

**TOWN OF GROTON PLANNING BOARD**

**Thursday, January 28, 2021**

**Meeting Minutes**

A virtual meeting of the Planning Board was held on Thursday, January 28, 2021, at approximately 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. Timothy M. Svarczkopf, Vice Chair
- Mr. George Barringer, Board Member
- Mr. Scott Wilson, Board Member
- Ms. Lorayne Black, 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

**Discussion – Letter of Support for CPA Application (Anna Eliot, Park Commission)**

Ms. Eliot stated the Park Commission was requesting approximately \$120,000 of CPA funds to do a feasibility study that would include Cow Pond Fields, Woitowicz Field, and the Cutler Memorial Field to determine if they are providing maximum and safe playing surfaces while correcting the issue of parking and traffic safety on their properties. She asked if the Planning Board would be willing to write a letter supporting the application.

Mr. Burke asked if any revenue from user group fees was used to maintain the fields.

Mr. Bonnett explained that each specific user group, such as baseball or softball, collected enough fees to sustain their operations, but not enough to generate profits.

Mr. Svarczkopf agreed with Mr. Bonnett and added that there was a need for a more holistic review of the field usage and maintenance at these Park Commission facilities.

Mr. Barringer made a motion to send a letter of support for the Park Commission’s feasibility study as defined by Ms. Eliot. Mr. Wilson seconded the motion.

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

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

Nay: 0

**VOTE: 6 – 0 – 0**

**MOTION CARRIED**

**Discussion – Potential Zoning Change for a Dog Daycare/Kennel Operation  
242 West Main Street (Casey Palmer)**

Ms. Casey Palmer addressed the Planning Board and said she owned and operated a dog daycare/kennel for seven years in Littleton, MA but she had to vacate that lease due to the COVID-19 pandemic. She said her property located at 242 West Main Street was already set up for animals and she had personal kennel licenses in the past. She said it was her hope to take care of other people’s dogs, up to 10 at a time, in her home. She added it would not require any changes to the property.

Mr. Burke clarified that the applicant was potentially requesting to have the property re-zoned from RA (Residential Agriculture) to NB (Neighborhood Business). He added if it were changed to a Neighborhood Business zone it would open the door for future property owners to have many different types of business options.

Mr. Burke suggested that the applicant petition a change to the Schedule of Use table to allow dog daycare in the RA zone by special permit, and then to provide additional zoning language that would further define the parameters under which special permits could be granted.

**Discussion – Minor Modification of Special Permit & ANR (Approval Not Required) Plan for  
a Lot Line Adjustment – 340 Longley Road (Kevin Mark, David E. Ross Associates)**

Mr. Kevin Mark addressed the Board and stated the Planning Board had approved a special permit for a hammerhead lot and a common driveway. He said the common driveway had been constructed and foundations were starting to be poured, specifically on lot #3. He said since the foundation had been poured on lot #3, the buyer decided to add a farmer’s porch that would encroach within the required 25-foot side-yard setback on a hammerhead lot. He said the request is for a minor modification to the special permit along with endorsement of the revised ANR Plan to shift the interior lot-line between lots #2 and #3 by approximately 10-feet to reach the required zoning separation of 25 feet from the property line to the structure of the farmer’s porch.

Mr. Wilson made a motion to endorse the ANR (Approval Not Required) Plan. Mr. Barringer seconded the motion.

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

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

Nay: 0

**VOTE: 6 – 0 – 0  
MOTION CARRIED**

Mr. Wilson made a motion to approve the modification as a minor field change to the special permit. Mr. Barringer seconded the motion.

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

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

Nay: 0

**VOTE: 6 – 0 – 0**  
**MOTION CARRIED**

***Public Hearing (Continued)***

***Definitive Plan & Special Permit – Major Residential Development Proposed “Village at Shepley Hill”, Longley Road & Sand Hill Road, Shepley Hill Capital Partners, LLC (Assessors’ Parcel 226-2)***

Mr. Larry Smith reviewed the list of proposed changes to the development:

- Elimination of cuts greater than 7 feet.
- Elimination of two units (one duplex) which left a total of 26 proposed units.
- Redesigned the bridge at Sand Hill Road to make it longer.
- Eliminated any alteration to the wetlands at the Sand Hill Road bridge.
- Redesigned the roadway off Longley Road (slightly reduced) to avoid alteration of the wetlands in this area.
- Eliminate one section of sidewalk near the Longley Road entrance to minimize wetland alteration as much as possible.
- Redesigned the entire street lighting per Mr. Barringer’s recommendation.

Attorney Jill Mann addressed the Planning Board and suggested that the request for a special permit be continued with a date specific of February 14, 2021, re-noticed, and readvertised as there needed to be a supermajority vote in favor and Ms. Nilsson Ripps was not in attendance and Mr. Svarczkopf had missed two or more meetings and was not eligible to vote. Mr. Burke suggested a withdrawal for the special permit without prejudice might be a better avenue for the applicant to go.

Attorney Mann emailed a formal request to Mr. Tada to withdraw the request for a special permit without prejudice which Mr. Tada read into the record as follows:

“On behalf of the petitioner, Shepley Hill Capital Partners, LLC, I hereby request that the application for a special permit be withdrawn without prejudice to allow the petitioner to re-apply.”

Mr. Barringer made a motion to accept the withdrawal of the special permit application without prejudice. Mr. Wilson seconded the motion.

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

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

Nay: 0

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

**(Note: Mr. Svarczkopf did not take part in the vote.)**

Mr. Barringer suggested the light located at the residence in the cul-de-sac be eliminated.

Attorney Mann pointed out the landscaping and lighting plans would be part of the set of detailed plan revisions that the Planning Board would receive on February 5, 2021.

Attorney Mann said the applicant would be requesting a waiver from the sidewalk requirement to allow one section of the proposed sidewalk, approximately 250 feet long, to be eliminated in the vicinity of the wetland crossing near Longley Road. She said the reason for the request was because the Conservation Commission required it when there was an application for a limited project that waivers be sought from the Planning Board in order to reduce the width of the paved area in a "way." She added that the reduced width of the paved way in this area would eliminate the wetland impacts.

Mr. Barringer said he had a mixed opinion about losing a portion of the sidewalk near Longley Road. He appreciated the reduced impacts, but he also pointed out that he is the Chair of the Complete Streets Committee which is supposed to encourage the enhancement of pedestrian amenities.

Mr. Bonnett asked if it were possible to reduce the road to a single lane, while keeping the sidewalk, in the vicinity of the wetland crossing. This would have the added benefit of calming traffic.

Mr. Bill Fleming, Landscape Architect, reviewed the landscaping plan with the Planning Board. He said one point of emphasis is to provide landscape plantings that are native, deer resistant, and drought tolerant.

Ms. Black said she liked the landscape plan revisions, and encouraged Mr. Fleming to mix up the plantings to look more natural and be more resilient.

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

Mr. Brad Bobzien, an abutter, said there was some talk at the last meeting about the enjoyment of the land, with regard to the drumlin hill and wooded open space. He wanted to remind everyone that the land was private property and the public did not currently have the right to enter. The proposed development would offer public trail access to the open space. He also said the proposed development was more desirable than the other potential alternatives.

Mr. Richard Hewitt, resident on Longley Road, said he is most concerned about traffic safety at the intersection of Longley and Sand Hill Roads, which is not shown on the plans. Part of the problem is that this is a flat drawing whereas Sand Hill Road comes into Longley Road and Nashua Road at the top of the hill and there are turns and hills that make for a dangerous intersection.

Mr. Tada read aloud from an email received from Mr. Mike Riley:

Concerning street lights, are they proposed at both entrances to the project, as well as the intersection of the interior roadways? Mr. Burke replied in the affirmative.

Mr. Tada stated he had received a letter from Ms. Anna Eliot who had some questions pertaining to the wetlands but was in support of the project overall.

Mr. Tada also stated he received questions via email from Mr. Rick Muehlke regarding potential safety issues at the edge of some of the steep embankments. Mr. Smith replied they would install an aluminum 42"-high fence in those areas. The fence is designed to look like wrought iron.

Mr. Barringer made a motion to continue the Definitive Subdivision Plan public hearing for the Village at Shepley Hill date specific to the February 11, 2021 meeting at 7:30 p.m. Mr. Bonnett seconded the motion.

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

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

Nay: 0

**VOTE: 6 – 0 – 0**  
**MOTION CARRIED**

Mr. Barringer made a motion to waive the filing fee, not to include the cost for advertisement, for the resubmission of the special permit for the Village at Shepley Hills. Mr. Wilson seconded the motion.

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

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

Nay: 0

**VOTE: 6 – 0 – 0**  
**MOTION CARRIED**

**Discussion – Review Status of Compliance with Major Site Plan Review Requirements  
Music Center at Indian Hill, 122 Old Ayer Road**

Mr. Tada stated the Planning Board had requested that he look at the major site plan review permit that was issued by the Board in January of 2017. He said he was not able to find a copy of a preliminary Certificate of Compliance, however, he did find a letter that accompanied the control set of drawings submitted by Beals and Associates that seemed to indicate that they submitted the plans which included addressing some of the comments that were raised at the time.

Mr. Burke stated prior to obtaining a building permit the applicant should have submitted a copy of the street opening curb cut and the design plan that depicted the improvements of the intersection of Old Ayer Road, Boston Road, and Main Street.

Mr. Burke also stated there was another provision that stated no occupancy permit shall be issued until the work was done.

Mr. Tada explained that the applicant was also supposed to submit a Transportation Demand Management Plan that he was not able to find. Mr. Tada indicated he had reached out to the project manager but had not yet heard back from him.

Mr. Svarczkopf suggested a zoning enforcement letter should be issued from the Zoning Enforcement Officer notifying them they were not within the terms of the special permit and they needed to become compliant.

Mr. Barringer made a motion to forward the permit as annotated to the Zoning Enforcement Officer recommending that he review the permit and act accordingly regarding the primary items and to bring them to the attention of the project manager in light of the proposed opening date and pending occupancy on the completion of the items. Mr. Svarczkopf seconded the motion.

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

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

Nay: 0

**VOTE: 6 – 0 – 0**  
**MOTION CARRIED**

**Discussion – Potential Zoning Amendments for Spring Town Meeting**

Mr. Burke noted he had been asked by the Chair of the Select Board what the Planning Board had for the Town Meeting. He said the Planning Board had the Flood Plain Zoning rewrite to comply with the new FEMA and state requirements and may have some clean-up items.

Mr. Burke also noted there was state legislation that proposed for certain types of special permits regarding housing did not have to pass by a supermajority. He said zoning itself when put before City Councils or Town Meeting may only require a majority vote and not a two-thirds vote.

**Committee Updates**

- Complete Streets Committee

Mr. Barringer commented they were still awaiting action from the state.

- Community Preservation Committee

Mr. Burke commented that he received a copy of an email from Mr. Peter Cunningham, of Squannacook Greenways, regarding a CPA proposal for \$30,000 to cover the local share of extending the new Squannacook River Rail Trail into Groton, from Townsend. He said Mr. Cunningham requested a letter of support from the Planning Board to accompany the application.

Mr. Svarczkopf made a motion that the Planning Board send a letter of recommendation to the Community Preservation Committee regarding the application. Mr. Barringer seconded the motion.

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

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

Nay: 0

**VOTE: 6 – 0 – 0**  
**MOTION CARRIED**

Mr. Svarczkopf stated the Community Preservation Committee had received more applications than they could fund but thought it was important to identify some of the other applications received:

- Pickle Ball and Court Renovations at the Country Club
- Extending the Bike Path
- Affordable Housing Feasibility Study
- Track and Stadium Fields (Schools)

**General Business**

Approval of Meeting Minutes

- December 17, 2020

Mr. Barringer made a motion to approve the minutes from the December 17, 2020, meeting as presented. Mr. Wilson seconded the motion.

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

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

Nay: 0

Abstained: 1

**VOTE: 5 – 0 – 1 (Abstained – Mr. Svarczkopf)**  
**MOTION CARRIED**

- January 14, 2021

Mr. Barringer made a motion to approve the minutes from the January 14, 2021, meeting as presented. Ms. Black seconded the motion.

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

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

Nay: 0

Abstained: 1

**VOTE: 5 – 0 – 1 (Abstained – Mr. Svarczkopf)  
MOTION CARRIED**

**Planning Board Meeting Schedule**

- February 11, 2021
- February 25, 2021

**Adjournment**

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

A roll call vote was taken and the meeting was adjourned at approximately 9:53 p.m.

Respectfully submitted:

Trish Gedziun  
Recording Secretary

*Approved 2/11/2021*