

TOWN OF GROTON PLANNING BOARD

**March 12, 2020
Meeting Minutes**

A meeting of the Planning Board was held on Thursday, March 12, 2020, 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
Ms. Annika Nilsson Ripps, Clerk (arrived at 7:30 p.m.)
Mr. George Barringer, Board Member
Mr. David Bonnett, Board Member
Ms. Lorayne Black, Board Member

Members not Present:

Mr. Scott Wilson, Vice Chair
Mr. Timothy M. Svarczkopf, Board Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Discussion – Review Covenant and Endorse Definitive Plans Village Meadows, 372 Townsend Road

Mr. Tada explained that the Planning Board uses a standard covenant form, called a Form I – Covenant, which was provided to Mr. Roger Kanniard's attorney and then returned with all of the particular information filled in for R.D. Kanniard Homes (Village Meadows Subdivision.) Mr. Tada said he sent it to Town Counsel for review but had not yet heard back from them.

Mr. Barringer stated the word "owed" should be changed to the word "owned" on page 9.

Ms. Anderson also pointed out "Board of Selectmen" should be changed to "Select Board" on page 4.

Mr. Barringer made a motion to accept the Covenant for Village Meadows at 372 Townsend Road as presented with the two noted corrections. Mr. Bonnett seconded the motion.

**VOTE: 4 – 0 – 0
MOTION CARRIED**

Public Hearing – Proposed Zoning Amendments
Accessory Apartments – Attached and Detached

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

To consider the following proposed zoning amendment:

Article 1 – To see if the town will vote to amend the zoning bylaw by deleting §218-16D Accessory Apartments in its entirety and replace it.

Mr. Burke said essentially the change was taking the current §218-16D Accessory Apartments, which were currently allowed by special permit and replacing it with a new provision for attached accessory apartments which was being proposed under a new section of the zoning which was consistent with the proposed re-codified version of the zoning bylaw which would precede the Article when it was presented at Town Meeting. He said it retained much of the language of the current provisions but noted there were a few additions. He further said the intent of it was to allow for Attached Accessory Apartments by right as opposed to requiring a special permit.

Mr. Burke explained an accessory apartment was an apartment that was within an existing single-family home and was limited to one-bedroom and was a maximum of 800 square feet in size. He further explained that one of the units within the structure had to be occupied by the owner, the appearance of a single-family home had to be maintained, there must be sufficient parking, and it must comply with the Title 5 Sanitary Health Code or be on a public sewer. He added it must comply with all building permits and fire/life safety codes, the footprint of the structure could not be increased more than 800 square feet, and ramps for access were allowed and not considered to be a zoning violation.

Mr. Burke commented that the corresponding Article 2 to be discussed was for detached accessory apartments. He said a detached accessory apartment is a structure that is separate from the main single-family structure. He further said most of the conditions that applied to an attached accessory apartment were part of the detached accessory apartments. Currently, detached accessory apartments are not allowed.

Mr. Barringer said the phrase “temporary absences” should be clearly defined.

Ms. Nilsson Ripps suggested specifying the owner must maintain a permanent residence, rather than trying to define temporary absences.

Mr. Burke commented the words “except for temporary absences” would be deleted and would read as follows:

”The owner of the property must occupy one of the two units as a permanent residence.”

Mr. Barringer suggested there be no more than two permanent residents in any accessory apartment (attached or detached) which would allow for the owner to have guests stay in the second bedroom from time to time.

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

Ms. Fran Stanley, the Town's Housing Coordinator, said it seemed to make sense to retain the apartment size limitation of 800 square feet from the existing zoning, and agreed that allowing a second bedroom would likely make it a more appealing and realistic option in a variety of situations, such as those when the apartment resident requires a caregiver.

Mr. Barringer made a motion to continue the public hearing to a date certain of April 27, 2020, at 6:30 p.m. at the site where the annual Town Meeting would be held. Ms. Nilsson Ripps seconded the motion.

VOTE: 4 – 0 – 0
MOTION CARRIED

Mr. Barringer made a motion to submit the draft Warrant Articles for the attached accessory apartments and for the detached accessory apartments as amended for publication in the Warrant. Ms. Nilsson Ripps seconded the motion.

VOTE: 4 – 0 – 0
MOTION CARRIED

Discussion – Review Performance Bond Estimate/Review Draft Tri-Party Agreement Oriole Drive (Rocky Hill Subdivision) – Added on 3/9/2020

Mr. Burke stated the Planning Board had a bond estimate in the amount of \$556,396 from Nitsch Engineering for work to be performed for a portion of road construction for Oriole Drive at the Rocky Hill Subdivision. He further stated they were proposing to use a tri-party agreement which meant their lender, Main Street Bank, agreed that the funding that was lent to the development would become surety for any remaining work the Town may have to do.

Mr. Burke noted that Town Counsel had reviewed and signed off on the tri-party agreement.

Mr. Barringer made a motion to accept the bond estimate in the amount of \$556,396 prepared by Nitsch Engineering for the Rocky Hill Subdivision, specific to Oriole Drive from Station 0 + 11 to Station 9 + 5 with the stipulation that more clarification would be received from the consulting engineer. Ms. Nilsson Ripps seconded the motion.

VOTE: 4 – 0 – 1 (Abstained – Black)
MOTION CARRIED

Mr. Barringer made a motion to accept the tri-party agreement dated March 9th prepared by Robert L. Collins for the Rocky Hill Subdivision on Oriole Drive. Ms. Nilsson Ripps seconded the motion.

VOTE: 4 – 0 – 1 (Abstained – Black)

MOTION CARRIED

Discussion – Municipal Vulnerability Preparedness (MVP) Planning Grant Updates

Mr. Burke commented the consultants were working on putting together a draft plan based on the workshop in January and the expert interviews that were done.

Mr. Tada stated the consultants from Weston & Sampson indicated they would like to have the public listening session sometime before April 20th.

Mr. Burke suggested holding the meeting on April 9th but noted there may be a change in meeting schedules due to the Coronavirus pandemic.

Discussion – Potential Zoning & Regulation Amendments for Fall Town Meeting

- ***Allow Open Space Flexible Development “By Right”***
- ***Review the Site Lighting and Landscaping Requirements***
- ***Center Overlay District – Unintentional Consequences in §D-8***

Mr. Burke read aloud comments from Attorney Bob Collins relative to the affordable housing requirements in the Town Center Overlay District (TCOD) zoning provisions as summarized below:

“This actually serves to discourage the creation of affordable units. As written, there is a 15% affordable requirement for developments which exceeded six units. The affordable number is deducted from the total number of units the site can yield, bearing in mind that most of the parcels in the district are relatively small. I tend to believe that most developments should stick with six units. Why not consider treating the affordable units as is done under flexible where they are added to the basic number; perhaps creating an incentive and perhaps an additional market-rate unit for every two affordable units.”

After some discussion, the Planning Board decided to leave the Center Overlay District zoning as it was.

Committee Updates

- Community Preservation Committee

Mr. Burke stated the Planning Board was in receipt of an email from the Chairperson of the Community Preservation Committee asking if they could appoint an alternate member of the Planning Board to their committee.

Mr. Tada shared that he had checked with the Town Manager and the CPC Charter only allowed the Planning Board to designate one member and there was no allowance for an alternate. Mr. Burke asked Mr. Tada to reply to the Community Preservation Committee as such.

- Complete Streets Committee

Mr. Barringer commented Committee had met recently and it was approved to request engineering estimates for four projects from the original list; the West Main Street sidewalk extension to The (Senior) Center, Lowell Road sidewalk extension to the Gibbet Hill parking area, the connection between Whistle Post Lane and the Rail Trail off of Pleasant Street, and the extension of the sidewalk on Sandy Pond Road from the intersection of Robin Hill Road to the affordable housing.

Mr. Barringer explained that he and Mr. Tada had met with Nitsch Engineering and reviewed the data and mapping. He said with the vast increase in construction cost, it may be that they would only get one or two of the four projects within the \$400,000 budget. He said they would be prioritized starting with West Main Street and Lowell Road. He further said the submission for construction funding was due on May 1st, and they needed to request the engineering funds from the Town Meeting.

General Business

- ZBA Updates

Mr. Tada commented that the encroachment issue regarding the new owner of Brooks Orchid and Selectmen Degen's home/landscaping business is being resolved privately and the appeal to the ZBA was continued in an effort to allow the two parties to work out an agreement rather than going to court.

- Approval of Meeting Minutes – February 13, 2020

Ms. Nilsson Ripps made a motion to accept the minutes from the February 13, 2020, meeting, as presented. Mr. Barringer seconded the motion.

VOTE: 5 – 0 – 0
MOTION CARRIED

Planning Board Meeting Schedule

- March 26, 2020
- April 9, 2020
- April 23, 2020
- April 27, 2020 – Spring Town Meeting

Other

Mr. Barringer made a motion to instruct Mr. Tada to hold the signed Definitive Plans for Village Meadows Subdivision until such time as the applicant delivers a signed, sealed, and executed covenant in the matter of Kanniard Homes located at 372 Townsend Road. Ms. Black seconded the motion.

VOTE: 5 – 0 – 0
MOTION CARRIED

Adjournment

Mr. Barringer made a motion to adjourn. Ms. Nilsson Ripps seconded the motion.

The meeting was adjourned at 8:52 p.m.

Respectfully Submitted: Trish Gedziun

Approved 4/9/2020.