

TOWN OF GROTON PLANNING BOARD

**August 8, 2019
Meeting Minutes**

A meeting of the Planning Board was held on Thursday, August 8, 2019, 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, Chair
Mr. Scott Wilson, Vice Chair
Ms. Annika Nilsson Ripps, Clerk
Mr. George Barringer, Board Member
Mr. Timothy M. Svarczkopf, Board Member

Members not Present:

Mr. Gus Widmayer, Board Member
Mr. David Bonnett, Board Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner
Mr. Jared Gentilucci, Nitsch Engineering

Mr. Burke noted the agenda would be taken out of order and the Planning Board would move the discussion regarding 125 Martins Pond Road to the second position on the agenda.

Public Hearing – Special Permit for Stand-Alone ATM 167 Main Street - Bank of America ATM

Mr. Burke opened the public hearing and Ms. Nilsson Ripps read the Public Hearing Notice into the record as summarized below:

To consider the application submitted by Michael Kimball of CBRE on behalf of Bank of America for a Special Permit to allow continued operation of the existing automatic teller machine located on the exterior of the building at 167 Main Street. Groton's Assessor's Parcel 113-48.

Mr. Burke stated the applicant was not able to attend the meeting due to an accident but asked the Planning Board to proceed with the hearing.

Mr. Burke commented the special permit was being requested because the bank had closed which left it as a stand-alone ATM machine.

Mr. Burke noted there was an issue regarding a neon light which was not allowed pursuant to the Town of Groton's sign code and the bank had agreed to discontinue the neon light surrounding the ATM.

Mr. Burke asked if there were any public comments regarding the application.

Mr. Ed Sharp, a resident, asked if the only change was to make it comply with current zoning law. Mr. Burke replied that was correct but added they would also turn off the neon sign.

Mr. Burke asked if any Board members who had questions or comments. There were no questions or comments.

Ms. Nilsson Ripps asked how long the special permit would be valid for if it were granted. Mr. Burke replied the Planning Board could say it was a special permit for a stand-alone ATM and if another bank came in then the special permit would not be necessary because the ATM would be an accessory to the bank. He further replied if the building were to have a change in use it would need a site plan review and possibly another permit.

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

VOTE: 5 – 0
MOTION CARRIED

Mr. Burke commented the Planning Board wanted to add a stipulation which stated the special permit was for a stand-alone ATM only for the Bank of America.

**Discussion – Issue Special Permits for Hammerhead Lots and Shared Driveway
125 Martins Pond Road (Conservation Commission)**

Mr. Burke read allowed the language of the draft decision as summarized below:

The vehicular use of the shared driveway for access to the future Town of Groton on the land shall be limited to authorized agents of the town only. Any future access granted to members of the public shall be limited to non-motorized access. Parking is prohibited within the shared right-of-way. The easements and covenants be in the same form that were referenced at the meeting. There are two buildable lots owned by the McClatchy's.

Mr. Svarczkopf made a motion to approve the special permit - deed 2019-03, 2019 – 04 and 2019 – 05. Mr. Wilson seconded the motion.

VOTE: 5 – 0
MOTION CARRIED

Discussion – 134 Main Street - Boynton Meadows – Update

Mr. France addressed the Board and stated he asked the Planning Board to give him some relief on some of the requirements which were the brick walkways, the cobblestone apron around the cul-de-sac and the requirement for an as-built plan. He said he contacted the Conservation Commission and the Stormwater Management Committee and he received some relief from the Conservation Commission concerning their mitigation fee, noting the fee had been retracted but they did not retract the as-built requirement. Additionally, the Conservation Commission asked him to take care of anything invasive in the cul-de-sac.

Mr. France commented the Stormwater Management Committee recognized that many of their issues were as a result of the final paving not being completed. He said the final pavement, with the support of the Association, would be done by Halloween.

Mr. Burke requested Mr. France to provide the Planning Board with a copy of the as-built plan when it was done. Mr. France replied he would.

Mr. Svarczkopf asked Mr. France to update the Board with regard to lighting. Mr. France replied the light poles had not yet been installed but he was going to get pricing for it as well.

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

Mr. John Dow, a resident and Board of Trustee Member of Boynton Meadows, stated the property owners had a lot of anxiety over the paving as well as the unfinished work. He said he appreciated the fact that Mr. France had come back but he was still concerned and said he would like to have a commitment from Senate Construction or from Mr. France which indicated they would complete the paving and the lights, which were the two most important issues.

Mr. Burke suggested Mr. France provide an update to the Planning Board next month.

**Public Hearing – Flexible Development Subdivision – Definitive Plan & Special Permit
372 Townsend Road (R.D. Kanniard Homes)**

Mr. Burke opened the public hearing with regard to an application for a Flexible Development for a Subdivision Definitive Plan and Special Permit for property located at 372 Townsend Road, proposed by R.D. Kanniard Homes.

Mr. Stan Dillis, P.E., of Ducharme & Dillils was present to represent the applicant. Mr. Dillis stated they were still working through some review comments with Nitsch Engineering and therefore, asked for a continuance to the next available Planning Board meeting.

Mr. Wilson made a motion to continue the public hearing, date specific, to August 22, 2019.

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

Ms. Valerie Tello, 342 Townsend Road, addressed the Board and stated that one of her main concerns was she had a dirt driveway and on several occasions, the driveway had washed out and she had to pay for it to be fixed on multiple occasions. She said her other concern was the safety of the little turtles that crossed the road and the deer. She questioned the proposed volume of the project.

Ms. Mairi Saball, 358 Townsend Road, stated there were endangered turtles that lived there as well as blue salamanders and wanted to know what had been done with the EPA (Environmental Protection Agency) or the Wildlife & Fishery Department regarding the critters. Mr. Dillis replied they had been working with the Endangered Species people for approximately one year and should have a Conservation & Management Permit in hand shortly. Mr. Burke noted the jurisdictional responsibility regarding that was the purview of the Conservation Commission and not the Planning Board. Ms. Saball also mentioned the condition of the historic stonewall and her concern that it had been damaged. Mr. Dillis replied the stonewall was built thirty years ago and therefore, was not historic but it would be rebuilt.

Mr. Barringer seconded the motion to continue to August 22nd, at 7:30 PM.

VOTE: 5 – 0

MOTION CARRIED

(Recorder's Note: Mr. Barringer was excused from the meeting at 7:43 p.m.)

Minor Site Plan Review - 240 Main Street (Kilbourn Place)

Attorney Bob Collins, representing the applicant, addressed the Board and stated Mr. Stan Dillis of Ducharme & Dillis, P.E., was also present.

Mr. Burke stated for the record that Mr. Gus Widmayer was the applicant and he was a member of the Planning Board. He also stated Mr. Widmayer had filed a disclosure with the Town Clerk and the State Ethics Commission of his involvement and had recused himself from any involvement as a Planning Board member.

Attorney Collins said the plan, as prepared by Mr. Dillis showed that he was able to remove a significant amount of pavement both in the rear and the side in order to add some landscaping to soften the overall site.

Attorney Collins noted the transformation of the building itself was even more significant. He said Mr. Widmayer asked that the building be designed to replicate the look of the hospital building which was torn down over sixty years ago. Attorney Collins commented that a façade was created using the existing brick. He further commented there would be four or five smaller commercial spaces in the building which would include Mr. Widmayer's business.

Attorney Collins said he received a special permit by the Zoning Board of Appeals which allowed for changes to an existing non-conforming site and building. He also said the Historic District Commission also reviewed it and issued a Certificate of Appropriateness authorizing both the site changes and the changes to the building itself. Additionally, Attorney Collins pointed out it was reviewed by the Stormwater Management Committee.

Attorney Collins stated the Fire and Police Departments requested the street spaces to the north of the entrance and south of the exit be removed which would allow for better sight distances.

Ms. Nilsson Ripps asked if there could be more green space added in lieu of a few parking spots. Attorney Collins said he would speak with Mr. Widmayer concerning that.

Mr. Burke asked if the number of parking spaces was within the range prescribed in the parking schedule of the zoning bylaw. Attorney Collins replied the 41 spaces were within the prescribed range.

Ms. Nilsson Ripps asked what the signage would be. Attorney Collins replied there would be a single sign on either the forward landscaped area in the middle or the one to the side. He further replied the proposed sign would be a separate submission.

Mr. Svarczkopf asked who reviewed all of the proposed changes. Mr. Burke replied the Land/Use Committee and the Building Inspector had the final word.

Recorder's Note: A vote was not required.

Minor Site Plan Review – 182 Farmers Right-of-way, Groton School Solar Facility

Attorney Collins stated over the past 2 ½ to 3 years the Groton School had been meeting with the Groton Electric Light Department to explore ways they could become greener. He further stated the proposed was a photovoltaic solar field and would create power which

would be stored and then released at times of peak demand to reduce Groton Electric Light Department's peak demand draw.

Attorney Collins mentioned the utility building which would be used for the facility would be delivered to the site in one piece. He said the Groton School's use of the property was exempt under the Dover Amendment; however, certain elements of the site plan such as access, parking, placement and size of buildings could be reviewed.

Mr. Burke commented for the record, that exempt uses were subject to a site plan review.

Mr. Svarczkopf noted for the record, that the determination for the minor site plan review on 240 Main Street should be called into question. He said he felt the proposed 400-foot alteration, the major changes to the site, the lighting and the circulation should have triggered a full site plan review.

Attorney Collins stated he would obtain a written determination from the Building Commissioner regarding the Groton School Solar Facility and would submit it to the Board. Mr. Svarczkopf replied the determination provided some room for individuals to make judgment calls and he disagreed with the judgment call regarding 240 Main Street.

Attorney Collins asked if he should still obtain the written determination so the Planning Board could appeal it. Mr. Svarczkopf replied his disagreement was his personal opinion and the Board would have to decide how they wanted to address it.

The Planning Board collectively agreed that they supported the solar project.

Ms. Nilsson Ripps made a motion to approve the minor site plan review for the Groton School Solar Facility at the proposed site located between 154 and 182 Farmers Row. Mr. Wilson seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

***Discussion – Site Plan Review Modification and Performance Bond
Hummingbird Lane, Rocky Hill Subdivision***

Attorney Collins stated the previous year he had appeared before the Planning Board with an amendment for the site plan review for the over 55 component at the Rocky Hill Development. He further stated he was present at this meeting because they had changed what had been a single-barreled entrance and exit to a boulevard style which had become problematic for a multitude of reasons. Attorney Collins said he wanted to ask the Planning

Board to approve the change of making it a single-barreled entrance and exit, pointing out that was how it was originally approved.

Attorney Collins mentioned he recalled he had said the entire project would be built prior to obtaining an occupancy permit. He said the road was currently paved, the utilities were in and the drainage was also installed. He said he would like the applicant to post a cash bond with the Treasurer.

Mr. Burke replied Nitsch Engineering would have to review it and provide the Planning Board with an estimate. He further said he would like that review to occur prior to the next Planning Board meeting.

Discussion – NESSP Temple – Performance Bond

Mr. Burke stated the Planning Board had authorized a bond amount of \$100,000 with the stipulation that the Building Inspector would issue an occupancy permit but would not physically give it to the temple until such time as the Planning Board finally voted on the acceptance of the bond. Mr. Burke further stated the bond had been reviewed by Town Counsel.

Ms. Nilsson Ripps made a motion to authorize the Building Inspector to release the certificate of occupancy to the NESSP Temple. Mr. Wilson seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

Discussion – Reedy Meadow Estates Drainage Issues

Mr. Burke stated the Home Rule Petition passed in the Senate and was moving through the House of Representatives. He said it was to allow the land which was designated as a conservation area to be taken out of conservation to allow the new stormwater basin to be constructed there.

Discussion – Municipal Vulnerability Preparedness (MVP) Grant

Mr. Burke noted they had received the grant and they were in the process of putting an RFP together for a consultant to do the work. He further noted they received additional monies to update the Hazard Mitigation Plan.

Committee Updates

- Complete Streets Committee

Mr. Tada stated the Complete Streets Committee were originally informed that towns who had already implemented one or more years of Complete Streets projects could apply for funding in the fall. He further stated Mr. Barringer would follow-up with the committee.

- Master Plan Implementation Committee

Mr. Burke commented the committee had a draft report and he reviewed and needed to convey his comments to the committee. Mr. Tada commented the committee had also asked Ms. Michelle Collette, Mr. Nikolis Gualco from the Conservation Commission and Mr. Mark Haddad, Town Manager for their input regarding a final draft of the Master Plan's goals, recommendations and an assessment of what progress had been made.

Mr. Tada said he had already talked with the Town Manager to ensure that the next cycle of capital budget planning would include the hiring of a consultant to assist with updating the Master Plan.

- Community Preservation Committee

Mr. Svarczkopf announced he had joined the committee and had begun attending the meetings. He said the first meeting he attended focused on Boynton Meadows and they reviewed a letter which would be sent to the Select Board which discussed the Affordable Housing Trust's investment in the project.

General Business

- ZBA Updates

Mr. Tada commented the Zoning Board of Appeals was in their summer break and would not meet again until September.

- Meeting Minutes – June 13, 2019

Page 1 – “Ms. Nilsson Ripps” was changed to “Ms. Annika Nilsson Ripps” - Burke

Page 9 – “Zoning Board of Adjustment” was changed to “Zoning Board of Appeals” – Wilson

Mr. Svarczkopf made a motion to approve the minutes from the June 13, 2019, meeting as amended. Mr. Wilson seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

Ms. Nilsson Ripps asked if given the fact the Planning Board had discussed 240 Main Street and there was some discussion whether a minor site plan review was the appropriate call if the Planning Board had to have additional input on the project.

Mr. Burke replied an appeal of the Building Commissioner's determination could be filed.

Mr. Svarczkopf commented he did not feel an individual should file that appeal but felt the Planning Board as a whole should do it and asked for a vote.

Mr. Svarczkopf said he did not want it to appear as if the Planning Board did not address all like matters in a similar way, especially because Mr. Widmayer was a member of the Planning Board as well as the owner of 240 Main Street. He said he did not feel the Planning Board was doing that but he didn't want to give the slightest impression they were.

Mr. Burke said he felt it cut both ways because the Planning Board was not getting involved in it and keeping an arm's length away from it so there was no appearance one way or the other. He further said if the Board took action to appeal it, it would connote some sort of involvement.

Ms. Nilsson Ripps commented that given it was so close to the center of town, it was such a larger parcel so close to the center of town and there was so much impervious paving that she was concerned if it were another person the Board might have been inclined to be a little harder on.

Mr. Svarczkopf proposed that it be added as an agenda item to the August 22nd meeting and they could vote on it then. Mr. Wilson commented he would not be in attendance at the August 22nd meeting.

Mr. Burke said it could certainly be placed on the agenda but stated while he understood the concern, he was not in favor of it. He further said he felt time would be better spent by working on tightening up the process.

Ms. Nilsson Ripps stated she thought she had seen the project on a previous agenda but that it had been taken off the agenda. Mr. Tada replied it was on a previous agenda as a discussion item. Ms. Nilsson Ripps said she felt it was "shopped around everywhere else and they found a way to keep it out of our purview."

Mr. Svarczkopf said he did not think Ms. Nilsson Ripps' comments were a fair characterization but said he felt it needed to be addressed.

Mr. Svarczkopf made a motion that the Planning Board vote to appeal the decision of the Land/Use Director and the Zoning Official regarding a minor site plan review for 240 Main Street. Ms. Nilsson Ripps seconded the motion.

Mr. Burke commented if the motion passed it would be passed by less than a majority of the standing Planning Board. Mr. Svarczkopf replied he understood and he wanted to move forward.

VOTE: 2 – 2 (Nay – Burke & Wilson)
MOTION FAILED

Planning Board Meeting Schedule

- **August 22nd**

Adjournment

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

VOTE: 4 – 0
MOTION CARRIED

The meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary

Approved 9/12/2019