

TOWN OF GROTON PLANNING BOARD
Thursday, October 7, 2021
Meeting Minutes

A virtual meeting of the Planning Board was held on Thursday, October 7, 2021, at approximately 7:00 p.m. All votes will be taken by roll call due to the fact that the meeting was held virtually.

Members Present:

Mr. Scott Wilson, Chair
Ms. Annika Nilsson Ripps, Vice Chair (Joined the meeting at approximately 7:10 p.m.)
Ms. Alyson Bedard, Clerk
Mr. Russell Burke, Board Member
Ms. Lorayne Black, Board Member
Mr. David Bonnett, Board Member

Member not Present:

Mr. George Barringer, Board Member - Excused

Also Present:

Mr. Takashi Tada, Land Use Director/Town Planner

Public Hearing – Proposed Zoning Amendment – Clarification and Clean-Up

Mr. Wilson opened the public hearing and Ms. Bedard read aloud the public hearing notice regarding the proposed amendment to the Code of the Town of Groton, Chapter 218 Zoning.

1. In §218-9.3 Multi-Family Use, Subsections 218-9.3 B. (3) and 218-9.3 B (5), delete the words “Board of Appeals” and insert the words “Planning Board.”
2. In §218.3 Definitions, delete the existing definitions for “Dwelling” and Dwelling Unit, and replace with the following:
 - a. Dwelling – A building that contains one or two dwelling units used, intended or designed to be used, rented leased, let, or hired out to be occupied for living purposes.
 - b. Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

The Planning Board members discussed whether to change the proposed definition for Dwelling such that the word “two” is deleted and replaced with the word “more”. The revised definition for Dwelling would read: “A building that contains one or more dwelling units used, intended or designed to be used, rented leased, let, or hired out to be occupied for living purposes.”

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

MOTION: Ms. Bedard made a motion to approve the proposed zoning amendments with the update that the word “two” would be changed to “more” in the definition for Dwelling, and to recommend approval of the amended warrant article at the Fall Town Meeting on October 23, 2021. Mr. Bonnett seconded the motion.

A roll call vote was taken; which resulted as follows:

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

Nay: 0

The motion carried 5 – 0 – 1. (Abstained – Ms. Nilsson Ripps)

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

A roll call vote was taken; which resulted as follows:

Yea: Ms. Black, Mr. Bonnett, Ms. Bedard, 6
Mr. Wilson, Ms. Nilsson Ripps, and Mr. Burke

Nay: 0

The motion carried 6 – 0 – 0.

Public Hearings (Continuation)

Special Permits for Major Residential and Flexible Development

“Hayes Woods” – Maple Realty Trust (Robert Kiley, Trustee)

Maple Avenue/Hill Road/Pepperell Road (Assessors’ Parcels 212-13 & 104-30)

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

Attorney Collins reviewed a letter he had provided to Mr. Tada that listed potential findings and conditions to be included in the special permit for Major Residential Development.

Mr. Burke asked if the limits of disturbance on each lot were clearly shown. Mr. Collins said they will add the limits of disturbance to the plan, and the conditions of the permit should make reference to it.

Ms. Bedard asked about provisions for public access to the open space parcel, and for forestry on the restricted areas of the estate lots. These concerns were echoed in the Conservation Commission’s comment letter. Mr. Collins said he would provide additional language for the conditions relative to forestry.

Mr. Bonnett clarified item #2 that the 60 acres shall be permanently protected and it consisted of the 32.7 acres of open space and the remainder was the restricted area. He also stated that he would like to see the 50-foot vegetative buffer included on all the lots on Maple Avenue. Mr. Collins replied that it would be impractical to include a vegetative buffer on Lot 3 because of the steep slopes in the rear portion of the lot. Moving the house further back would result in substantially more site disturbance due to the topography. Mr. Dillis also stated that a 50-foot buffer on Lot 1 is also not feasible; a 25-foot buffer is possible. He said a 50-foot buffer on Lot 2 is doable.

Ms. Black commented that item #5 stated the “existing hedgerow be maintained” and that was a little bit different than a “no disturbance zone” and asked Attorney Collins if that could be further clarified.

Mr. Burke suggested adding a condition requiring supplemental plantings in the vegetative buffers.

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

Ms. Deb Collum, 137 Maple Avenue, stated the open space parcel would not be gifted until the Pepperell Road side was developed and asked what would happen if Pepperell Road did not move forward. Attorney Collins replied if the Planning Board did not extend the deadline in condition #1 and nothing came forward the land would have to be gifted at that point. Ms. Collum also asked if there would be opportunities for public comment during the Conservation Restriction review process. Mr. Collins gave an overview of the process and noted when public comments could be made.

Ms. Diane Mahan, 242 Maple Avenue, stated she saw engineers with iron rods indicating “lot corner 1,” lot corner 2 & 3”, etc. on Maple Avenue. Attorney Collins replied there was surveying and engineering work being done. Ms. Bedard also noted that the Planning Board had asked for the lot corners to be marked in field for visual reference.

Mr. Wilson asked Mr. Tada to draft a Decision for the Board’s review at the next meeting, October 21, 2021.

MOTION: Mr. Burke made a motion to close the public hearing subject to additional supplemental clarification from the applicant as previously discussed. Ms. Black seconded the motion.

A roll call vote was taken; which resulted as follows:

Yea: Ms. Black, Mr. Bonnett, Ms. Bedard, 6
Mr. Wilson, Ms. Nilsson Ripps, and Mr. Burke

Nay: 0

The motion carried 6 – 0 – 0.

Discussion – Filing Fees for “Hayes Woods” Applications

Attorney Collins said the filing fees that were on deposit were for a 22-lot definitive subdivision plan which was currently not going to happen. He also said there would be filing fees for the ANR plan as well as the definitive plan for the 9 lots. He asked if the Board would vote to allow them to receive a credit sans the fees for abutter’s notices and publication of the legal notices.

Mr. Tada stated the definitive plan fee was calculated on the basis of 19 lots.

Attorney Collins said he would speak with the Treasurer for clarification.

**Approval Not Required (ANR) Plan
Maple Avenue Lots – “Hayes Woods” (Robert Kiley)**

Mr. Burke stated the ANR Plan needs to be updated to show the 50-foot vegetative buffer on Lot 2, and to include a note making reference to the special permit. This item will be addressed at the next meeting on October 21, 2021, pending submittal of the updated plan.

**Approval Not Required (ANR) Plan
Adams Avenue & Court Street (Halsey Platt)**

Attorney Collins stated the item was concerning a lot-line adjustment between David Elliott and Halsey Platt to allow Mr. Platt to be able to add onto his existing building. This ANR Plan is associated with an application that has been submitted to the Zoning Board of Appeals to allow expansion of a

pre-existing non-conforming use. A future Special Permit application under the Town Center Overlay District provisions would also be forthcoming.

Mr. Burke said there was not adequate frontage. Attorney Collins replied he thought there was a notation that said endorsement did not indicate conformance with zoning. Mr. Burke said if the Board were to endorse the ANR Plan they would appear to be creating a more non-conforming use. He was not comfortable endorsing the plan.

Mr. Collins said they were willing to discuss it further in two weeks.

Mr. Wilson stated the item would be further discussed at the next meeting on October 21, 2021.

Discussion – Rocky Hill Performance Bond

Attorney Collins stated there was a tripartite agreement to guarantee Dave Moulton’s construction of the infrastructure. He said the surety amount was \$280,958.77. He said Mr. Moulton’s bank was holding \$900,000 in escrow which was the original surety amount’ and they also gave the Town an irrevocable letter of credit in the amount of \$900,000. He further said the bank needed something in writing from the Board in order to release the money down to \$280,958.77

MOTION: Mr. Burke made a motion to request Mr. Tada to draft a letter to send to the bank informing them that the only surety required was that in the amount of \$280,958.77; noting that it could be a tripartite or a letter of credit but it did not need to be both. Mr. Bonnett seconded the motion.

A roll call vote was taken; which resulted as follows:

Yea: Ms. Black, Mr. Bonnett, Ms. Bedard, 6
Mr. Wilson, Ms. Nilsson Ripps, and Mr. Burke

Nay: 0

The motion carried 6 – 0 – 0.

Discussion – Academy Hill Subdivision – Modification of Woods Road

Mr. Tada explained Academy Hill had requested Nitsch Engineering perform a site inspection of the entire project: Fieldstone Drive, Cherry Tree Lane, and Arbor Way. He said the inspection was done on September 27th and it was noticed that the gravel road (Woods Road) that provided access to one of the detention basins in the interior of the development had suffered significant erosion after some of the recent heavy rainfall. Mr. Tada said the developer submitted a proposal to mitigate the erosion by modifying the design and surface material of the Woods Road.

Mr. Tada said the intention was to add an interception swale on the upgradient side of the Woods Road and utilize some larger caliber stone on the surface. He also pointed out that Nitsch Engineering did not have any objections to what was being proposed. He also said, however, that he would ask the applicant to clarify what would happen with the water that came out of the 16 interception swales.

Mr. Tada stated the Phase III portion of Cherry Tree Lane was going to be paved in the current fall season and Nitsch Engineering had provided him with a report of the current condition of the road which was not very good because it was just a binder course asphalt that had deteriorated over the years. He said he was expecting a report on Phases I and II which had been paved to the topcoat; however, he said the paving in Phases I and II was done in 2013, and the roads were not in great condition. The developer would likely need to make some significant repairs.

Mr. Burke suggested that the applicant come back with a plan showing the mitigation for the outfalls.

Mr. Bonnett pointed out that a note should be added that the gravel road would require maintenance over time to keep it operational. Mr. Tada replied that he was not sure what the maintenance requirements would be for the road but he felt it would eventually be the responsibility of the homeowner's association.

Project Updates

- Monarch Path

Mr. Tada stated that Monarch Path had been paved the previous week and the sidewalks were also installed. He said Nitsch Engineering was there and he expected a paving report soon.

- Reedy Meadow Estates

Mr. Tada said the Town Manager, Mark Haddad, had requested that the Select Board agree to have the outstanding invoices from Nitsch Engineering for the review of Olivia Way and Red Pepper Lane be put on the Fall Town Meeting Warrant under the category of "prior year bills." He said the Select Board would like to have someone from the Planning Board be prepared to provide an explanation of the situation at Town Meeting. Mr. Burke offered to explain the situation at Fall Town Meeting.

- Whitney Pond Wells – Water Treatment Plant

Mr. Tada stated if there were no comments from the Board then no action was needed. There were no comments.

Committee Updates

- Complete Streets Committee

Mr. Tada said the application deadline for the fall round of construction grants was the previous week and he submitted the application on behalf of the Complete Streets Committee. He said it was for the same two sidewalk extension projects submitted previously. One project would extend the sidewalk from where it presently ends on West Main Street to the Senior Center, and the other sidewalk extension would be from where it presently ends just north of Main Street on Lowell Road up to the entrance to Gibbet Hill.

- Community Preservation Committee

Mr. Burke commented that the Community Preservation Plan was done and applicants who were seeking funding could submit their letters of intent. Mr. Tada said the project summaries were due by October 28, 2021.

General Business

- ZBA Updates

There were no new updates; noting Attorney Collins and the Planning Board had already discussed the ANR Plan for Adams Avenue & Court Street (Halsey Platt).

- Meeting Minutes – August 26, 2021

MOTION: Mr. Burke made a motion to approve the minutes of the August 26, 2021 meeting as presented. Ms. Nilsson Ripps seconded the motion.

A roll call vote was taken; which resulted as follows:

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

Nay: 0

The motion carried 5 – 0 – 1. (Abstained – Ms. Bedard)

- Meeting Minutes – September 9, 2021

MOTION: Ms. Bedard made a motion to approve the minutes of the September 9, 2021, meeting as presented. Mr. Burke seconded the motion.

A roll call vote was taken; which resulted as follows:

Yea: Ms. Black, Mr. Wilson, Ms. Bedard, 5
Ms. Nilsson Ripps, and Mr. Burke

Nay: 0

The motion carried 5 – 0 – 1. (Abstained – Mr. Bonnett)

Other:

Mr. Tada indicated due to the fact that the Planning Board was returning to “Zoom” meetings, someone needed to be designated to sign off on invoices on behalf of the entire Board.

MOTION: Mr. Burke made a motion to appoint Mr. Wilson, Chair of the Planning Board, as the designated member to sign off on invoices on behalf of the entire Board. Ms. Black seconded the motion.

A roll call vote was taken; which resulted as follows:

Yea: Ms. Black, Mr. Wilson, Ms. Bedard, 6
Ms. Nilsson Ripps, Mr. Bonnet, and Mr. Burke

Nay: 0

The motion carried 6 – 0 – 0.

Planning Board Meeting Schedule

- **October 21, 2021**
- **October 23, 2021 – Fall Town Meeting (9:00 a.m. Middle School Track)**
- **November dates TBD**

Adjournment

MOTION: At approximately 9:15 p.m. Mr. Burke made a motion to adjourn. Ms. Bedard seconded the motion.

A roll call vote was taken; which resulted as follows:

Yea: Ms. Black, Mr. Wilson, Ms. Bedard, 6
Ms. Nilsson Ripps, and Mr. Burke

Nay: 0

The motion carried 6 – 0 – 0.

Respectfully submitted:

Trish Gedziun
Recording Secretary

Approved 11/4/2021