

TOWN OF GROTON PLANNING BOARD
Thursday, September 23, 2021
Town Hall - 2nd Floor Meeting Room
173 Main Street, Groton, MA
Meeting Minutes

A regular meeting of the Planning Board was held on Thursday, September 23, 2021, at approximately 7:00 p.m. at Town Hall, 173 Main Street, Groton, MA, in the 2nd Floor Meeting Room.

Members Present:

Mr. Scott Wilson, Chair
Ms. Annika Nilsson Ripps, Vice Chair
Ms. Alyson Bedard, Clerk
Mr. George Barringer, Board Member
Mr. Russell Burke, Board Member
Ms. Lorayne Black, Board Member
Mr. David Bonnett, Board Member

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Public Hearing – Proposed Zoning Amendment – Marijuana Retail Establishments

Mr. Wilson opened the public hearing and Ms. Bedard read aloud the public hearing notice.

Mr. Peter Cunningham, Select Board Member, addressed the Board and said the marijuana industry had been operational for some time and added allowing the use would be of great financial benefit to the community.

Mr. Bonnett asked if an economic analysis had been done to determine what the benefits were. He said there were pros and cons. Mr. Cunningham replied the fundamental benefit to the town was financial. He added the dispensaries themselves were responsible for managing any traffic situations that may arise and they were also responsible for the cost to hire a detail officer if need be.

Mr. Bonnett asked if the proposed dispensaries would be for medical and recreational marijuana. Mr. Cunningham replied they were simply looking at a recreational facility as medical marijuana dispensaries were currently allowed, although pointed out that Groton did not have a medical marijuana dispensary.

Community Host Agreement Definition: In addition to a percentage of sales, the municipality negotiates with the potential vendor an agreement where the vendor would dedicate a mutually agreed upon amount of money to be used for something such as drug education or an identifying need.

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

Ms. Pine said there were other things listed such as marijuana product manufacturing, marijuana transportation & distribution facility, and any other type of licensed marijuana-related business. She asked if there was information about those other items. Mr. Cunningham replied the Town of Ayer had a cultivation facility and the transportation piece of it was authorizing someone to transport a product from a grow facility to a retail outlet.

Mr. Burke asked if the Select Board had voted on the matter. Mr. Cunningham replied the Select Board had voted to put it on the Warrant at Town Meeting.

Mr. Alan Donald, 32 Floyd Hill Road, asked if there were governing regulations that stated such an establishment could not be so many feet from a school. Mr. Barringer replied that was a state regulation.

Ms. Carolyn Perkins, 297 Reedy Meadow Road, addressed the Board and asked if the item were to pass at Town Meeting if there would be a town-wide vote. Mr. Cunningham replied there would not.

Mr. John Sopka, 344 Boston Road, asked if the amendment on the Warrant be modified to require a town-wide vote. Mr. Burke replied it could not.

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

MOTION: Ms. Nilsson Ripps made a motion to close the public hearing. Mr. Burke seconded the motion.

A vote was taken; which resulted as follows:

The motion carried 7 – 0 – 0.

MOTION: Ms. Nilsson Ripps made a motion to recommend approval of the proposed amendment. Mr. Burke seconded the motion.

Discussion:

Ms. Bedard stated she felt the amendment was not fully thought out and there were questions that could not be answered. She also said she did not feel there were any other benefits than that of financial proposed and she would be hesitant to vote on it either way.

Ms. Nilsson Ripps stated for the record that she did not feel the proposed amendment was significantly different than the Town's stance on liquor and therefore, would be in support of treating marijuana the same way the Town treated liquor.

Mr. Barringer said he was reluctant to recommend or not recommend the proposed amendment as it was truly a value judgment for the Town.

MOTION: Ms. Nilsson Ripps withdrew her motion. Mr. Burke seconded the motion.

A vote was taken; which resulted as follows:

The motion carried 7 – 0 – 0.

Public Hearings

Proposed Zoning Amendment – Multi-Family Development District

***Proposed Zoning Amendment – Rezone 500 Main Street from General Business to a
Multi-Family Development District***

Mr. Wilson opened the public hearings and Ms. Bedard read aloud the public hearing notices.

Mr. John Amaral, one of the new owners of the former Deluxe Corp property at 500 Main Street, addressed the Board and respectfully requested that the Planning Board allow the withdrawal of the proposed Warrant Article to change the zoning from General Business to the Multi-Family District. He said part of the reason was that the state's new Multi-Family Housing guidelines would not be available before the Fall Town Meeting on October 23.

Mr. Amaral said he felt there was a need for affordable housing and housing in general in the Town of Groton. He said he wanted to bring a quality development at 500 Main Street. He also said keeping the General Business zoning in place would allow for a mix of commercial and residential uses.

Mr. Bonnett asked how many acres the applicant was proposing. Mr. Amaral replied the total was 36.5 acres but noted there would be five parcels of land.

Ms. Anna Eliot, 129 Longley Road, addressed the Board and asked if there could be an allowance for small single-family dwellings rather than multi-family dwellings which would meet a very important housing need in Groton.

Ms. Becky Pine, 100 Hollis Street (member of Select Board and Affordable Housing Trust) stated she was uncertain if the present sewer treatment system could accommodate the proposed development. She added that the Affordable Housing Trust had sent a letter regarding their belief that the affordable component should be 25% rather than 15%.

Ms. Pine also asked why bakeries and delicatessens were being excluded. Mr. Burke replied the state was primarily interested in the production of housing. He said it had to be a multi-family district that allowed multi-family development by right at a density of no less than 15 units per acre.

Ms. Virginia Vollmar, 490 Old Dunstable Road, clarified that currently the Town of Groton had a regulation pertaining to the height of buildings of 3-stories but the State of Massachusetts had a regulation of 5-stories and asked which one would be adhered to. She said she did not feel a 5-story building would fit in the Town of Groton.

Mr. Sopka, 344 Boston Road, said he supported postponing this amendment until the state clarifies the requirements for Multi-Family Housing.

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

MOTION: Mr. Barringer made a motion to close the public hearing regarding the Multi-Family Development District. Ms. Nilsson Ripps seconded the motion.

A vote was taken; which resulted as follows:

The motion carried 7 – 0 – 0.

MOTION: Mr. Barringer made a motion to close the public hearing regarding the Rezoning of 500 Main Street from General Business to a Multi-Family Development District. Ms. Black seconded the motion.

The motion carried 7 – 0 – 0.

MOTION: Mr. Barringer made a motion to withdraw the Zoning Amendment for a Multi-Family Development District. Ms. Bedard seconded the motion.

The motion carried 7 – 0 – 0.

MOTION: Mr. Barringer made a motion to withdraw the Zoning Amendment to Rezone 500 Main Street. Mr. Burke seconded the motion.

The motion carried 7 – 0 – 0.

Public Hearings (Continued)
Special Permits for Major Residential and Flexible Development
“Hayes Woods” – Maple Realty Trust (Robert Kiley, Trustee)
Maple Avenue/Hill Road/Pepperrell Road (Assessors’ Parcels 212-13 & 104-30)

&

Definitive Plan and Special Permit for Flexible Development
“Hayes Woods” – Maple Realty Trust (Robert Kiley, Trustee)
Maple Avenue/Hill Road/Pepperrell Road (Assessors’ Parcels 212-12 & 104-30)

Attorney Bob Collins, and Mr. Stan Dillis of Dillis & Roy Civil Design Group, were present representing the applicant.

Attorney Collins stated the Planning Board had asked the applicant for additional information and Mr. Dillis had prepared a number of plans in reply to that. He reviewed the plans with the Planning Board pointing out that none of the lots would require tree removal in order to access the sites on Maple Ave

Mr. Dillis said the applicant was willing to gift \$50,000 for soft costs to explore other sites that could “spawn” more affordable housing.

Ms. Black commented that there was a band of trees behind lots 4, 5, 6, & 7 that went beyond the 25-foot no-cut zone. Mr. Robert Kiley, the applicant, replied he felt it was important that the end-users would feel that they had input and control regarding how they maintained their property.

Mr. Bonnett commented that he felt lots 1, 2, & 3 were too close and would like to see a 50-foot buffer and he did not think people wanted to see the houses. Attorney Collins said he did not think it would be problematic, with the exception of lot 3, to go to 50 feet.

Attorney Collins clarified that the setback on lots 1 & 2 would be 25 feet; and lots 4, 5, 6, & 7 would be 50 feet.

Ms. Bedard read aloud a letter from Jeff & Olga Box, 49 Pepperrell Road, as summarized below:

We would like to register with the Board the following points and concerns relating to the proposed development at Hayes Woods.

- The proponents had suggested that the woods had been heavily logged and the implication seems to be that the habitat, is, therefore, not that great and the site

disturbance is less of a concern. We wish the Board to note that the site is within areas that are designated as

NHESP (Natural Heritage and Endangered Species Program) estimated habitats of rare wildlife and NHESP priority habitats of rare species. The bottom line is that the Hayes Woods site contains prime habitats that deserve careful consideration as the terms of the project are specified.

- We would like the Board to consider whether conservation restrictions of roughly 5 acres each on four estate-sized lots are in the best interest of the town. The land protected at Hayes Woods will be most manageable in the long run as a single parcel with one fee owner and one restriction owner.
- If the project goes forward with these four estate lots, will the town be setting a precedent that will complicate future land conservation efforts elsewhere in town?

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

Ms. Deb Collum, 137 Maple Avenue, addressed the Board and said she agreed with what Mr. & Mrs. Box had said in their letter. She said the restricted land would be in private ownership and enforcement would be extremely difficult.

Mr. Burke stated for the record that the fact that the conservation restriction did not include ownership did not in any way diminish the power or the enforcement of the conservation restriction.

Mr. Warren Callen, 236 Maple Avenue, recounted a story of Joseph Hayes, Sr. and his wife Elsa harvesting ice during the winter for the Shattuck Farm and posting “no hunting” signs on the trees along Maple Avenue. He would like to see the streetscape preserved.

MOTION: Ms. Nilsson Ripps made a motion to continue the public hearing for Special Permits for a Major Residential and Flexible Development, date specific to October 7, 2021, at 7:15 p.m. Mr. Barringer seconded the motion.

A vote was taken; which resulted as follows:

The motion carried 7 – 0 – 0.

MOTION: Mr. Burke made a motion to grant the applicant’s request for the withdrawal of the Definitive Plan and the Special Permit for Flexible Development. Mr. Barringer seconded the motion.

The motion carried 7 – 0 – 0.

Discussion (Added 9/20/2021)

Preparing for Groton as a Destination Community

Destination Groton Working Group – Groton Business Association

Mr. Jeff Gordon, President of the Groton Business Association, addressed the Board and said the Town of Groton would become more of a destination location because of the opening of the Indian Hill Music Center.

Mr. Gordon said the reason he was present was to bring light to the concept that an organization and an initiative needed to be generated and maintained because of what the Indian Hill Music Center would bring in terms of people and population to the Town. He asked the members of the Board to please support the concept. He added he felt Town leadership needed to be involved.

Mr. Wilson commented that he had concerns regarding the already stressed traffic situation. Mr. Gordon replied the increase in people was going to happen whether they wanted it or not.

Mr. Burke commented he hoped to use the work already done by Mr. Gordon and the team and incorporate it into the Master Plan process.

Major Site Plan Review Permit - Whitney Pond

The Planning Board reviewed the Major Site Plan Review Permit and Mr. Burke suggested that condition #17 be removed. ~~“The site plan approval does not run with the land and does not apply to any successor in interest or successor in control.”~~

MOTION: Mr. Barringer made a motion to approve the Major Site Plan Review Permit for the Whitney Pond water treatment plant with the stipulation noted. Ms. Bedard seconded the motion.

The motion carried 7 – 0 – 0.

Project Updates

- Reedy Meadow Estates

Mr. Burke stated that Town Counsel had informed him that they could not use the surety to pay Nitsch Engineering for their Peer Review. He said the Town Manager agreed that all Boards, Committees, and Departments would be informed that should the developer, Mr. Peter Cricones, come to the Town looking for any permits or certificates they would not act upon it until the fees had been paid.

- Monarch Path

Mr. Wilson stated paving would begin the following week.

Committee Updates

- Complete Streets Committee

There were no new updates.

- Community Preservation Committee

There were no new updates.

Planning Board Meeting Schedule

- October 7, 2021
- October 21, 2021

- October 23, 2021 – Fall Town Meeting

Adjournment

MOTION: At approximately 10:05 p.m. Mr. Burke made a motion to adjourn. Mr. Barringer seconded the motion.

The motion carried 7 – 0 – 0.

Respectfully submitted:

Trish Gedziun
Recording Secretary

Approved 11/4/2021