

TOWN OF GROTON PLANNING BOARD

August 22, 2019
Meeting Minutes

A meeting of the Planning Board was held on Thursday, August 22, 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
Mr. George Barringer, Board Member (Participated via telephone)
Mr. Timothy M. Svarczkopf, Board Member
Mr. David Bonnett, Board Member

Members not Present:

Ms. Annika Nilsson Ripps, Clerk

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Recorder's Note: Mr. Barringer was participating via telephone and under the terms of the Open Meeting Law that allowed him to do so, any and all votes taken would require a roll call vote while he was participating via telephone.

Mr. Burke started the meeting by welcoming Mr. David Bonnett as a new member of the Planning Board.

Mr. Burke also noted that with regret, the Planning Board received a letter of resignation from Mr. Gus Widmayer which sited the demands of his other endeavors would no longer allow him to serve on the Board. The Board collectively wished Mr. Widmayer the best and thanked him for his service.

Public Hearing – Major Site Plan Review **546 Main Street, Parvati Parameshwara Temple**

Mr. Burke opened the public hearing.

Mr. Stan Dillis, Ducharme & Dillis Civil Design Group, representing the applicant, addressed the Board and stated there were two existing dwellings on the site and the proposal was to remove the two dwellings and create a temple as well as a residence for the priest. Additionally, Mr. Dills said part of the plan was to have a parking lot with 25 parking spaces.

Mr. Dillis said the runoff would be handled with a recharge system for the roof and the parking lot. He also said they would create a couple of rain gardens in the front because

of the slope. He noted the site was serviced by town sewer and water and he felt it met all of the requirements for a site plan with a few exceptions of waivers that they had already asked for. Mr. Dillis stated they had not yet seen a review from Nitsch Engineering and it was scheduled to go before the Stormwater Committee in the near future.

Mr. Dillis commented he had already applied for a Massachusetts Highway curb cut for two of the entrances and the lighting in the parking lot would have downward pointing lights.

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

Mr. Wilson commented that he was concerned with the long driveway to the residence because there did not appear to be a turn-around for emergency vehicles. Mr. Dillis replied they had provided the fire chief with documentation showing that a ladder truck could fit up the driveway. He further replied he had not heard back from the fire chief but they would provide a turn-around if one was requested.

Mr. Wilson asked if there would be any visual screening of the parking lot. Mr. Dillis replied there was not a lot of room to do that but they would take a look into it.

Mr. Svarczkopf asked if they were exceeding the standard building heights for the temple. Mr. Dillis replied the peak elevation was 31 feet, 3 inches; but that did not include the spire on the top.

Mr. Bonnett commented he was concerned the temple could attract up to 90 worshipers and the parking lot would only hold 25 vehicles. He said he would not want to see the overflow parking go onto Main Street. Mr. Dillis replied the number of parking spaces was in accordance with the parking regulations.

Mr. Burke commented that he wasn't happy with the three parking spaces which jetted out. Mr. Dillis replied they were asking for a waiver for those three parking spaces.

Mr. Burke asked if the site plan had been submitted to Nitsch Engineering. Mr. Tada replied it had not. He further replied under the Peer Review section of the Major Site Plan Review, it was at the discretion of the Planning Board to decide whether or not a project warranted review but it was not an automatic process, noting if the Board wanted to have Nitsch Engineering review it, they would have to come to an agreement regarding the what the fee would be.

Mr. Svarczkopf commented he thought it was too soon to ask Nitsch Engineering to review it as it had not been before the Stormwater Committee. Mr. Tada replied the Zoning Bylaw states that a project occurring on a single lot does not automatically trigger the requirement for peer review. Mr. Wilson indicated he agreed with Mr. Svarczkopf.

Mr. Barringer said he did not have the site plans in front of him and asked for clarification about the lighting. Mr. Dillis said the lighting plan showed one light in the parking lot, plus security lighting on the temple façade.

Mr. Burke asked if there were any members of the public who had comments or questions. An abutter, Mr. Jeff Crowley, addressed the Board and said ever since the property had changed hands they had non-stop issues with trash, asphalt was put within 12-feet of his property, and there was gravel left on his lawn. He said every time there was a complaint the owner was too busy to speak with him. He also submitted pictures of his property.

The priest for the temple, Mr. Venkata, addressed the Board and said the property had been purchased in 2014 to construct a temple. He said the first building contractor they hired left a mess on the property and they had since replaced the contractor. He stated the property would be adequately cleaned-up. Their goal is to create a proper temple site and their membership will help to keep it clean.

Mr. Wilson commented the applicant needed to be mindful of the work in process as well as the finished product in terms of the impact to the neighbors. Mr. Dillis said he agreed with Mr. Wilson's statement.

Mr. Burke commented he felt it was important to understand how the applicant was going to execute the project, noting a similar project had been done and there were multiple stop and start times for various reasons. Mr. Dillis suggested that the applicant produce a document which indicated a proposed timeline for the project.

Mr. Burke noted the applicant may be asked to provide some type of assurance that the site work would be done and it could be a condition of approval.

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

Ms. Kate Stepinski, an abutter in Groton Residential Gardens, commented that she shared the concerns regarding the trash as well as the increase in traffic volume. She commented her other concerns were noise and light pollution and asked what the neighbors could expect pertaining to those items. Mr. Dillis replied there was a lighting plan which showed there would not be any spillover from the illumination of the site.

Mr. Svarczkopf asked if there were any issues pertaining to sightlines? Mr. Dillis replied sight distance was not a problem.

Mr. Venkata indicated that the community who would be worshipping at the temple would make sure all of the neighbor's concerns were addressed.

Mr. Tada, referring to the concerns which were brought up regarding traffic issues, said the police department had initially reviewed the plans and he currently had no comments from them, one way or another. He added if the police department had any concerns they would be addressed and become part of the official record.

Mr. B.D. Nayak, the architect who designed the temple, explained the dimensions of the proposed structure (4,687 square feet in area; 31' 3" in height) were in keeping with other buildings in the neighborhood.

Mr. Wilson made a motion to continue the public hearing, date specific to the September 12, 2019, meeting. Mr. Svarczkopf seconded the motion.

A Roll Call vote was taken, which resulted as follows:

Yea: Mr. Wilson, Mr. Svarczkopf, Mr. Bonnett, 5
Mr. Burke & Mr. Barringer

Nay: 0

MOTION CARRIED

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

Mr. Burke pointed out the public hearing regarding 372 Townsend Road had previously been continued and unfortunately, there were only four members present. He noted that a quorum of five members was required to be present to discuss a special permit request.

[Recorder's Note: Members participating via telephone did count as being present in this instance.]

Mr. Wilson made a motion to continue the public hearing, date specific, to the September 12, 2019, meeting. Mr. Bonnett seconded the motion.

A Roll Call vote was taken, which resulted as follows:

Yea: Mr. Wilson, Mr. Svarczkopf, Mr. Bonnett, 5
Mr. Burke & Mr. Barringer

Nay: 0

MOTION CARRIED

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

Mr. Burke summarized the public hearing which was held on August 8, 2019. The Planning Board considered the application but noted the applicant was not present. He said the applicant requested that the ATM be able to operate as a stand-alone ATM. He added there had been an issue relative to a neon light which was not allowed pursuant to the Sign Bylaw and the bank had agreed to disconnect the neon light.

Mr. Burke stated there were no members of the public present at the hearing and there were no questions or comments concerning the application.

Mr. Burke noted that a stipulation for granting the special permit was added which stated the permit would run with the use of the stand-alone ATM by Bank of America and if another bank purchased the property then the special permit would not be necessary because the ATM would become an accessory use which was allowed. The special permit will become invalid if the use of the building were to change to a category other than a bank.

Mr. Burke reviewed all of the stipulations as noted below:

1. The site lighting shall comply with the sign by-law.
2. The special permit shall not be in effect until a certified copy of the special permit decision is recorded at the registry as required by state law.
3. The special permit shall lapse 24-months from the date of the decision.
4. The special permit shall only apply to the existing Bank of America ATM.
5. The special permit is not transferrable and shall not apply to any successors and interests.

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

Mr. Wilson made a motion to approve the draft of the special permit for the stand-alone ATM use at the former Bank of America located at 167 Main Street. Mr. Svarczkopf seconded the motion.

Mr. Tada explained that Mr. Bonnett was unable to attend the public hearing on August 8, 2019, but he reviewed the video recording of the meeting and he would prepare a Mullin Rule Certification for him to read and sign; adding it would become part of the decision.

A Roll Call vote was taken, which resulted as follows:

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|--|---|
| Yea: Mr. Wilson, Mr. Svarczkopf, Mr. Bonnett, Mr. Burke & Mr. Barringer | 5 |
| Nay: | 0 |

MOTION CARRIED

[Recorder's Note: Mr. Barringer left the meeting at approximately 8:02 p.m.]

ANR Plan (Approval Not Required Plan) -36 & 42 Bixby Hill Road

Mr. Stan Dillis of Ducharme & Dillis Civil Design Group and Attorney Bob Collins were present on behalf of the applicant.

Mr. Dillis explained the property was very old and had been in the same family for a long time. He further explained there were three deeds associated with the property and there were currently two houses and two garages on the site. He said the owners wished to sell the properties so they wanted to create a lot for each house.

Attorney Collins noted it was currently one merged lot with two existing houses, and was therefore non-conforming. He further noted the first step would be to separate what was presently a non-conforming property.

Mr. Svarczkopf made a motion to endorse the ANR (Approval Not Required Plan) for 36 & 42 Bixby Hill Road for Barrett Investment Trust. Mr. Wilson seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

Discussion (Continued) - Site Plan Review Modification and Performance Bond Hummingbird Lane, Rocky Hill Subdivision

Mr. Burke commented the site plan modification request included the elimination of the boulevard entrances and the placement of a performance bond on the project. The Planning Board received a construction cost estimate for the performance bond from Nitsch Engineering, which was \$103,864.75.

Attorney Collins stated that the Town Treasurer would receive a hand-delivered check in the amount of \$103,864.75 the following day.

Attorney Collins said the modification was two-fold; one was eliminating the boulevard entrances, and the other was the performance bond in lieu of the site plan approval requirement that the applicant had to complete all of the infrastructure prior to receiving any occupancy permits, as originally proposed by the applicant.

Mr. Wilson made a motion to approve the requested modifications to the site plan review. Mr. Svarczkopf seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

Discussion – Performance Bond Replacement

Academy Hill Subdivision, Phase III

Mr. Burke stated a new bond had been approved by Rod Hoffman of Brooks & DeRensis (Town Counsel).

Mr. Svarczkopf asked if the amount of the bond was being changed? Mr. Michael Feldman of Habitech Communities (the developer) replied the company who was holding the surety was changing but the amount would not change.

Mr. Wilson made a motion to release the old bond by accepting the new bond and signing the letter of release for the old bond. Mr. Svarczkopf seconded the motion.

VOTE: 4 – 0

MOTION CARRIED

Mr. Feldman provided a brief summary of the subdivision project at Mr. Bonnett's request. It is a total of 94 units, 10 of which remain to be built/sold (8 single family, 2 condos). All 10 of the affordable units required by the special permit have been completed and sold.

Discussion – Performance Bond Release and Street Acceptance Amelia Way (Bertozzi Farm Subdivision)

Mr. Burke commented that the Planning Board received a letter, dated August 22, 2019, from Nitsch Engineering which stated a site visit had been performed the previous week and the following items were recommended to be addressed prior to the Planning Board releasing the bond and recommending the acceptance of Amelia Way as a public town road to the Select Board.

1. The clean-out of all drainage structures and provide documentation to the Planning Board when the work is complete.
2. The applicant should replace the cover for drain manhole #3 with a cover labeled "Drain."
3. The applicant should revise all roadway as-built plans to include an engineer's certification of compliance, as per §381-8G.1 (Subdivision Rules & Regulations).

Mr. Burke noted the Planning Board was in receipt of a letter from the applicant, dated August 22, 2019, which suggested the Board provide a conditional approval and they would remedy the remaining three items within the next seven to ten days.

Mr. Burke also noted that Mr. Tom Delaney, DPW Director, wanted the straw wattle along the banks next to the sidewalks to be kept in place until the banks were stabilized.

Mr. Tada commented the wattle was in place due to the house construction and was not part of the roadway infrastructure.

Mr. Svarczkopf suggested the work be done first and then the Planning Board could approve it. Mr. Tada pointed out that the applicant had put a placeholder Warrant Article for the Fall Town Meeting which would be held on October 21st. He further pointed out the Select Board were required to hold a public hearing when they received a request for a street acceptance. He said the request had been submitted and the Select Board would hold the public hearing on September 16th and the next Planning Board meeting was scheduled for September 12th.

Mr. Burke instructed the applicant to return to the Planning Board on September 12th for approval, with the understanding that the outstanding items will be completed by then.

Discussion – Site Plan Review – Procedural Update - 240 Main St. (Kilbourn Place)

Mr. Burke stated at the last Planning Board meeting there was some discussion as to whether or not the site plan review should be treated as a major review or a minor review. He said the applicant decided to submit an application for a major site plan review.

Mr. Burke commented in the past, whenever there was a requested change of use it always triggered a site plan review. He further commented that the operative metric which separated major and minor was 1,000 square feet of building area.

Mr. Burke said it was his opinion that it required a major site plan review, adding that he had a discussion with the applicant's attorney who was in agreement with that opinion and would present the application at the September 12th Planning Board meeting.

Discussion – Reedy Meadow Estates Drainage Issues – Update

Mr. Tada stated there was no official update from the legislature as of yet.

Discussion – Municipal Vulnerability Preparedness Grant (MVP)

Mr. Tada stated he and Mr. Burke prepared a draft RFP and it would be sent out the following week. Mr. Tada noted he would send the members of the Board a copy of the draft RFP.

Committee Updates

- Complete Streets Committee

Mr. Burke commented that Mr. Barringer was the Complete Streets liaison and was not present but said his understanding was the Department of Transportation would begin accepting applications in October for a second round of funding for communities who had already received a first round of funding.

- Community Preservation Committee

Mr. Svarczkopf commented the Committee had a lengthy discussion regarding the Prescott School and said there were some funds disbursed for fire protection (including a sprinkler system) and they sent out an RFP but received no response. He further commented it was a design-build RFP and no one accepted it.

Mr. Svarczkopf shared that the Town Manager asked the Committee to split the funds to allow a portion of it be put towards design services and then put out an RFP for a design system.

General Business

- ZBA Updates

Mr. Tada explained that the Zoning Board of Appeals had been in summer hiatus but would begin their meetings again in mid-September.

- Member Updates

Mr. Burke noted that there is an issue with elevated levels of manganese in the Town's water supply wells. It will require costly remediation.

Ms. Judy Anderson clarified that the manganese was detected in the two Whitney wells.

- Planning Board Vacancy

Mr. Svarczkopf asked about recruitment to fill the vacant seat. The Planning Board and Select Board will advertise the vacancy, and will hold a joint public hearing to appoint a new member if anyone steps forward.

Planning Board Meeting Schedule

- September 12th
- September 26th

Adjournment

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

VOTE: 4 – 0
MOTION CARRIED

The meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Trish Gedziun
Recording Secretary

Approved 9/12/2019