

## TOWN OF GROTON PLANNING BOARD

June 13, 2019  
Meeting Minutes

A meeting of the Planning Board was held on Thursday, June 13, 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  
Mr. Scott Wilson, Board Member  
Mr. Gus Widmayer, Board Member  
Ms. Annika Nilsson Ripps, Board Member

### Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

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

Mr. Barringer pointed out that the public hearing was a continuation and therefore, the public notice would not be read into the record.

Mr. Nikolis Gualco, Conservation Administrator, shared that the last time they appeared before the Planning Board they discovered there was an issue with their request for a special permit for a shared driveway in that there had already been a special permit issued in 1983 for three house lots to use the driveway. He further said they had since received a variance from the Zoning Board of Appeals.

Mr. Gualco stated that, in working with the Trimper Estate, the Conservation Commission were trying to conserve as much of an approximately 58-acre parcel as they could, noting there was an existing single-family home on the parcel with a common driveway that bisected it. He further said they wanted to cookie-cut out the house by using an ANR which would also require three special permits and a variance to do so.

Attorney O'Donnell, legal counsel for the Trimper Estate, stated legal counsel for the McLatchy family, an abutter, objected to the issuance and the approval of the plan because they were concerned that it may have an impact on the two lots which they owned, one of which was improved but the second one was not. She said they went to the Zoning Board of Appeals to ensure the plan did not impact the buildability of their two lots. She further said, as part of that, they agreed that in accordance with the language which was in the original special permit from 1983, maintenance of the private driveway was not the town's responsibility and the parties would have an agreement to take care of the maintenance and use.

Attorney O'Donnell stated that they had a declaration of Common Driveway Easements and Maintenance in draft form and it was in the process of being modified by the McLatchy's legal counsel. She further stated they agreed to say that access on the driveway would be limited for

the town's property, town vehicles and vehicles which would have been run by agents of the town. She added no public parking or any parking would be allowed on the common driveway and the owners of the driveway would share the cost of maintenance & repair and while pedestrian traffic was allowed, vehicular traffic was not. Attorney O'Donnell indicated the terms were acceptable to the McLatchy family as well as the town but they needed to finalize the declaration.

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

Mr. Wilson asked what the plans were for the remaining 36-acres. Mr. Gualco replied the remaining land would be one of the two parcels and if the ANR were endorsed by the Planning Board, conservation would pursue for open space.

Mr. Widmayer asked if the McClathy's had been sharing in the maintenance of the driveway for the past 40 years. Attorney O'Donnell replied there had not been much discussion about the driveway.

Mr. Widmayer asked if the Conservation Commission knew what the price of the parcel would be for its highest and best use. Mr. Gualco replied there was an appraisal report conducted for the property and they were still in active negotiations for the actual price of the property and he was currently not willing to go into those details.

Mr. Burke asked if both parties were comfortable with the four conditions requested. Attorney O'Donnell replied the applicant was in agreement with the proposed conditions.

Mr. Barringer asked if there was any member of the public who had questions or comments.

Mr. Olin Lathrop, member of the Conservation Commission and Trails Committee, addressed the Board and asked if the wording could be revised to include "non-motorized access" for the public instead of "pedestrian access" so it would not preclude mountain bikes from accessing the trail. Attorney O'Donnell replied she would discuss that with the McLatchy's legal counsel.

Mr. Barringer asked if there was any member of the public who had questions or comments. There were no further questions or comments.

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 to request that Mr. Tada draft a Special Permit Decision pertaining to the shared driveway and the Hammerhead Lot with the following conditions:

1. The sale to the Conservation Commission
2. The completion of the Declaration of Private Driveway Easements and substantially in the form of the Declaration that has been provided.
3. The agreement of a maintenance agreement
4. To include the standard conditions of the Planning Board

5. Municipally owned vehicles only and any future access to grant to members of the public shall be pedestrian access only but include non-motorized access.

**VOTE: 6 – 0**

**MOTION CARRIED**

### **ANR Plan**

#### **125 Martins Pond Road (Conservation Commission)**

Mr. Burke made a motion to endorse the ANR Plan (Approval not Required Plan) for a plan of land in Groton, MA, prepared by David E. Ross, Inc., dated April 2019, for the property shown off Martins Pond Road and owned by the Trimper Trust. Mr. Wilson seconded the motion.

**VOTE: 6 – 0**

**MOTION CARRIED**

### **ANR Plan - Old County Road Parcels**

#### **Throne Hill (MA Department of Fish & Game)**

Mr. Jeff Hannaford, representing the applicant, Mr. Charles McCann, addressed the Board and stated Ms. Anne Gagnon from the Massachusetts Department of Fish & Game was also present.

Mr. Hannaford stated the vast majority of the parcel in question resided in Pepperell but there were two small sections that were located in Groton. He further said Old County Road was a road that had been discontinued by the Town of Groton quite some time ago but still showed on maps.

Mr. Hannaford pointed out the applicant lived on a common driveway. He further pointed out the applicant owned a parcel of land which was primarily located in Pepperell and was approximately 54 acres in size. He said they had an agreement to sell approximately 37 acres to the Massachusetts Fish & Game and retain the difference for their house-lot. He further said the applicant's attorneys had reviewed the plan, the title and it was determined that since some of the land was located in Groton, they wanted both towns to endorse the ANR Plan.

Mr. Hannaford pointed out that a portion of the property located in Groton along the south side of the town line was a large parcel which was owned by the Town of Groton's Conservation Commission. He noted that Fish & Game currently had a conservation restriction with the Town of Groton which allowed access for Fish & Game as well as the public and added there was no street frontage located in Pepperell. He said it was his understanding that there were some endangered species located in the area and the state had a lot of interest in the project.

Ms. Nilsson Ripps made a motion to endorse the ANR Plan (Approval not Required Plan) for a plan of land located on Old County Road, Thorne Hill, prepared by NDS, dated May 30, 2019. Mr. Burke seconded the motion.

**VOTE: 6 – 0**  
**MOTION CARRIED**

**ANR Plan (Revised)**  
**535 Old Dunstable Road (Darling)**

Mr. Widmayer recused himself from hearing the case as the engineer representing the applicant, Mr. Dillis, P.E., was also working on a project for him. He sat in the audience section of the room.

Mr. Stan Dillis, P.E., Ducharme & Dillis, Inc., representing the applicant, stated the Planning Board had already endorsed the plan and he made a few minor changes to it. He further stated that some of the property line dimensions had changed by either ½” or 1” but other than that it was exactly the same and the lots conformed with zoning.

Mr. Burke made a motion to endorse the plan of land located in Groton, MA, prepared for Mr. James E. Darling at 535 Old Dunstable Road, prepared by Ducharme & Dillis, Inc., dated June 3, 2019. Mr. Wilson seconded the motion.

**VOTE: 6 – 0**  
**MOTION CARRIED**

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

Mr. Barringer announced the Planning Board would take the agenda out of order and hear the case regarding Boynton Meadows next.

**Discussion – Boynton Meadows, 134 Main Street & Blacksmith Row – Update**

Mr. Bob France, Manager, Mountain Laurel Development, addressed the Board and said he was present in response to a letter dated May 9, 2019, in which he was requested to respond by June 10, 2019, with a plan. He stated that his response was that there was no plan. He further stated that currently the development had lost \$2.4 million and his current personal investment was approximately \$1,350,000. Mr. France said his objective was to get the property paved and satisfy the current residents to the best of his ability, noting it would be at his own additional personal investment. He further said; however, he did not currently have the funds to do that. Mr. France stated that his plan was to try to have the property paved before the following Thanksgiving and get the street lights in.

Mr. France requested relief from some of the items on the list and pointed out he did not have an attorney or an engineer with him.

Mr. Wilson asked if Mr. France was requesting a reprieve until Thanksgiving. Mr. France replied that was correct.

Ms. Nilsson Ripps commented Mr. France was also asking the Planning Board to forgive some of the items which were on the list. Mr. France replied that was also correct.

Mr. Svarczkopf asked if the LLC which developed the property was currently in bankruptcy.

Mr. France replied it was not and it still existed. Mr. Svarczkopf asked if the LLC was solvent. Mr. France replied it was for the time being but it was being funded by his own personal money.

Mr. Barringer noted Mr. France had mentioned doing item #1 which was paving and item #2 which was the street lights. He further noted Mr. France was proposing that the Planning Board relieve him of doing items #3 through #16. Mr. France replied he was asking relief from completing items #3, the cobblestones, an alternative to brick paved crosswalks & printed asphalt, signage for walking paths and viewing area but he planned on installing the no parking signs. He further said he was unclear with items regarding the stability of the retaining wall and the tactile pads for the ADA access ramps were already installed.

Mr. France stated as far as he knew, the Stormwater Management System had been completed and was not sure what was being asked for. Mr. Wilson asked where the items on the list came from. Mr. Barringer replied the list was comprised from discussions between the Planning Board, the Conservation Commission and the Stormwater Management Committee.

Mr. Svarczkopf stated that Mr. France and the Stormwater Management Committee had two different definitions of "complete."

Mr. France commented that he and two other investors took a personal loss and the development lost. Mr. Svarczkopf pointed out that the Town of Groton also invested \$400,000 and lost it.

Mr. Burke stated in the future the Planning Board would not issue certificates of occupancy until everything was completed unless the applicant provided some form of assurance that would ensure the outstanding work would be done.

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

Mr. John Dow, Blacksmith Row, addressed the Board and stated the road was becoming more and more deteriorated and felt if Mr. France was willing to pave the road and put the street lights in, it would put them in a much better position. He also stated if anyone wanted to sell their property they would have to obtain a certificate of compliance first and they did not want to be responsible for that.

Mr. Barringer commented that he felt the major issues for the town and the residents were the paving of the street, the street lights and the stormwater. Mr. France reiterated that he felt the stormwater was complete.

Mr. France stated that after the final paving was completed he would resolve the problem with the ADA access ramps.

Ms. Deborah ter Meulen, 25A Blacksmith Row, commented that she was most concerned with the safety issues; the lighting and completing the roads. She said there were areas in the public viewing area which did not drain properly and it was a public safety issue.

Mr. Barringer suggested Mr. France appear before the Stormwater Management Committee's meeting on July 2<sup>nd</sup>.

Mr. Burke commented that he was pleased that Mr. France planned on doing the pavement and the street lights and the goal was to get it done so the residents had a finished neighborhood and were not living on a construction site. Mr. Burke also commented that he wanted to consult with the Conservation Commission and the Stormwater Management Committee after they met with Mr. France. He urged Mr. France to complete the paving and the installation of the street lights as soon as possible.

Ms. Nilsson Ripps suggested Mr. France do the paving first because it might have corrected some of the drainage issues and then have the drainage reassessed.

Mr. Widmayer asked Mr. France if there was one particular factor above any others that went wrong with the project. Mr. France replied there were multiple problems.

Mr. Barringer summarized the list of items Mr. France had to address as follows:

1. Paving the Roads
2. Install Street lights
3. Stormwater
4. Retaining Walls

Mr. France commented he would look into the retaining walls.

Ms. Bridget Reiss, 22C Blacksmith Row, addressed the Board and requested that item #9, the No Parking signs be installed sooner rather than later. Mr. France replied he wanted to work with the Department of Public Works regarding that because he was unsure of where his jurisdiction was as it was a public way. Mr. Burke stated he felt either the police department or the fire department should be consulted regarding that and the Planning Board would take care of it.

#### **Discussion – Reedy Meadow Estates Drainage Issues – Update**

Mr. Tada stated that Town Counsel had provided draft legislation which included language to either Senator Kennedy's office or Representative Harrington which was to be reviewed and filed.

Mr. Barringer stated he had met with Senator Kennedy directly before the Planning Board meeting and he indicated that he was well aware of this issue and would move it forward. He further stated his only comment was that they may need to have some sort of sign-off from Pepperell because of the land swap; that the land which was being traded for the retention plan was in fact, in Pepperell.

#### **Discussion – Municipal Vulnerability Preparedness (MVP) Planning Grant**

Mr. Tada commented he had recently sent back the contract with the state which was signed by the Town Manager. He further commented the contract was in the amount of \$22,000 and was intended to cover the general planning process which would allow the Town of Groton to be designated as an MVP community but it also included a component to help the town prepare a Hazard Mitigation Plan for emergency response with regard to climate-related hazards.

Mr. Burke made a motion to instruct the Town Manager to create an RFP to hire a consultant who was a certified MVP provider to assist the town in preparing its MVP plan. Ms. Nilsson Ripps seconded the motion.

**VOTE: 6 – 0**

**MOTION CARRIED**

Mr. Tada commented that they were given the amount of the award they did not need to do a formal bid but they did have to solicit at least three bids from certified MVP providers. He added they had already heard from two consultants.

### **Committee Updates**

- Complete Streets

Mr. Barringer commented they were still in a holding pattern as they were denied access to the next round of funding because they had previously received funds. He further commented a letter requesting support had been sent to Ms. Harrington but he was going to request the Select Board to intervene by sending a letter as well. He also said Senator Kennedy was surprised to hear there was a hold on funding and was also looking into the matter.

- Master Plan Implementation Committee

Ms. Nilsson Ripps commented that she would follow-up and report back to the Board.

- Community Preservation Committee

Mr. Tada stated the project kick-off meeting occurred the previous Monday and the projects that had been recommended for funding and approved at the Town Meeting were provided with some initial guidance regarding how to go about procurement. He pointed out that monies could not be spent prior to July 1<sup>st</sup>.

### **General Business**

- Housing Production Plan

Mr. Tada announced there was a public hearing scheduled on July 27<sup>th</sup> which would be in conjunction with Ms. Karen Chapman from the MRPC and Ms. Fran Stanley, Housing Coordinator.

- ZBA Updates

Mr. Barringer stated there had been a formal application for a special permit for the stand-alone ATM for Bank of America which meant the clock was ticking for the Planning Board to act. He said they had to open a public hearing by August 15<sup>th</sup> or the applicant could do whatever they wanted in terms of the ATM machine.



Ms. Nilsson Ripps made a motion to have a meeting on Thursday, August 8th. Mr. Burke seconded the motion.

Mr. Barringer pointed out the Board did not need to make a motion with regard to scheduling a Planning Board meeting. Mr. Tada said he did, however, need to advertise it.

## **MOTION WITHDRAWN**

### **Planning Board Reorganization & Appointments for FY20**

- **Chairman**

Ms. Nilsson Ripps made a motion to nominate Mr. Burke for the seat of Chairman of the Planning Board. Mr. Wilson seconded the motion.

Mr. Burke accepted the nomination.

Mr. Widmayer called for a Point of Order and asked if the current Chairman was stepping down. Mr. Barringer replied the current Chair's annual term was ending and the Board's practice has been to reorganize every year.

**VOTE: 5 – 0 – 1 (Abstained – Burke)**

**MOTION CARRIED**

- **Vice Chairman**

Mr. Svarczkopf made a motion to nominate Mr. Wilson for the seat of Vice Chairman of the Board.

Mr. Wilson accepted the nomination.

**VOTE: 5 – 0 – 1 (Abstained – Wilson)**

**MOTION CARRIED**

- **Clerk**

Mr. Burke made a motion to nominate Ms. Nilsson Ripps for the seat of Clerk.

Ms. Nilsson Ripps accepted the nomination.

**VOTE: 5 – 0 – 1 (Abstained – Nilsson Ripps)**

**MOTION CARRIED**

Planning Board Representative Positions

- **Community Preservation Committee**

Mr. Svarczkopf offered to represent the Planning Board.



- **Earth Removal Committee**

Mr. Barringer offered to represent the Planning Board.

- **Complete Streets Committee**

Mr. Barringer offered to represent the Planning Board.

- **MRPC**

Mr. Burke offered to represent the Planning Board.

- **Joint Transportation Committee**

Mr. Burke offered to represent the Planning Board.

- **Zoning Board of Appeals**

Mr. Burke offered to represent the Planning Board.

- **Board of Health**
- **Conservation Commission**

Mr. Wilson offered to represent the Planning Board.

- **Historic District Commission**

Mr. Widmayer offered to represent the Planning Board.

- **Housing Committee**

Ms. Nilsson Ripps offered to represent the Planning Board.

- **Public Safety**

Mr. Barringer offered to represent the Planning Board.

- **School Committee**

Ms. Nilsson Ripps offered to represent the Planning Board.

- **Select Board**

Mr. Burke offered to represent the Planning Board.

- **Design Review Committee**

Mr. Barringer stated the representative for the Design Review Committee would be put on hold.

Mr. Burke expressed the Board's sincere appreciation to Mr. Barringer for his role as Chair over the past year.

**Discussion – Request for Sign Permit Modification – Directional Signs  
(Rollstone Bank, 788 Boston Road)**

Ms. Nilsson Ripps made a motion to accept the directional non-lit signs for the Rollstone Bank & Trust teller ATM lane as shown on Capital Sign Group, LLC.'s plan, dated May 22, 2019. Mr. Burke seconded the motion.

**VOTE: 6 - 0  
MOTION CARRIED**

- **Meeting Minutes – May 23, 2019**

Mr. Svarczkopf made a motion to approve the minutes from the May 23, 2019, meeting. Mr. Widmayer seconded the motion.

**VOTE: 4 – 0 – 2 (Abstained – Ripps & Wilson)  
MOTION CARRIED**

**Adjournment**

Mr. Wilson made a motion to adjourn at 8:54 p.m. Mr. Burke seconded the motion.

**VOTE: 6 - 0  
MOTION CARRIED**

Respectfully submitted,

Trish Gedziun  
Recording Secretary

***Approved 8/8/2019***