

TOWN OF GROTON PLANNING BOARD

Thursday, May 13, 2021

Meeting Minutes

A virtual meeting of the Planning Board was held on Thursday, May 13, 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. Scott Wilson, Vice Chair
Mr. George Barringer, Board Member
Ms. Lorayne Black, Board Member
Mr. David Bonnett, Board Member
Ms. Allison Bedard, Board Member

Members Not Present:

Ms. Annika Nilsson Ripps, Clerk

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Public Hearing (Continuation)

***Definitive Plan and Special Permit for Flexible Development "Hayes Woods"
Maple Realty Trust (Robert Kiley, Trustee) Maple Avenue/Hill Road/Pepperell Road
(Assessors' Parcels 212-13 & 104-30)***

Mr. Burke stated the previously filed Approval Not Required Plan had been withdrawn.

Attorney Collins, representing the applicant, addressed the Board and stated that Mr. Kiley had given much consideration to the various comments and feedback received. Mr. Kiley's hope is to be able to withdraw the Special Permit and the Definitive Plan applications originally submitted, and then submit new applications based on the revised plan being presented today. The revised plan limits the activity on Maple Avenue to seven lots, four of which are estate-sized lots that are larger than 10 acres with the better portion of the acres being subject to a permanent conservation restriction. Mr. Collins said the focus of the development would be on a cul-de-sac that would be off of Pepperell Road that would serve ten lots with three affordable units in a single building.

Attorney Collins noted the total area of protected land would stay at 60 acres and the Conservation Commission would be gifted a fairly large parcel of the protected land. He also noted that total site disturbance in the revised plan was less than 25% of the site disturbance proposed in the original plan.

Attorney Collins stated he had provided the Board with a letter requesting withdrawal of both the Special Permit and the Definitive Plan application.

Mr. Burke asked if members of the Board had questions or comments.

Mr. Wilson commented that he liked the cul-de-sac aspect of it but he was concerned about the transformation of Maple Avenue with the seven homes “snugged” right up against Maple Avenue. He said he would like to see those homes much farther back from Maple Avenue and perhaps have another double-ended access road of some kind to minimize all of the driveway cuts. He further said one of the primary concerns of the abutters was the amount of trees that would have to be cut down to complete the project. Attorney Collins replied the houses on the estate lots were intended to be set back at least 200 feet from the street and will utilize existing gaps in the treeline for the driveways. None of the trees on Maple Avenue would have to be taken down for the driveway cuts.

Ms. Black said the latest plan lacks enough detail to draw any conclusions. She would like to see the driveway locations, proposed grading, and septic system locations.

Mr. Barringer asked for clarification on the building setbacks and Conservation Restriction boundaries, which are shown as dotted lines on the plan. He also asked to see the proposed driveways and the soil test pit locations shown on the plan.

Mr. Bonnett observed that the proposed 60 acres of protected land would include approximately 30 acres of fee ownership land (gifted to the Conservation Commission) and another 30 acres of privately owned land under a Conservation Restriction.

Ms. Bedard said she appreciated the attempt to use existing gaps in the treeline for the driveways.

Mr. Burke commented that he did not think the site was great for affordable housing because it was somewhat in the outskirts of town. He also said when doing affordable units you should not segregate people by income level and put them all in the same building. He said as far as the development itself he felt it had potential merit but agreed with other Board members in that they needed to see more detail, particularly on Maple Avenue, including location of the driveways, grading, the placement/footprint of the houses, and the potential extent of land clearing.

Mr. Burke commented that the Board had indicated some interest in the applicant further exploring other alternatives but at the same time he felt the current Special Permit and Definitive Plan should be kept as is while they were deciding which way to go.

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

Ms. Deb Collum, 137 Maple Ave., said it seemed to her the difference between fee ownership of conservation land and private land with a conservation restriction would be that the private land would not allow any access to the public. Mr. Burke replied it depended on the nature of the restriction and it would have to be taken into consideration. Ms. Collum also said the unidentified vernal pool would be part of one of the estate lots, in the latest plan.

Mr. Aubrey Theall, 197 Maple Ave., asked if there would be restrictions on Maple Avenue in the areas between the homes and the road that would be undisturbed during the construction in terms of subsequent clearing or the placement of outbuildings. Mr. Burke replied that was to be determined.

Mr. Tada read aloud from a “Chat Message” received from Ms. Julie Lisk, 63 Spencer Circle, who wanted to make sure Board members were aware that Blanding’s Turtles crossed Hill Road from Spencer Circle and they were in nesting season and she was very concerned about increased road traffic.

MOTION: Mr. Barringer made a motion to continue the public hearing regarding the Definitive Subdivision Plan for Hayes Woods to June 10, 2021, at 7:10 p.m. Ms. Black seconded the motion.

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

Yea: Ms. Bedard, Mr. Barringer, Ms. Black, Mr. Bonnett, 6
Mr. Wilson, and Mr. Burke
Nay: 0
VOTE: 6 – 0 – 0
MOTION CARRIED

MOTION: Mr. Barringer made a motion to continue the public hearing regarding the Special Permit for Hayes Woods to June 10, 2021, at 7:10 p.m. Mr. Wilson seconded the motion.

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

Yea: Ms. Bedard, Mr. Barringer, Ms. Black, Mr. Bonnett, 6
Mr. Wilson, and Mr. Burke
Nay: 0
VOTE: 6 – 0 – 0
MOTION CARRIED

ANR (Approval Not Required) Plan – 16 Maple Avenue (Assessors' Parcel 212-20)
Robert Margolius

Attorney Collins, on behalf of the applicant, addressed the Board and stated Mr. Margolius wanted to divide the property so that his daughter could build a house next to his. He said the ANR Plan would split the property into two lots that meet the zoning requirements for frontage and acreage.

Mr. Margolius explained that the property had been passed down through the Shattuck Family to his wife, Ramona, and they hoped to keep it in the family.

Mr. Barringer made a motion to endorse the ANR Plan drawn by GPR for Robert J. and Ramona S. Margolius, dated March 26, 2021. Mr. Wilson seconded the motion.

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

Yea: Ms. Bedard, Mr. Barringer, Ms. Black, Mr. Bonnett, 6
Mr. Wilson, and Mr. Burke
Nay: 0
VOTE: 6 – 0 – 0
MOTION CARRIED

Discussion (Added 5/10/2021)
Minor Modification of Special Permit for Exterior ATM – Lighting Plan
167 Main Street – Bank of America (Assessors' Parcel 113-48)

Mr. Bill Sharkey, CBRE, was present on behalf of the applicant and said his company was the property manager for Bank of America in New England. He said the objective of the exterior lighting project was to comply with the Commonwealth of Massachusetts' law for financial institutions to provide safe lighting for ATM users.

Mr. Josh Waggoner, GMR, was also present and stated his company did the lighting designs for Bank of America across the United States. He said they updated the design to meet the International Dark-Sky Association (IDA) outdoor lighting standards and narrowed the scope down to only the area of lights that were needed for compliance for the bank. They are required to provide at least two (2) footcandles within 50 feet of the ATM. They propose to use shielded (downward facing) light fixtures and 3000K LEDs.

Mr. Barringer asked for confirmation that there would not be any changes or internally lit signage inside of the actual ATM. Mr. Waggoner replied there would not.

Mr. Barringer explained that it was important to the Board to keep the streets in Groton as dark as safely possible and asked Mr. Waggoner to limit the throw-off lighting, particularly at Main Street. Mr. Waggoner asked if there was a specific number the Board wanted to see across the property line that would be at grade. Mr. Barringer replied he thought it was two (2) footcandles but they would have to confirm that. Mr. Waggoner commented it was going to be very hard to get to two at the property line and then a minimum of two in the 50-foot compliance area which extends into the road.

The discussion concluded with the Board telling Mr. Waggoner that they would provide him with the appropriate specifications.

Discussion – Potential Zoning Amendments Pursuant to Housing Choice Legislation

Mr. Burke said communities that were designated as MBTA communities, such as Groton, would be required to adopt zoning for multi-family developments with a density level of 15-units per acre to be allowed by right. Communities were not obligated to comply with the law, but those that did not comply would no longer be eligible for certain state funding programs, most notably MassWorks, the funding mechanism used to extend the sewer down to Four Corners.

Mr. Burke commented that he drafted a proposed Multi-Family Development District zoning amendment which included the following:

1. Create a definition for multi-family development which would be a multi-family use that was located in the Multi-Family Development District.
2. Create the zoning district and the intent of the district which would be to provide for higher density development at locations in proximity to existing infrastructure, services, amenities, and development.
3. Amend the Schedule of Use Regulations by creating a column for multi-family development and make determinations whether or not the uses would be, and Multi-Family Development would become a use that was allowed by right in the District.
4. Create a new §218-9(3)(d) which would be the Multi-Family Development District section of the Zoning Bylaw.
5. Amending the Site Plan Review section of the bylaw by inserting a new subsection that would make multi-family development subject to Major Site Plan Review.

Discussion – Community Planning Grants FY22

There were no updates.

Project Updates

- ***Music Center at Indian Hill***

Mr. Burke reviewed the four options for improving the intersection of Old Ayer Road/Main Street/Boston Road, as provided in the Traffic Study Presentation for the Music Center at Indian Hill – Options 3A through 3D. He noted that Tom Delaney (DPW Director) and Gary Shepherd (Project Manager for Indian Hill Music) wanted either option 3A or 3B and he informed him that 3D was what was currently on the Site Plan Review decision and if they wanted to change it they had to come back to the Planning Board. After some discussion, the Board felt they needed more specificity prior to moving forward. Further, Mr. Burke asked Mr. Tada to provide copies of minutes that included the various options.

- ***Village Meadows***

Mr. Tada stated that the developer, Mr. Roger Kanniard, was in the process of paving Bluebird Lane to the binder course, and once that was completed Nitsch Engineering would provide a cost of completion estimate for the subdivision surety. He said after that was done Mr. Kanniard would propose the surety and then ask the Planning Board to accept the surety and allow the release of the lots for construction.

Mr. Tada noted that Mr. Kanniard wanted to install the catch basins and manhole covers at the grade of the binder course so the stormwater drainage infrastructure worked properly and at the time of final paving he was planning to use riser extensions on the catch basins and manholes. He added Mr. Tom Delaney, Director of Public Works, and Nitsch Engineering both felt that was acceptable. The Planning Board collectively decided they felt it was also acceptable.

- ***Village at Shepley Hill***

Mr. Burke stated the appeal period for the Special Permit had expired and noted there were no appeals filed. Mr. Tada said MassDEP held a site walk for the Superseding Order of Conditions and they were in the process of moving forward with the appeal of the Conservation Commission's permit.

- ***Reedy Meadow Estates***

Mr. Tada said he was working on a letter to the developer, Peter Cricones. Mr. Cricones is behind on paying some of the peer review invoices the Town had received from Nitsch Engineering. He also said the residents had a question regarding the new detention basin that was located on conservation land. He said it had some standing water in it a few days prior so the Conservation Administrator and representatives from Nitsch Engineering looked at it and the consensus was the basin was functioning as designed.

Committee Updates

- **Complete Streets Committee**

Mr. Barringer commented that Mr. Tada had filed the application for the two projects; the sidewalk on West Main Street and the sidewalk along Lowell Road.

- **Community Preservation Committee**

Mr. Barringer said everything was approved at Town Meeting.

- **ZBA Updates**

Mr. Tada noted there was a chicken coop on Tavern Road that was the subject of a setback dispute.

- **Meeting Minutes**

- **April 8, 2021 Meeting**

Mr. Barringer made a motion to approve the minutes from the April 8, 2021, meeting, as presented. Mr. Bonnett seconded the motion.

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

Yea:	Ms. Bedard, Mr. Barringer, Ms. Black, Mr. Bonnett, Mr. Wilson, and Mr. Burke	6
Nay:		0

VOTE: 6 – 0 – 0

MOTION CARRIED

Mr. Barringer stated there was a hearing opened by the Alcoholic Beverages Control Commission (ABCC) regarding the Select Board's denial of the liquor license that was applied for the former Clover Farm Store at 9 West Main Street, in West Groton. He said he was called as a witness and testified. He further stated a local newspaper had reported that Planning Board Member George Barringer had testified. He pointed out that his testimony was that of a private citizen and not as a member of the Planning Board.

Mr. Tada stated that Town Counsel, who represented the Select Board before the ABCC, asked him as the Land Use Director/Town Planner to provide an affidavit that answered certain questions regarding specific zoning in the West Groton Village.

Planning Board Meeting Schedule

- May 27, 2021
- June 10, 2021
- Other dates TBD

Adjournment

At approximately 9:45 p.m. Mr. Wilson made a motion to adjourn. Mr. Barringer seconded the motion.

The motion carried by a roll call vote. 6 – 0 – 0.

Respectfully submitted:

Trish Gedziun
Recording Secretary

Approved 5/27/2021