

**TOWN OF GROTON PLANNING BOARD**  
**Virtual Meeting**  
**Thursday, September 10, 2020**  
**Meeting Minutes**

A virtual meeting of the Planning Board was held on Thursday, September 10, 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  
Mr. George Barringer, Board Member  
Mr. Timothy M. Svarczkopf, Board Member  
Mr. David Bonnett, Board Member  
Ms. Lorayne Black, Board Member

Members not Present:

Mr. Scott Wilson, Vice Chair  
Ms. Annika Nilsson Ripps, Clerk

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Mr. Burke noted that the discussion regarding Olivia Way would be addressed at the next Planning Board meeting, date specific to September 24, 2020.

**Public Hearing - Continued**

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

Attorney Bob Collins, representing the applicant, stated he provided the Board with an updated Common Driveway Agreement which included the street addresses for the three lots. He also indicated that he drafted a covenant stating the Planning Board would have to sign off on the infrastructure before the developer could sell any of the lots.

Mr. Burke pointed out that the draft covenant was forwarded to Town Counsel for review.

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

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

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

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

Yea:	Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, Ms. Black, and Mr. Burke	5
Nay:		0

**VOTE: 5 – 0 – 0**  
**MOTION CARRIED**

Mr. Svarczkopf made a motion to approve the Special Permit with the stipulation that the opinion of Town Counsel regarding the covenant was favorable. Ms. Black seconded the motion.

**Discussion:**

Mr. Burke suggested the word “herewith” be added after the word “recorded” in condition #1 of the draft decision.

Mr. Svarczkopf made a motion to amend to approve the Special Permit with the stipulation that the opinion of Town Counsel regarding the covenant was favorable and met the requirements under Title 5 for sewage disposal. Ms. Black seconded the motion.

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

Yea:	Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, Ms. Black, and Mr. Burke	5
Nay:		0

**VOTE: 5 – 0 – 0**  
**MOTION CARRIED**

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

Attorney Collins, representing the applicant, addressed the Board and said the property was approximately 95 acres in size and the applicant had revised the proposed subdivision layout based on feedback from the Board. The revised layout is a limited development approach with seventeen lots on the proposed subdivision road and two lots with six affordable units on Pepperell Road.

Stan Dillis, of Ducharme & Dillis Civil Design Group, explained the revised plans showing a single subdivision road with a main access point off Maple Avenue just north of the Hill Road intersection. The northern end of the proposed road would for emergency access only, with a gate across it. There would be turnaround points along the road. The project would preserve a vegetated buffer along Maple Avenue, approximately 100 feet in width. Construction of the single subdivision road would likely require some waivers from the Board in order to achieve the appropriate grades.

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

Mr. Svarczkopf said the revised layout was a vast improvement and would help to preserve the character of the neighborhood.

Ms. Black asked about tree clearing, saving specimen trees, and the maximum slope of the road. Mr. Dillis replied that much of the proposed development area had been recently logged, but they would look at the possibility of preserving some of the remaining trees. He said the maximum slope of the road would be 10% per the regulations.

Mr. Barringer said he liked the vegetated buffer along Maple Avenue, and asked if any of the house lots would have deed restrictions to prevent encroachment into the buffer. He also asked who would own the substantial open space parcel created by the subdivision, and whether there would be any parking to access the open space. Mr. Collins said they would consider individual deed restrictions to prevent encroachment into the vegetated buffer, and the Open Space parcel would be deeded to the Conservation Commission. Mr. Dillis said the first proposed turnaround area along the road could be modified to provide some parking.

Regarding the Pepperell Road lots, Mr. Barringer asked if they would be on a shared driveway. Mr. Collins said yes.

Mr. Bonnett asked if there were any safety concerns about vehicles coming to a stop at the proposed main entrance just north of Hill Road, given the steep slopes. He also asked about the proposed road width. Mr. Dillis said the main entrance would have a slight curve to it, which will encourage vehicles to slow down. The proposed road width is 18 feet, with 2 feet of shoulder on each side.

Mr. Burke suggested it was time to think about a Planning Board site walk. Mr. Dillis said they would flag the centerline of the road and the edge of the vegetated buffer.

Mr. Burke commented that he was concerned about segregating the affordable units in the Pepperell Road triplexes, rather than having them intermixed with the other lots. He also

indicated a preference for LID stormwater management techniques, and a willingness to consider setback waivers in order to minimize grading and tree clearing.

Mr. Barringer commented that the Board must consider quantity versus quality with regard to the affordable units, and he mentioned the precedent of Rocky Hill Subdivision where the affordables are clustered on Sandy Pond Road, apart from the single-family lots. Mr. Collins mentioned that the Deerhaven Subdivision also followed this model.

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

Mr. Aubrey Theall, 197 Maple Avenue, asked how many by-right lots there were on Maple Avenue in terms of road frontage. Attorney Collins replied he believed the total was 14 although a couple of them were hammerhead lots. Mr. Dillis added there was enough frontage on Pepperell Road for four additional lots.

Mr. Theall asked if perhaps fewer lots on a by-right basis might be preferable even though there would be more curb cuts on Maple Avenue. He also asked if any consideration was given to having the primary access off of Pepperell Avenue. Mr. Collins said a subdivision road off Pepperell Road was not feasible due to the protected wildlife habitat in the middle portion of the site.

Mr. Bruce Easom, Martins Pond Road resident and Conservation Commission member, requested that the Planning Board ensure that the boundaries between the open space and the house parcels were marked with monuments to make the monitoring of the open space easier for the Conservation Commission. Mr. Collins said monumentation of the boundaries would be required by both the subdivision regulations and the habitat protection regulations of MassWildlife.

Ms. Deb Collum, 137 Maple Avenue, addressed the Board and asked if there would be any private wells on the property, Attorney Collins replied the water supply would come from the West Groton Water Supply District. She asked if there were any possibility of having a fire hydrant installed at the opposite end of Maple Avenue. Attorney Collins replied that was very possible. He added the Fire Department would review the plan prior to the next Planning Board meeting. Ms. Collum inquired about the status of review with MassWildlife relative to the protected habitat. Mr. Collins summarized their meetings with MassWildlife.

Mr. Olin Lathrop, Conservation Commission and Trails Committee member, asked if there was room for a trail on the property, perhaps off to the side of lots thirteen and fourteen but not disrupting the wetland. He also asked about trail access off Pepperell Road. Mr. Dillis replied he felt there was more than enough room to put in a trail near lots thirteen and fourteen, and said there is an existing woods road off Pepperell Road that the Conservation Commission may use for site access.

Mr. John Konetzny, 157 Maple Avenue, suggested if all the houses were shifted a bit into the open space, the houses would not have to be so close together. He also had a concern about blasting due to the presence of ledge. Mr. Dillis said they will avoid any blasting if possible.

Mr. Collins and Mr. Dillis confirmed they were ready to move forward into the Definitive Plan stage.

Mr. Barringer made a motion to accept the preliminary subdivision plan for Hayes Woods dated September 10, 2020, prepared by Ducharme & Dillis Civil Design Group. Ms. Black seconded the motion.

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

Yea:	Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, Ms. Black, and Mr. Burke	5
------	---	---

Nay:		0
------	--	---

**VOTE: 5 – 0 – 0**

**MOTION CARRIED**

***ANR (Approval Not Required) Plan***  
**480 Pepperell Road (Shay – Parcel #213-68)**

Attorney Bob Collins, representing the applicant, stated the request was to subdivide the 4-acre lot into two lots that both met or exceeded the zoning requirements.

Mr. Tada read aloud a comment from Mr. Paul Funch, Chair of the Trails Committee, as summarized below:

*I have a copy of the conservation restriction that protects a trail from Wallace Road to the Brookline & Pepperell Railroad right-of-way. The conservation restriction passes right through lot #2.*

Attorney Collins commented while the above statement was true it did not impact the viability of the lot and added it was an issue for the Building Commissioner.

Mr. Barringer made a motion to endorse the Approval Not Required Plan as presented prepared by Ducharme & Dillis Civil Design Group for Paul and Susan Shay, dated March 3, 2020, noting it met the frontage requirements and had access to a passable way.

Mr. Svarczkopf seconded the motion.

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

Yea:	Mr. Barringer, Mr. Svarczkopf, Ms. Black, and Mr. Burke	4
------	--	---

Nay:		0
------	--	---

Abstained:	Mr. Bonnett	1
------------	-------------	---

**VOTE: 4 – 0 – 1**

**MOTION CARRIED**

***Public Hearing***

***Proposed Zoning By-Law Amendments***

***§218-2.5 of Site Plan Review***

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

To consider the proposed amendments to the Groton Zoning By-Law, §218-2.5 The proposed amendments seek to clarify the threshold requirements for site plan review in §218-2.5 and to make corrections to inconsistent references found elsewhere in the by-law.

Mr. Burke noted there were three proposed amendments:

1. Clarify that the provisions of minor site plan review apply to changes of use.
2. Clarify that the provisions of major site plan review apply to changes of use.
3. Correct inconsistent references in the bylaw.

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

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

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

Yea:	Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, Ms. Black, and Mr. Burke	5
------	---	---

Nay:		0
------	--	---

**VOTE: 5 – 0 – 0**  
**MOTION CARRIED**

Mr. Barringer made a motion to recommend the *amendments to §218-2.5 Site Plan Review* to include items #1, #2, & #3 and the withdrawal of item #4. Ms. Black seconded the motion.

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

Yea: Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, 5  
Ms. Black, and Mr. Burke

Nay: 0

**VOTE: 5 – 0 – 0**  
**MOTION CARRIED**

***Public Hearing***

***Proposed Zoning By-Law Amendment***

**§218-9.4 - Allow Detached Accessory Apartment by Right, and §218-9.4.3 - Allow Detached Accessory Apartment by Special Permit**

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

To consider the proposed amendments to the Groton Zoning By-Law, §218-9.4; Accessory Apartments. The proposed amendments would allow attached accessory apartments by right and would also allow detached accessory apartments by special permit.

Mr. Burke mentioned that the Schedule of Use Table would need to be updated accordingly, if the proposed amendments are approved at the Fall Town Meeting.

The Board acknowledged written comments submitted by Becky Pine, Hollis Street resident and Select Board member. Ms. Pine objected to the proposed limit of two permanent residents allowed in the accessory apartments. Ms. Pine felt the Town government should not limit how many people can reside in a private residence, and that the provision would be impossible to enforce.

Mr. Barringer and Mr. Svarczkopf suggested leaving the amendment as written, with the understanding that there would be an opportunity for any voter present at Town Meeting to propose a revision.

Mr. Barringer observed that the Detached Accessory Apartment amendment did not specifically state the size limit of 800 square feet.

Ms. Black noted a punctuation error in Item K of the Attached Accessory Apartment amendment.

Dan Wolfe, 423 Lost Lake Drive, said the size limit of 800 square feet seems small, and asked where that number came from. The Board explained it is carried over from the existing bylaw.

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

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

Yea:	Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, Ms. Black, and Mr. Burke	5
Nay:		0

**VOTE: 5 – 0 – 0**  
**MOTION CARRIED**

Mr. Barringer made a motion to recommend the proposed Attached Accessory Apartment by Right article to Town Meeting, as amended. Ms. Black seconded the motion.

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

Yea:	Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, Ms. Black, and Mr. Burke	5
Nay:		0

**VOTE: 5 – 0 – 0**  
**MOTION CARRIED**

Mr. Barringer made a motion to recommend the proposed Detached Accessory Apartment by Special Permit article to Town Meeting, as amended to add the size limit of 800 square feet. Mr. Svarczkopf seconded the motion.

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

Yea:	Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, Ms. Black, and Mr. Burke	5
------	---	---



Nay:

0

**VOTE: 5 – 0 – 0**

**MOTION CARRIED**

***Discussion - Proposed Minor Modifications  
Cherry Tree Lane (Academy Hill Subdivision)***

Mr. Tada shared a field report and a request letter from Creative Land & Water Engineering on behalf of the Academy Hill subdivision. He said there was a site visit at the request of Academy Hill which included the Conservation Administrator, the Stormwater Inspector, and himself to discuss the status of work in the stormwater detention basin and wetland replication area at the corner of Cherry Tree Lane and Townsend Road.

Mr. Tada said Mr. Jared Gentilucci, from Nitsch Engineering, acting on behalf of the Planning Board made the following comments:

- The wetland replication area needed to be completed.
- Recommend confirmation with the applicant if additional seed mix was needed at the bottom of the replication area.
- Some Willows had already naturalized in the area.
- A 12-inch pipe was shown on the approved subdivision plan but it was never installed, however, it was presently believed that the pipe was no longer needed.
- Agree that the Woods Road profile detail on the approved plan was incorrect in terms of the sequence of material layers during construction

Mr. George Gallagher, Habitech Communities, addressed the Planning Board and said the plan was to start the final paving of subdivision roadways in the spring.

Mr. Barringer made a motion to approve the requested field changes, to remove the need for the 12-inch drainage pipe to the detention basin, and the correction of the Woods Road profile. Mr. Svarczkopf seconded the motion.

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

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

5

Nay:

0

**VOTE: 5 – 0 – 0**

## **MOTION CARRIED**

### ***Discussion:***

***Olivia Way Drainage Mitigation Update***

***Red Pepper Lane Street Acceptance Update***

***Reedy Mead Estates***

Mr. Burke stated that the applicant, through his attorney, had requested that the discussion be continued to the next Planning Board meeting, date specific of September 24, 2020.

### **Committee Updates – Tabled - 9/24/20 Meeting**

### **General Business – Tabled 9/24/20 Meeting**

### **Planning Board Meeting Schedule**

- October 3, 2020 – Fall Town Meeting
- October 8, 2020
- October 22, 2020

### **Adjournment**

Mr. Barringer made a motion to adjourn and enter a non-public session to discuss matters that may have a detrimental effect with regard to bargaining and litigation and not to return to the public session. Mr. Svarczkopf seconded the motion.

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

Yea:	Mr. Barringer, Mr. Svarczkopf, Mr. Bonnett, Ms. Black, and Mr. Burke	5
Nay:		0

**VOTE: 5 – 0 – 0**

**MOTION CARRIED**

The meeting was adjourned at 10:15 p.m.

Respectfully Submitted,

Trish Gedziun  
Recording Secretary