

TOWN OF GROTON PLANNING BOARD

Thursday, March 25, 2021

Meeting Minutes

A virtual meeting of the Planning Board was held on Thursday, March 25, 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
Ms. Annika Nilsson Ripps, Clerk
Mr. George Barringer, Board Member
Ms. Lorayne Black, Board Member
Mr. David Bonnett, Board Member
Mr. Scott Wilson, Board Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Public Hearing – Definitive Plan and Special Permit Application for Flexible Development “Hayes Woods” – Maple Realty Trust (Robert Kiley, Trustee) Maple Avenue, Hill Road, and Pepperell Road. (Assessors’ Parcels 212-13 and 104-30)

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

In accordance with the provisions of Chapter 40A, §9 and §11 of the Massachusetts General Law and the Code of the Town of Groton, Chapter 218, the Groton Planning Board will hold a virtual public hearing via Zoom to consider the applications submitted by Maple Realty Trust (Robert P. Kiley) trustee of a definitive plan and a special permit under the provisions of the Groton Zoning Bylaw §218-9.1 Flexible Development. The project is located on Assessors’ Parcels 212-13 and 104-30 and will result in the subdivision of the existing 92-acre property on the westerly side of Maple Avenue and the easterly side of Pepperell Road into nineteen lots as shown on the plan entitled the “Definitive Subdivision and Flexible Development Plan, Groton, MA, Hayes Woods, prepared by Dillis & Roy Civil Design Group, and dated February 10, 2021.

Attorney Bob Collins was present to represent the applicant. He said Hayes Farm was approximately 90 acres in size situated between Maple Avenue, Hill Road, and Pepperell Road.

Attorney Collins commented that the plan represented limited development in its truest sense in that on a 92-acre piece of land, nineteen (19) lots were being proposed, one of which would contain a tri-plex with three affordable units. Three of the lots were off Pepperell Road and on a shared driveway, and sixteen would be off a subdivision road that would be constructed running parallel to Maple Avenue with single entrance close to the intersection with Hill Road and with an emergency-only access at the opposite end of it. He said the plan would result in 60 acres being gifted for conservation purposes in the center of the site.

Attorney Collins noted that there had been some concerns that the plan would result in a clear-cutting of everything along Maple Avenue. He said the plan was to have the street-scape remain the same to the extent it could.

Attorney Collins pointed out that there was an opportunity to develop a site only once and it would have a lasting effect. He said the lasting effect in this instance was being able to visually maintain Maple Avenue as it existed rather than having multiple house lots along it.

Mr. Stan Dillis, P.E., said the design of the subdivision road would minimize the amount of grading and would lend itself to being a very low-speed road. He said with regard to drainage they propose to use low-impact development techniques with no curb, swales, rain gardens, and infiltration basins. He said lot #5 had a sub-surface basin which was designed to minimize the footprint.

Mr. Burke asked if there were questions or comments from members of the Board. Mr. Wilson asked the applicant if they were trying to minimize the visual impact of the development on Maple Avenue, why was the entire lineup of houses tucked right down next to Maple Avenue. Attorney Collins replied the plan in front of the Planning Board was not the actual plan the applicant was proposing, but it was to show what an ANR (Approval Not Required) would do to the site.

Mr. Barringer commented it appeared that the infiltration system was the original system design, not the revised design that was discussed at the Earth Removal Stormwater Advisory Committee meeting earlier in the week. Attorney Collins replied that was correct but that Mr. Dillis had managed to push it out by an additional 15 feet, which will be shown on the revised set of plans.

Mr. Bonnett asked where the parking for the public would be located. Attorney Collins replied it would be located on lot #15. Mr. Bonnett asked if there were any trails in the location. Mr. Dillis replied there were not but there could be.

Ms. Black commented she felt it would be helpful to put the trees along Maple Avenue on the grading plan. Mr. Dillis replied he would. Ms. Black also commented she felt there should be some type of tree protection incorporated as a detail.

Ms. Black asked what the standard slopes were. Mr. Dillis replied all of the slopes were 3:1 or less. She asked how the applicant planned on vegetating the slopes after the development. Mr. Dillis replied they would be revegetated in some fashion, either with grass or stabilized with vegetation or mulch depending on how close they were to the homes.

Attorney Collins stated he would draft language to go into the deeds which stated those portions along Maple Avenue stayed in a natural vegetative state. Mr. Burke stated the applicant would be taking down hundreds of trees in the area and said he felt a lot more work needed to be done.

Attorney Collins indicated they would provide a more in-depth planting plan at the next public hearing.

Ms. Nilsson Ripps commented the restricted areas were for buildings only so she imagined residents would be allowed to do some planting. Attorney Collins replied planting would be allowed but the proposed language would be that it should be natural woodland vegetation and not manicured landscaping. Ms. Nilsson Ripps asked if a species list could be included in the language. Attorney Collins replied in the affirmative.

Ms. Nilsson Ripps commented that all of the market rate units had a very distinct and private backyard space but the affordable units, where there would be more residents, had the driveway in front of the house. She asked if there were a way to orient the units differently for a more usable and safe outdoor living space. Attorney Collins replied the applicant would tweak the plan and present it at the next meeting.

Mr. Svarczkopf said he was very interested in the “emergency only” exit for Hayes Road. Attorney Collins replied the pavement itself would end at the “t” turnaround and there would be a gate that public safety people could access. Attorney Collins replied there were four locations where a vehicle of a significant size such as a fire truck or ambulance could turn around and back out.

Mr. Svarczkopf asked if the intent was for the Town to accept the road. Attorney Collins replied ultimately that was the intent but there would be an association that would be charged with dealing with portions of the drainage structures.

Mr. Svarczkopf asked if there were any lighting being proposed. Attorney Collins replied there was not but they could include it if the Board wished.

Mr. Burke commented that Maple Avenue was a scenic way in the Town of Groton. He said when the road was relocated the intent was to minimize the visual impact to Maple Avenue and he said he was disappointed looking at the proposed grading plan. He said he felt the plan presented “boiler type” houses without much thought about how to work with the land. Further, Mr. Burse commented that he did not feel the proposed design met the challenge of the topography in terms of minimizing the extent of clearing and grading. He also commented that he had concerns that all of the affordable housing units would be located in the tri-plex as he felt that segregated people by income.

Mr. Burke said he felt the proposed reforestation was “anemic” and would like to see a much more aggressive planting plan, and there was a parking area without any trails being shown. Attorney Collins stated it was the applicant’s intent to present the Board with revised plans reflecting everything brought up at the next meeting.

Mr. Burke stated he wanted to be quite clear that he wanted to see to an affordable unit in each of the duplexes on the Pepperell Road side.

Mr. Burke asked if there were questions or comments from the public.

Mr. Tada explained he had received three items of correspondence; two from Nitsch Engineering regarding the review of the stormwater application and one was the review of the Planning Board’s definitive plan application. He also explained he received correspondence from a number of residents submitted by Ms. Deb Collum and was signed by a number of additional abutters.

Mr. Jared Gentilucci, P.E. from Nitsch Engineering explained his firm was the Civil Engineering Peer Review Engineer for the Planning Board. He said after reviewing both the definitive subdivision plan and the flexible development plan, they provided a number of comments to the Board. He said the bigger concerns were surrounding the horizontal and vertical geometry of the proposed new road.

Mr. Gentilucci explained another concern was the cross-section view for the roadway design noted an 18-foot wide pavement width and per the subdivision regulations that were required to be a minimum of 20-feet. He also pointed out the proposed plan indicated a 2-foot shoulder and the bylaw required a 3-foot shoulder.

Mr. Tada displayed the letter from Ms. Deb Collum et al. which indicated concerns regarding the 100-foot buffer and felt the proposed development was a deviation of the pre-approved plan.

Mr. John Konetsny, Maple Avenue, addressed the Board and asked how many feet was Hayes Lane from Maple Avenue. Mr. Dillis replied it was approximately 500 feet but on lots #4 and #5 it was probably 300 feet from Maple Avenue.

Ms. Deb Collum, an abutter, stated the entire area across from Chris Shattuck's hayfield would be destroyed; including the Maples and Evergreens.

Ms. Collum also said she had concerns with the maintenance obligations of the proposed infiltration system.

Mr. Aubrey Theall, Maple Avenue, asked if a traffic study would still be done. Mr. Burke replied the Board had not opined on that as of yet. Mr. Svarczkopf commented he did not feel the results of a traffic study would be heavily weighted in the consideration of the proposal. Mr. Burke asked Mr. Collins to put together some preliminary information regarding traffic to determine if a full traffic study was warranted.

Mr. Theall asked if tree removal would occur in the buffer. Attorney Collins replied it would but only in accordance with woodland management techniques.

Mr. Tom Meneghini, Hill Road, said one of his concerns was that Maple Avenue was like a glorified driveway and asked if there were any plans to widen the roads. Attorney Collins replied there were no proposed changes to the roadways.

Mr. Tom Bielicki, an abutter, said it was his understanding that there had to be a 50-foot buffer between his property line and any development. He requested to see all of the survey data pertaining to the development.

Mr. Tim Mahan asked if the trees would remain in the 70 to 100-foot buffer. Mr. Burke replied they would not.

Mr. Wilson made a motion to continue the public hearing to a date specific of April 22, 2021, at 7:30 p.m. Ms. Black seconded the motion.

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

Yea: Mr. Barringer, Ms. Black, Mr. Svarczkopf, Mr. Bonnett, 7
Mr. Wilson, Mr. Burke, and Ms. Nilsson Ripps

Nay: 0

VOTE: 7 – 0 – 0
MOTION CARRIED

Discussion – Draft Decision
Definitive Plan and Special Permit for Major Residential Development
“Village at Shepley Hill” Shepley Hill Capital Partners, LLC
Longley Road and Sand Hill Road (Assessor’s Parcel 226-2)

Mr. Burke stated Mr. Tada had drafted two decisions, one for the Definitive Plan and one for the Special Permit. Mr. Tada displayed both decisions and reviewed them with the Planning Board.

Special Permit Requests

Mr. Wilson said he felt it was important to stress that because the units were luxury units they would not serve the so-called “social-economic community needs” of the Master Plan when it came to helping elderly people or retired people of modest means to stay in the Town of Groton.

Mr. Svarczkopf added that he felt a home that cost \$800,000 did not address the intent of the Master Plan.

Ms. Nilsson Ripps pointed out, however, that there was a sizable donation to the Affordable Housing Trust.

Mr. Wilson commented he was fine with development but did not feel the Planning Board should approve any waivers.

FINDINGS

Regarding finding #1, the Planning Board collectively decided to reword the paragraph and would send it to Mr. Tada who would present the proposed language at the next meeting.

1. ***Social, economic, and community needs:*** *The proposal addresses several of the social, economic, and community needs identified in the Master Plan. The proposal maintains the two-acre lot density in the Residential-Agricultural Zoning District, while creating more varied housing stock for persons 55 years and older, and simultaneously preserving open space and providing public trail amenities.*

Regarding finding #2, Ms. Nilsson Ripps said although the developer had done their due diligence and provided the Board with everything they asked for she still felt it was not an ideal situation.

2. ***Traffic flow and safety:*** *The layout of the roadways will provide residents, passing traffic, and first responders with adequate sight distance and traveling space to enter, exit, and navigate safely throughout the property. The traffic study confirmed that the proposed development will have less impact on traffic than other development types.*

Regarding finding #4, Mr. Wilson questioned whether the character of the neighborhood was actually “rural.” Mr. Barringer suggested changing the word “rural” to “suburban.”

4. ***Neighborhood character:*** *The proposal is consistent with the rural character of the neighborhood character. The scale of the proposed dwellings is moderate and the units will be designed to reflect New England cottage-style architecture. The protected open space will act as a natural buffer and screening for surrounding properties.*

Regarding finding #5, Mr. Wilson said it did not address the traffic patterns of animals on the site and how it was being dealt with.

Mr. Wilson suggested adding the following language:

While the impacts to the environment due to topographic challenges are excessive, and the applicant had reduced the impacts, there were remaining concerns relative to the long-term environmental impacts on wildlife.

- 5. **Impacts on the environment:** The Applicant has ensured that the impacts to the environment will be minimized by undertaking all of the following: reducing the number of impervious areas; preserving the open space; designing a common septic system and limiting the number of bedrooms in each unit to no more than two (2).*

Regarding finding #6, Ms. Nilsson Ripps suggested deleting the first sentence.

- 6. **Fiscal impact on the Town:** The proposal will generate one-time building permit fees in excess of \$200,000.00 and recurring personal property and excise taxes in excess of \$300,000.00. There will be no demand on the school system from the age-restricted community. Additionally, the condominium association will manage and maintain the roadways and all infrastructure. Furthermore, the applicant will make a voluntary contribution of \$150,000.00 to the Affordable Housing Trust.*

Mr. Tada explained there should be an additional finding, #7, in which the Planning Board finds that the conventional subdivision plan is preferable to the alternative flexible development plan, and that the plan was designed in a way that preserved open space; maximized common open space as well as public open space; and provided public access.

WAIVERS

Mr. Burke asked Mr. Tada to double check if there were a waiver requested for §381-13.B – Grass plots and slopes, embankments outside the shoulders, and swales shall be evenly graded and pitched at a rate not steeper than 2:1 in cut and 3:1 in fill.

Definitive Plan Approval

Mr. Burke pointed out all of the changes regarding the Special Permit would apply to the Definitive Plan approval.

CONDITIONS

1. Chapter 258, Street Naming and Building Numbering, Section 258-8 states:

All proposed street names must be submitted to the Planning Board for approval. No subdivision plan shall be approved without the approval of proposed street names. No subdivision plan shall be approved without assignment of street numbers by the Building Commissioner. Endorsement of said plan by the Planning Board shall constitute the assignment of building numbers to the lots shown on the plan. The definitive plan shall show the assigned building numbers for lots shown on said plan.

5. Proposed landscaping plantings (trees, shrubs, etc.) shall not consist of plantings that are identified as an invasive species in the publication entitled, "The Evaluation of Non-Native Plant Species for Invasives' in Massachusetts (with annotated list)," prepared by the Massachusetts Invasive Species Advisory Group, dated April 1, 2005. (Copies are available in the Planning Board and Conservation Commission offices.)
9. The Applicant shall comply with the Superseding Order of Conditions, Mass DEP #169-1214, for work within jurisdictional wetland resource areas. (Appeal Pending)
18. Prior to the endorsement of the definitive plan, the subdivider shall either file a surety (as required in Section 381-8E(1) Final approval with bonds or surety) or a covenant (as required in Section 381-8E(2) Final approval with covenant). Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
19. This subdivision is subject to Definitive Plan Approval, PB #2020-19, granted by the Planning Board on DATE TBD. All conditions of the Definitive Plan Approval are applicable to the development of this subdivision.
21. As offered by the Applicant, a donation of \$150,000.00 shall be made to the Affordable Housing Trust to support the creation of affordable housing in Groton within thirty days after the resolution of any (possible) appeal.
22. The conditions of the definitive plan approval apply to any successor in interest or successor in control.

Mr. Burke commented another draft of the proposed findings, waivers, and conditions would be presented at the April 8th Planning Board meeting and all decisions would be provided to Town Council for their review.

Recorder's Note: At approximately 10:05 p.m. Mr. Barringer was excused from the meeting.

Committee Updates

- Complete Streets Committee

Mr. Burke informed the Board that the application for funding was not approved because the Town of Groton had already received round 1 and the state was not going to fund the second rounds until all the communities received the first round.

- Community Preservation Committee

Mr. Svarczkopf reported that the Select Board had some concerns regarding the Reserve Parcel at Surrenden Farm and there was a citizen's petition to transfer the property to the Conservation Commission. He said the Conservation Commission had voted the petition down. He said the Community Preservation Committee did not opine on the petition.

Discussion

Zoning Amendments for Spring Town Meeting

Mr. Burke commented the only Article likely to be addressed at the Town Meeting would be Attached Accessory Dwelling Units change to Accessory Dwelling Units.

General Business

- Meeting Minutes – February 11, 2021

Ms. Nilsson Ripps made a motion to approve the minutes from the February 11, 2021, meeting as presented. 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. Burke, and Ms. Nilsson Ripps

Nay: 0

VOTE: 6 – 0 – 0
MOTION CARRIED

- Meeting Minutes – March 11, 2021

Ms. Nilsson Ripps made a motion to approve the minutes from the March 11, 2021, meeting as presented. 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. Burke, and Ms. Nilsson Ripps

Nay: 0

VOTE: 6 – 0 – 0
MOTION CARRIED

Planning Board Meeting Schedule

- April 8, 2021
- April 22, 2021
- May 1, 2021 – Spring Town Meeting

Adjournment

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

A roll call vote was taken and the meeting was adjourned at approximately 10:19 p.m.

Respectfully submitted:

Trish Gedziun
Recording Secretary

Approved on 4/8/2021