He said they were trying to figure out how to carve out the house lot while preserving as much open space as possible and providing a fair market value for the land.

In summary, Mr. Gualco stated that the Conservation Commission wanted two hammerhead lots, and a shared driveway providing access to the 7.8-acre house lot and the open space lots.

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

Mr. Widmayer asked if the largest lot, which was approximately 36 acres was intended to be sold as a buildable lot. Mr. Gualco replied it would be a buildable lot, but it would be sold to the Conservation Commission and become permanent conservation land.

Mr. Wilson asked if the driveway was currently shared. Mr. Gualco replied it was shared with the abutting house and the shared driveway application proposes to add a third lot. Mr. Wilson commented he felt it was a very well thought out plan and he also felt they solved some very tricky problems with the three-parcel solution.

Ms. Perkins asked if they would be accessing the property across the driveway when it became conservation land. Mr. Gualco replied they would and the plan was to preserve an access agreement.

Mr. Burke asked if the access would be open to the public because it was owned by the Town of Groton. Mr. Gualco replied it would.

Mr. Burke commented he felt the applicant did a great job negotiating the issues.

Mr. Barringer commented that he too agreed it was a fine piece of land which would fit the requirements for conservation land.

Mr. Barringer asked if they would be working on getting pedestrian or vehicle access. Mr. Gualco replied that was still to be determined. He said the driveway was very narrow and they were trying to find ways to maximize the priorities of the Conservation Commission to ensure public access to public lands while also not compromising the access of the residents who relied on the driveway. He said they had purchased an 18-acre parcel as part of the multi-stage plan on the southern shore of Martins Pond. He said there was a site that could be developed into a little parking area for a few cars and possibly a picnic area.

Ms. Perkins asked if the driveway would be suitable for access if the fire department had to access the back of the woods. Mr. Gualco replied that was another point which should be discussed as there was an existing "woods road" which came off the house lot. He said he had spoken with the applicants about using that road which would allow the Conservation Commission the ability to do some maintenance. He further said with regard to the access for the fire department, it was still to be determined.

Ms. Perkins suggested they put some more thought into the access for the Fire Department because there had been other situations where the firefighters were not able to access densely wooded areas. Mr. Gualco replied he felt it was a good idea.

Mr. Wilson mentioned there should also be ways for emergency equipment to access and egress at the same time without getting stuck. Attorney Kathleen O'Donnell, legal counsel for the applicants, noted that it was an existing, approved driveway and they were not proposing any new construction.

Mr. Burke suggested there should be a provision which would allow for future public access.

Attorney O'Donnell mentioned there had been some discussion regarding the rights of the public pedestrian access on the driveway and additional access for town and emergency vehicles but there was no present discussion to allow members of the public to drive on the common driveway.

Mr. Burke asked if the applicants would be satisfied with adding a condition to the special permit which stated the public access would be for pedestrian travel only. Mr. Bill Dunleavy replied he felt that would be fine as long as it did not include dirt bikes or horses. He suggested it should be stated as "non-motorized."

Attorney O'Donnell pointed out having that stipulation as part of the special permit may reduce the value of the land. Mr. Burke said he did not think the land value would be reduced.

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

Attorney Valerie Moore, Nutter, McClennen & Fish, representing Steven and Charles McLatchy, trustees of the Charles McLatchy 2005 Trust, stated they were speaking neutrally with regard to the application. She said there was a fundamental error in the application which deprived the Planning Board of the ability to currently approve it.

Attorney Moore stated that the Trust owned two hammerhead lots which were approved by a 1983 special permit allowing three lots to have access on the common driveway. She said there were already three existing house lots with approval to use the driveway.

Mr. Barringer asked where the three lots were. Attorney Moore replied the McLatchy Trust owned lots #16 and #17 and they were both buildable lots.

Mr. Barringer asked what the acreage of lot #16 was. Mr. Burke replied it was approximately 10 acres.

Attorney Moore stated because there were already three buildable house lots with access over the driveway, the Planning Board could not approve an additional access over the driveway under the terms of the bylaw as it existed, without further relief.

Attorney Moore reported both lots had full easement rights as well as the special permit rights to use the driveway for their access.

Attorney O'Donnell asked if the McLatchy's had an objection to the sale of the land for conservation purposes. Attorney Moore replied they did not. She said the concern was to make sure it was done in a way that did not cut off their legal right to use the common driveway for access to the separate buildable lot.

Mr. Burke suggested that the Planning Board add a stipulation to the special permit which specified the first person/entity to seek a building permit would apply to the third house but with the knowledge that the Town would acquire the other land, and if the Town did not acquire the land, the status quo would remain. Attorney O'Donnell replied the Town's bylaws did not actually talk about house lots but only access to parking lots. She further said, in theory, they could have three empty lots with parking spaces but it was more of a question of access to the lot.

Mr. Burke said that would only come into play if somebody requested a building permit. Attorney Moore replied it would currently come into play because the Planning Board would be issuing a special permit which would create and authorize additional access which would effectively create problems under the existing special permits.

Ms. Perkins said the applicant's remedy was to go before the Zoning Board of Appeals and request a variance for a fourth use of the driveway.

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

Mr. Burke made a motion to continue the public hearing to a date specific of June 13, 2019, at 7:00 p.m. to allow the applicant to request a variance from the Zoning Board of Appeals. Mr. Wilson seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

ANR Plan - 125 Martins Pond Rd. (Conservation Commission)

Mr. Gualco submitted a written request to the Planning Board for an extension with regard to the ANR Plan to a date specific of June 13, 2019.

Mr. Burke made a motion to grant the applicant's request for an extension of time regarding the ANR Plan date specific to June 13, 2019. Mr. Wilson seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

**Public Hearing – Scenic Roads Permit, 44 Farmers Row
Historical Commission/Lawrence Homestead Trust**

Mr. Barringer opened the public hearing and Mr. Widmayer read the Public Hearing Notice into the record as summarized below:

In accordance with the provisions of Chapter 184-3 of the Code of the Town of Groton, the Planning Board and the Tree Warden will hold a public hearing to consider the application submitted by the Groton Historical Commission to alter two feet of stone wall within the right-of-way of Farmers Row, Route 111, along the frontage of 44 Farmers Row on Assessor's Map 108, parcel 25. The proposed alteration will preserve a stone with historic inscriptions.

Mr. Barringer read aloud from a letter dated April 25, 2019, addressed to the Planning Board from Mr. Tom Delaney, Tree Warden, as summarized below:

I will not be able to attend the meeting tonight but I do not have any objections to the proposed work as long as the dismantling and reassembly are done adequately.

Mr. George Wheatley, Jr., Member of the Historical Commission addressed the Board and stated the sole purpose of moving the stone was because the Lawrence Homestead Trust was not

protecting the stone and was planning to sell the property, so the Historical Commission wanted to take possession of it to protect it for another 300 years.

Mr. Barringer pointed out that application included written notification from the Lawrence Homestead Trust which indicated they were in agreement with the Historical Commission's proposal.

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

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

VOTE: 5 – 0

MOTION CARRIED

Ms. Perkins made a motion to approve the Scenic Roads permit with the stipulations that the wall be properly repaired, the stone be relocated at either the Groton Town Hall or the Groton Historical Society, and the work be done at the expense of the Historical Commission. Mr. Burke seconded the motion.

Discussion:

Mr. Burke asked who would be doing the work. Ms. Perkins replied the Historical Commission was responsible for the repair and the expense. Mr. Wheatley confirmed that was correct.

VOTE: 5 – 0

MOTION CARRIED

Discussion – Request for Minor Plan Changes
99 Shirdi Way, New England Shirdi Sai Parivaar Temple (NESSP Temple)

Mr. Mahender Singh, addressed the Board and asked for the following minor plan changes as follows:

1. The guardrail to be 8" x 8" vertical posts as opposed to the originally proposed 10" x 10" posts.
2. The Gazebo to be put back as part of the project scope, to be placed at the location depicted on the plan. The gazebo will house and protect a marble statue and will be internally lit to illuminate it. The gazebo is not intended as habitable space.
3. Parking:
 - a. Parking spaces located on the arc, behind the temple were proposed as "future phase parking." The Temple has decided to construct the parking. These parking spaces were part of the permitted construction but were phased out for cost reasons.

- b. To add an additional row of parking spaces to the west of the Temple on the northerly side of the existing parking spaces (adjacent to the wetlands, noted as 39 spaces.)

Mr. Burke commented that the requests seemed to be reasonable but there should be an accompanying plan which showed the changes.

Mr. William Murray, RLA, Places Associates, Inc., representing the applicant, said he was very close to being able to provide an as-built plan but said he was not the original engineer and he did not do the original survey or design and therefore, did not have the CAD drawings.

Mr. Barringer said the proposed changes were non-engineered and asked the applicant to provide a simple drawing indicating what the intent was.

Mr. Barringer asked if there were any Board members or members of the public who wished to speak. There were none.

Mr. Barringer reported that he had been contacted a few times regarding the lighting on the property, particularly the security lighting. He asked the applicant if he were aware of those concerns; noting that it appeared the brightness of the lighting had been turned down. Mr. Singh replied he was aware of it and had put shades on all of the streetlights. He also said they put shades on the lights which were on the building itself as well as a row of 40 trees to provide screening for the nearest abutters.

Mr. Tada commented that Nitsch Engineering had reviewed the proposed modifications and did not have an issue with them.

Mr. Murray stated the applicant would return to the Planning Board for an additional change which were some areas noted as grass overflow pavement and they were investigating how to pave them in a more structural way.

Mr. Burke made a motion to approve the request for modifications with the stipulation that the Planning Board receive a planned stamp by a landscape architect as enumerated in the letter dated April 16, 2019, and be satisfactory to the Land/Use Director. Ms. Perkins seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

Discussion – Reedy Meadow Estates Drainage Issues – Update

Mr. Barringer asked Mr. Cricones to review what had been accomplished since the last meeting he attended.

Mr. Peter Cricones, Builder/Developer of Reedy Meadow Estates, addressed the Board and stated they submitted the drainage modifications and easement plan for the infiltration pond and received approval by the Stormwater Committee as well as the Conservation Commission. He said the proposed land swap of a couple of parcels which was necessary for the drainage easement on conservation land was also approved by the Conservation Commission, noting

that he was donating one parcel on the Pepperell side of the town line and a second parcel directly abutting the Conservation Commission's land would have a restrictive covenant on it.

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

Discussion – Boynton Meadows, 134 Main Street – Update

Mr. Barringer stated the Stormwater Commission visited Boynton Meadows in response to some questions and concerns from the residents of the residential section of the development. He said as an outcome of that, a letter was drafted to the developer which outlined the work which remained to be done on the site as well as the issues of stormwater management which included landscaping, erosion, invasive species, lights, paving, fencing, stability of retaining walls, crosswalks, ADA access ramps that were not appropriately positioned and signage for public access. He said there was a total of sixteen issues identified, some of which were within the realm of the Stormwater Committee, some in the realm of the Conservation Commission and some which concerned site plan approval which was within the purview of the Planning Board.

Mr. Burke asked if the developer was present at the site meeting. Mr. Barringer replied he was not present but believed he was invited.

Mr. Tada mentioned the Conservation Commission and the Stormwater Committee had also drafted similar letters. He said both of these committees indicated they wanted to have Town Counsel review the letters prior to being sent. The Planning Board collectively agreed the letter from them should also be reviewed by Town Counsel.

Mr. Burke made a motion that the draft letter be submitted to Town Counsel for approval prior to transmittal. Mr. Wilson seconded the motion.

VOTE: 5 – 0

MOTION CARRIED

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

Ms. Cindy Boyle, a Trustee for the condo association, addressed the Board and asked if the residents would have a chance to see the letters prior to them being sent to the developer to ensure that none of their concerns were missing. Mr. Barringer shared a copy of the letter drafted by the Planning Board. Mr. Tada noted he did not have copies of the letters drafted by the Conservation Commission and the Stormwater Committee. Mr. Barringer noted the content of the letters from the other Boards would likely be similar to the Planning Board's.

Ms. Boyle commented that she did not think the Planning Board was going to hear from the developer and in the meantime, the condo association wanted to proceed with completing many of the items on the list at their own cost. She said as she understood it, the road needed to be paved prior to any discussion regarding the mitigation of stormwater.

Mr. Barringer stated the condo association had the right to do the repairs but if they did, there was no reason to believe they would get recourse from the developer.

Ms. Boyle asked what the deadline for the developer to respond was. Mr. Barringer replied it was May 31, 2019. Ms. Boyle asked what would happen if the Planning Board did not hear back from the developer. Mr. Barringer replied the matter would then be referred to Town Counsel.

Mr. Barringer commented the Planning Board had asked the Zoning Enforcement Officer to visit the condominium complex to review some of the issues that were raised, specifically the retaining wall. Mr. Tada explained it was his understanding that the Zoning Enforcement Officer had already looked at the retaining wall and had sent the developer a letter regarding it.

Recorder's Note: Mr. Widmayer excused himself from the meeting at approximately 8:40 p.m.

Discussion – Municipal Vulnerability Preparedness (MVP) Grant

Mr. Burke stated a draft application had been compiled and the Town Manager was working on a letter of support. He further stated they identified the departments and boards which would be participating in the program and they also committed 120 hours of staff time and support to the MVP provider.

Mr. Burke reported that he and Mr. Tada would share the responsibility of the Project Lead Managers and their resumes would be attached to the application. He said the next step was the Statement of Municipal Support. Mr. Tada commented he received letters from the police department, the water department, the Groton Electric Light Department and the Conservation Commission.

Mr. Burke made a motion to request Mr. Tada to submit a letter of support from the Planning Board. Mr. Wilson seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

Mr. Burke indicated the Town did not have a Local Hazard Mitigation Plan and the MVP Program encouraged communities to have one. He said the Police Chief informed him that they had an emergency plan in place that could serve as the basis for putting the Hazard Mitigation Plan together.

Ms. Perkins suggested the Seven Hills Group Home located on Sand Hill Road should be added in addition to the main facility.

Discussion – Town Meeting Reports

Mr. Burke made a motion that the Planning Board vote in support of Article #26. Mr. Wilson seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

Committee Updates

- Complete Streets Committee

Mr. Barringer commented that he had spoken with Ms. Michelle Collette who was the primary communicator with the state. He said the state notified all of the towns who had previously won a bid with the Complete Streets Program to not bother submitting any more grant proposals to the Complete Streets Committee until further notice. He said the reason was because they wanted to focus on the towns in the Commonwealth who were new to the program.

Mr. Burke made a motion to send a letter to the State Representative and Senator seeking assistance in the matter. Mr. Wilson seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

- Master Plan Implementation Committee

Ms. Perkins stated that it was a slow process but the committee was making progress.

- Community Preservation Committee

Ms. Perkins commented the Spring Town Meeting is approaching and there were a number of CPC projects that were going to be voted on. She said the projects included the library roof, the repair to Fitch's Bridge, funding to help support the acquisition of conservation land, funding for the Housing Coordinator position, and a fire-proof cabinet to house historical documentation.

General Business

- Housing Production Plan

Mr. Tada stated that a memorandum of understanding between the Town and the Montachusett Regional Planning Commission had been fully signed and executed. He further stated there would be at least one public informational session that the Planning Board would be a part of.

- ZBA Updates

Mr. Tada said on April 17, 2019, the Zoning Board of Appeals approved the application submitted by Mr. Gus Widmayer regarding 240 Main Street for the proposed changes being made to the property. He further said it was non-conforming because the size of the building envelope was larger than what the zoning allowed.

- Meeting Minutes – March 28, 2019

Ms. Perkins made a motion to approve the minutes from the March 28, 2019, meeting. Mr. Wilson seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

- Meeting Minutes – April 11, 2019

Ms. Perkins made a motion to approve the minutes from the April 11, 2019, meeting. Mr. Wilson seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

Planning Board Meeting Schedule

2nd & 4th Thursday of the Month:

- April 29th – Spring Town Meeting
- May 9th
- May 23rd

Adjournment

Mr. Wilson made a motion to adjourn. Ms. Perkins seconded the motion. The meeting was declared adjourned at 9:05 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary

Approved 5/9/2019