

TOWN OF GROTON PLANNING BOARD
Virtual Meeting
Thursday, August 20, 2020
Meeting Minutes

A virtual meeting of the Planning Board was held on Thursday, August 20, 2020, at 7:00 p.m.

The meeting was broadcasted via Zoom and was available to view on the Groton Channel pursuant to the Governor's Executive Order Concerning the Open Meeting Law.

Members Present:

Mr. Russell Burke, Chair
Ms. Annika Nilsson Ripps, Clerk
Mr. George Barringer, Board Member
Mr. Timothy M. Svarczkopf, Vice-Chair
Mr. David Bonnett, Board Member
Ms. Lorayne Black, Board Member

Members not Present:

Mr. Scott Wilson, Board Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Mr. Burke noted that the fifth item listed on the agenda would be moved to the next Planning Board meeting. He said the developer had commenced construction of the stormwater mitigation. He added the Stormwater Committee had met and a site inspection was done.

Olivia Way Drainage Mitigation Update
Red Pepper Lane Street Acceptance and Bond Reduction
Reedy Meadows Estates

Mr. Tada commented that the fourth item on the agenda would be heard at the next Planning Board meeting because the application was not complete.

480 Pepperell Road (Shay – Parcel 213-68)

Public Hearing

Special Permits for a Hammerhead Lot and Shared Driveway
340 Longley Road (Trio Real Estate Group, LLC.)

Mr. Kevin Mark from David E. Ross Associates stated the property currently had a single-family residential home on it as well as a few detached structures. He further stated their proposal was to remove the existing structures and build three new single-family residences, each on their own lot that would be served by a shared, common driveway. He

said there were septic designs for each lot and each house would be served by its own private well. Mr. Mark said the stormwater runoff would be managed on the site.

Mr. Mark pointed out that lot #3 was the proposed hammerhead lot that they were seeking a special permit for and they were also seeking a special permit for the shared driveway.

Mr. Mark said their hearing with the Conversation Commission was continued to the following week and they received an approval from the Earth Removal Stormwater Advisory Committee.

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

Ms. Black asked if street trees would be proposed on the north side as it was pretty open. Mr. Mark replied they did not have a landscaping plan prepared and would leave that piece of it up to the homeowners.

Ms. Nilsson Ripps commented there were a few areas along Longley Road where she felt there were sight line issues and wanted to make sure the shared driveway was done adequately and there was enough room to enter safely onto Longley Road.

Mr. Bonnett asked if the stormwater run-off would come off the road and into the infiltration trench. Mr. Mark replied that was correct.

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

Ms. Jeannine Curley, an abutter at 314 Longley Road, addressed the Planning Board and said she was concerned about the additional private wells. She asked if the drilling of the new wells would affect her well. Mr. Burke replied that would be a Board of Health concern.

Mr. Svarczkopf stated he felt the public hearing should be continued to the next meeting so they could review the language of the proposed covenant restriction that Attorney Collins proposed.

Attorney Collins stated the language would read “no lots shall be sold until the improvements of the common driveway and the drainage system are constructed and inspected.”

Mr. Svarczkopf made a motion to continue the public hearing to the next Planning Board meeting on September 10th. Mr. Barringer seconded the motion.

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

Yea:	Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, Ms. Nilsson Ripps, Ms. Black, and Mr. Burke	6
Nay:		0

VOTE: 6 – 0 – 0
MOTION CARRIED

**Discussion – Preliminary Subdivision Plan (Revised) – Hayes Woods
Maple Avenue & Pepperell Road (Assessor Parcels 104-30 & 212-13)**

Mr. Burke stated the plan requested nineteen proposed lots with one cul-de-sac subdivision road serving nine driveway cuts, with an additional three shared driveways, and three single driveways.

Attorney Collins, representing the applicant, addressed the Board and said the property was approximately 90 acres in size and could support a development that was two and a half times of what was being proposed which was nineteen lots, with six affordable units on the Pepperell Road side. He also said 60 plus acres would be gifted to the Conservation Commission and preserved as open space.

Mr. Svarczkopf read aloud a comment from a Groton resident as follows:

Ms. Lisa Theall, 197 Maple Avenue:

Would it be preferable to compel a builder to use by-right lots to spread the houses?

Attorney Collins replied they could utilize an Approval not Required Plan and utilize all of the frontage on the site, however, he added he wasn't sure that would do anything for the neighborhood or the town.

Mr. Svarczkopf commented that he felt the plan looked as though things were trying to be forced in.

Ms. Nilsson Ripps commented that she couldn't help but be conscious of the fact that there was a very large upper-middle-class development and then there were lots devoted to affordable housing that were very much separated on the Pepperell Road side, although she said she was very much in favor of more affordable housing in the Town of Groton.

Mr. Burke said he was a little bit concerned with there being six curb cuts as well as the resulting grading that would have to be done. He asked the applicant if there could be an alternate plan that would produce less disturbance. Mr. Dillis replied the applicant had looked at something not quite as expansive and doing a loop-road in the proposed development. He further said, however, that without significant relief from the maximum grades and the cut and fill requirements, they could not do it. He asked if the Planning Board would consider providing the necessary relief.

Mr. Svarczkopf read aloud a comment from a Groton resident as follows:

Mr. John Konetzny, 157 Maple Avenue:

It is a big concern for residents of the area with the width of Maple Avenue and the safety of having seventeen more homes worth of traffic on the road. There are a few dangerous blind turns on Maple Avenue and two cars are unable to pass the road in opposite directions because the road is so narrow and there are so many close trees and telephone poles. The road is a huge draw for pedestrians and children and this will become one of the most dangerous in town. My suggestion to the Planning Board is to shift the entrance and exit to Pepperell Road which is designed for a greater amount of traffic flow.

Ms. Lisa Theall:

How much frontage will be used in this plan? Is the traffic capacity of Maple Avenue within the purview of the committee?

Ms. Chloe Fross:

According to the 2016 National Heritage and Endangered Species Program consultation regarding this proposed development, there is a potential for activities in the plan to result in a take as defined in 321:CMR 10.02 of the Blue Spotted Salamander, Intricate Fairy Shrimp, and Blanding's Turtle. Where is the developer with the NHESP (Natural Heritage & Endangered Species Process) with the preliminary plans and has the developer and the Conservation Commission sought and received a determination as to whether or not there is a take under the Massachusetts Endangered Species Act?

Attorney Collins replied they had met with the Endangered Species Review Biologist and the head of the Endangered Species Program on five occasions and they had not made a determination as to a take because that would occur once they had a plan that was moving forward. Mr. Dillis added he was in receipt of a letter that stated they were in favor of the particular type of development. He said he would forward a copy of the letter to Mr. Tada.

Ms. Fross: Is that regarding the most recent and public preliminary plan?

Mr. Dillis replied that was correct.

Ms. Diane Mahan, 242 Maple Avenue:

Do they have an exact number of the minimum number of trees that will be removed?

Mr. Dillis replied in the right-of-way of Maple Avenue the plan would require the removal of five trees. Mr. Burke added there would be a lot more clearing beyond the right-of-way.

Ms. Mahan: I would encourage the Planning Board to walk the site as I have multiple concerns and I am very safety conscious.

Ms. Theall: Would Maple Avenue and the Town be better served by allowing for a subdivision road with just one curb cut and the houses pushed more to the interior of the site?

Mr. Burke explained the discussion would be tabled and continued at the next Planning Board meeting.

Discussion – Revised Bond Estimate, Tri-Party Agreement, and Release of Covenant Oriole Drive (Rocky Hill Subdivision)

Mr. Tada stated the Planning Board approved the tri-party agreement the previous March with the exception that Dave Moulton had done some work to install some sewer infrastructure. He further stated Mr. Moulton requested a revised bond estimate from Nitsch Engineering which came in at \$280,958.77.

Ms. Nilsson Ripps made a motion to approve the release of covenant by virtue of the tri-party agreement in the amount of \$280,958.77. Mr. Barringer seconded the motion.

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

Yea:	Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, Ms. Nilsson Ripps, Ms. Black, and Mr. Burke	6
Nay:		0

VOTE: 6 – 0 – 0
MOTION CARRIED

Discussion – Blackbird Café – Proposed Expansion 493 Main Street, Unit G (Mill Run Plaza)

Ms. Nilsson Ripps asked what the size of the current location was as compared to the new location. Mr. Luke Kenney replied the current location had a little over 1,200 square feet and the new location consisted of approximately 1,850 square feet.

Mr. Svarczkopf asked how many seats would be gained. Mr. Kenney replied there would be approximately 25 added seats.

Mr. Burke commented while there was a change in use it was only a net change in use of 600 feet which was less than the 1,000 square feet that was used as the trigger for it to be a Major Site Plan Review. He further commented if the Planning Board used that as their metric then they could make a determination that the change in use did not exceed 1,000 square feet because it was only a net increase of 650 square feet and, therefore, it fell into the Minor Site Plan Review category.

Mr. Svarczkopf made a motion that the change in use was below 1,000 square feet and should be handled as a Minor Site Plan Review by the Land Use Department and that the use was moving from an existing location within the same development to another location and only increasing in size by 650 square feet. Mr. Barringer seconded the motion.

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

Yea:	Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, Ms. Nilsson Ripps, Ms. Black, and Mr. Burke	6
Nay:		0

VOTE: 6 – 0 – 0
MOTION CARRIED

Discussion – Main Street Bank – Lease of Space for Dental Office (Added 8/18/2020)
489 Main Street (Mill Run Plaza)

Mr. John Amaral, Omni Properties, representing the applicant, said the only change to the exterior of the Main Street Bank building that was being contemplated was the addition of an approximately 20-foot long sidewalk that would connect two of the existing parking spaces to the rear entrance for the pick-up and drop-off of patients. He also said the proposed dental office was a permitted use under the General Business zoning regulations.

Consideration of Annual Reorganization and Appointments

Mr. Barringer suggested that the Planning Board not reorganize until the following year when Board Member Wilson would be present.

Mr. Svarczkopf commented he felt it was a good plan but if there was someone who wanted a position or would like to get out of a position they should be able to do so.

Mr. Burke asked if there were any members who wished to be a liaison for the Historic District Commission (HDC), the Historical Commission, and the Town Center Overlay District (TCOD). Ms. Black volunteered to be the Historic liaison.

Ms. Nilsson Ripps nominated Ms. Black to become the liaison to the HDC, Historical Commission, and TCOD. Mr. Svarczkopf seconded the nomination.

Hearing no objections, Mr. Burke stated the Planning Board unanimously consented.

Mr. Barringer nominated Mr. Svarczkopf as Vice Chair of the Planning Board. Ms. Nilsson Ripps seconded the nomination.

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

Yea: Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, 6
Ms. Nilsson Ripps, Ms. Black, and Mr. Burke

Nay: 0

VOTE: 6 – 0 – 0

MOTION CARRIED

Discussion – Potential Marijuana Zoning Amendment

Mr. Burke stated the Planning Board checked with the Attorney General’s office and if the Board were to move forward and undo the restriction on retail marijuana sales in Groton it would require only the local Town Meeting vote. It would not require a ballot referendum. He said M.G.L. Ch. 94G for recreational marijuana use was biased toward allowing recreational marijuana establishments.

Ms. Nilsson Ripps commented she would be interested in having further conversations.

Mr. Svarczkopf commented he agreed that there should be a vote at Town Meeting.

Mr. Burke reiterated his view that the Planning Board should remain neutral on the matter.

Mr. Peter Cunningham, 44 Smith Street, spoke in favor of allowing recreational marijuana use in Groton.

Mr. Burke commented that Mr. Tada would be scheduling public hearings for the zoning articles that were deferred at the Spring Town Meeting. He added under the Schedule of Use Regulations, it stated: “for multi-family housing that the Planning Board is the special permit granting authority.” He said, however, then the text within the zoning that outlined multi-family districts, it indicated the Board of Appeals had the permit granting authority.

Mr. Burke noted he asked Mr. Tada to change the site plan review article to make it a generic clarification and clean-up. (He said the other deferred amendments involve zoning provisions for attached and detached accessory apartments).

Committee Updates

- Complete Streets Committee

Mr. Barringer commented the Complete Streets Committee was moving forward with submitting an application to MassDOT for construction funds in the fall and to asking the Fall Town Meeting for the engineering funds.

- Community Preservation Committee

Mr. Svarczkopf commented there was an out-of-cycle application for funds to create a feasibility study at Cow Pond Brook athletic fields for a building that would house restrooms, storage, and a snack bar as well as to make improvements to the water system which included sewer as well as sprinklers.

Mr. Svarczkopf said the general feeling of the Committee was that it was not appropriate to do as an out-of-cycle application and the Committee asked the applicants to come back after they had addressed a couple of issues.

Mr. Svarczkopf also said there had been quite a bit of discussion surrounding affordable housing and how they could dip into the affordable housing bucket which has \$524,000 available.

General Business

- ZBA Updates

Mr. Tada said the ZBA continued the public hearing regarding 197 Main Street. He said the ZBA would provide comments on the apparent discrepancy in the multi-family zoning as to who had the permit granting of authority. He further said the discrepancy likely went back as far as 1985 and they needed to review the situation and the intent of the provision.

Mr. Tada commented the other point that may be of importance to the Planning Board was that there was some discussion on whether the requirement that a three-family structure should be owner-occupied might be antiquated and in need of an update.

Planning Board Meeting Schedule

- September 10, 2020
- September 24, 2020
- October 3, 2020 – Fall Town Meeting

Adjournment

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

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

Yea: Mr. Bonnett, Ms. Nilsson Ripps, Ms. Black, Mr. Barringer, Mr. Svarczkopf, and Mr. Burke	6
Nay:	0

VOTE: 6 – 0 – 0

MOTION CARRIED

The meeting was adjourned at 10:20 p.m.

Respectfully Submitted,

Trish Gedziun
Recording Secretary