**Town of Groton Planning Board**

**Thursday, November 4, 2021 at 7:00 PM**

A virtual meeting of the Planning Board was held on Thursday, November 4, 2021, at approximately 7:05 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. Scott Wilson, Chair

Ms. Annika Nilsson Ripps, Vice Chair

Ms. Alyson Bedard, Clerk

Mr. Russell Burke, Board Member

Ms. Lorayne Black, Board Member

Mr. David Bonnett, Board Member

Mr. George Barringer, Board Member

**Also Present:**

Mr. Takashi Tada, Land Use Director/ Town Planner. Mr. Mark Haddad/Town Manager

**Approval Not Required (ANR) Plan**

**Adams Avenue & Court Street (Halsey Platt/Platt Builders)**

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

Attorney Collins stated that the plan creates a small parcel, shown on the plan as “PCL A”, adjacent to Halsey Platt’s existing building located at 31 Adams Avenue. The new parcel will accommodate the proposed expansion of the existing Platt Builders shop which was approved last night by the Zoning Board of Appeals. Attorney Collins affirmed that the intent of the ANR Plan is simply to adjust the existing lot line between the two parcels.

Mr. Bonnett questioned if a full environmental assessment was performed on the former May and Hally (oil company) property at 36 Court Street. Attorney Collins replied that a full assessment and remediation of the site was completed under M.G.L. Ch. 21E.

Ms. Black asked about the connection between Adams Avenue and Court Street. Attorney Collins explained the connection shown on the plan has no legal status and it is not a road. There would be a reconfigured driveway when the special permit and site plan review applications are submitted for a new building on the Court Street property.

**MOTION** Mr. Burke made a motion to endorse the ANR plan prepared by Dillis & Roy Civil Design Group, dated October 28, 2021. Mr. Barringer seconded the motion.

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

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

Nay: 0

**The motion carried 7-0-0.**

**Pre-submission Review**

**Florence Roche Elementary School Building Committee**

Mr. David Saindon, Project Manager of Leftfield; Meryl Nistler, Project Manager, and Marylee Mercy, of Studio G Architects; Dan Millis of MDM; Tripp McElory of Gilbane Building Company; Steven Powers, and Jeffrey Pilat, of Samiotes Consultants; were present representing the applicant.

Ms. Nistler provided a brief introduction to the proposed project to replace Florence Roche Elementary School. The proposal includes a new two-story building east of the existing building and a new 400m athletic track to the northeast. The new elementary school has an intended capacity of 645 students including grades K-4.

Mr. Pilat presented the Site Plan. There are four flagged wetland resource areas on the site. Areas 1 & 2 are located at the south side of the site and are hydraulically connected. Area 3 is an isolated wetland located in the center of the site. Area 4 is located at the northern point of the site.

Mr. Pilat then discussed the site access and circulation design which showed the replacement of all existing hardscape within the limit of work in favor of new vehicular and pedestrian access. A proposed twenty foot wide unobstructed access road for emergency vehicles around the entire structure would be constructed. There are two proposed main parking areas. The primary parking lot is located southwest of the proposed building and contains seventy-five parking spaces, and six ADA spaces. The secondary parking provides fifteen spaces and is located between the field and the middle school. Three additional parking spaces are proposed near the transformer and the generator area. Ninety-three total parking spaces would be available for the elementary school.

Mr. Pilat described the proposed utilities as follows. A water line would tie into the existing 12” main and would loop around the proposed building with a second connection out to Main Street. The domestic and fire protection would be serviced from the loop and be tied into the mechanical room. For the sanitary sewerage a new 3,000 gallon grease trap system would be installed and tied into the 8” existing sewer main. Gas would be serviced underground in the northern parking lot and proceed into the mechanical room. The electrical would be routed from Champney Street to the new transformer. The project team is currently coordinating with GELD to install a battery energy storage system (BESS).The proposed storm water management contains catch basins, manholes, and two infiltration systems. One infiltration system would be located underground north of the elementary school and the second one located under the primary parking lot. Both systems would overflow to nearby existing detention basins and wetlands.

Mr. Pilat explained that the existing track would be removed to make room for the new school building. A new six lane, 400 meter track with a sod island center is proposed to the northeast of the existing Middle School South building. Walls would retain the grade around the track and any runoff would be captured and infiltrated into the wetlands.

Ms. Nistler explained that there are two access roads, one for parent/guardian drop off and the second one for bus drop off. The reason for the two access roads is to render safety for the children and prevent them from crossing into traffic. Ms. Nistler then discussed the exterior of the proposed elementary school including a canopy to shelter the main entrance, red brick to tie in the adjacent middle school façade, metal stairs, and the introduction of blonde brick to enhance the appearance.

Ms. Mercy discussed the Site Lighting Plan which was designed with the following in mind: 1. Light pollution negatively affects human health, 2. Negatively affects ecosystems, 3. Minimizing light pollution, and 4. Minimizing blue light emission (3000k or less).

Mr. Mills presented the Auto Turn Analysis. The site allows for two drop off points. The parent drop off allows for an estimate of twenty four vehicles in the queue; there would be an excess capacity if necessary. On the north side the bus drop allows for eleven buses with the anticipation of two additional buses. There would not be any impact to the main travel road. A traffic analysis showed there will be adequate amount of turn space for buses, potential van parking, and appropriate signage will be installed to direct visitors and parents to the respective parking areas. There also would be a review of the existing crosswalks and the need for any additional ones.

Mr. Saindon briefly discussed the Permitting Timeline from the fall of 2022 to the fall of 2024. The projected goal is to have permits in place to move the earth work around where the existing track is by early next spring. The track would be completed late fall and the school structure would be completed two years from then. In April 2024, the turnover of the school is projected. The abatement and demolition of the existing school would occur and the earth work and planting operations for the open space would be finalized by 2025.

Mr. McElroy explained that sitework mobilization is anticipated in the spring of 2022. The first challenge would be getting from Main Street/Route 119 to the project site without disrupting the school or the neighborhood. They plan to install a segregated access road and gate for deliveries. Any larger equipment access would be coordinated with the school. The intended approach is to build and work from the northeast to the west, starting with the new track and utilities. Key items in the summer of 2022 would be tying into existing utilities to minimize any disruption to the campus prior to school in the fall. The athletic field and track would be completed by the fall of 2022, and in the spring of 2024 the keys to the new building would be turned over to the district. The demolition of the existing building would then commence. Student drop off would be interrupted temporarily. The bus drop off would be fully operational by 2024. The planting schedule would be proposed toward the end of the construction timetable.

Ms. Nilsson Ripps disclosed that she works on other projects with Samiotes Consultants.

Mr. Barringer was pleased that the project took into account the board’s lighting requirements. He then questioned the infiltration systems that would be installed to ensure that there is no impact on the abutting residential properties. Mr. Pilat replied that they are reviewing the area and would address any potential issues.

Ms. Black requested additional information on the front portion of the site. Ms. Nistler explained that the “open space” would be used by students, staff, and the community. There are three zones proposed. 1. The Passive Recreation- Open lawn that can be offered to the community for gatherings and a walking path. 2. Active Recreation- Designed for K-4 with play pieces and an area for reading. 3. Learning Lab- An outdoor area for teaching. The Passive Recreation area would require a retaining wall to maintain the grading. Ms. Black questioned the drainage and wanted to ensure that there was minimal impact to the site. Ms. Nistler stated that there would be a lot of underground storage and possibly an opportunity for rain gardens. Mr. Pilat explained that a piece in the rear of the building has the potential for a rain garden, and then possibly in the front by the roof canopy. All other drainage would be installed underground. Ms. Nistler continued to describe that there were raised beds proposed in the loop road to provide safety by enclosing the area. Ms. Black asked about the BESS structure between the bus drop off and the track. Ms. Nistler described the structure as a shipping container placed on a concrete pad that would be enclosed by a safety fence and landscaping. Mr. Powers explained that other locations were considered however, they were restricted by the wetlands. He explained that the school is elevated higher than the BESS area and ensured it would not block the view of the track. A landscape architect has been working to design screening around the BESS.

Mr. Burke asked if the loop road would have controlled access and only allowed for one way traffic. Ms. Nistler replied it would be a one way road used to provide access for emergency vehicles or trucks. There would be some kind of barricade installed. Mr. Burke then questioned if the new school building was designed to support a solar roof top. Ms. Nistler replied yes.

Ms. Nilsson Ripps questioned if a permeable surface was considered for the access road, such as the permeable pavers used in the Town Hall parking lot. Mr. Pilat informed the Board the road would be paved to ensure the most efficient maintenance and approval would be requested by the Conservation Commission. Ms. Nilsson Ripps then commented on the logistics and phasing of the track and questioned when it would be completed. There are numerous activities that rely on the field. Ms. Nistler indicated the track would be completed in the fall of 2022 however, for actual usage of the infield it would be operational by the spring of 2023. The school district has been provided the proposed dates.

Mr. Wilson questioned if the learning lab was going to include a vegetable garden for the students. Ms. Nistler replied that sun studies are being performed and they are working with the district to verify if this could be an opportunity for the students.

Mr. Bonnett presumed the proposed building’s roof would be flat and questioned if there is a plan for collecting any stormwater for rain gardens. Mr. Powers said the rooftop stormwater runoff was considered to be clean and would discharge into an infiltration system following Massachusetts stormwater regulations. There are proposed rain gardens on site. Ms. Nilsson Ripps questioned if the runoff could be collected for landscape irrigation throughout the summer season. Ms. Mercy replied that they are exploring all ideas and have toured several schools. Maintenance and appearance need to be considered. Mr. Bonnett noted that there were no water runoff controls near the track and then questioned how snow would be managed properly. Mr. Pilat stated that the runoff would be captured and infiltrated with an overflow and a formal snow removal plan would be submitted.

Mr. Barringer requested clarification where the parking lot was located on Route 119. Mr. Pilat explained that they may need to divert contractor parking during peak times and had spoken with the pastor of the First Baptist Church for approval. Ms. Bedard suggested that the temporary road permit right turn only.

Mr. Powers questioned if the group should formally submit the project in two phases or if the Board would consider one comprehensive site plan with built in phases. Mr. Burke replied that a separate submission for the track and any associated site features could be entertained by the Board. A comprehensive submissive would delay the project. Mr. Saindon noted that the site preparation in the existing track area as well as construction of the new track is the critical path for permitting. Mr. Barringer agreed that the building is more complex with the number of hearings and revisions required whereas the track should be straightforward. Mr. Powers briefly discussed the significance of the cutting and filling on the track and earth being moved down to the new building site over the summer and the installation of the utilities. Ms. Black clarified that the track could be completed along with accessory items that support the school construction. The Board was willing to entertain a phasing of the project to expedite necessary projects.

Mr. Tada said he discussed the peer review logistics with Town Manager Mark Haddad. Leftfield is requesting permission to pay the invoices directly from Nitsch, whereas typically the invoices are received by the Planning Board first. The Earth Removal Stormwater Advisory Committee has already approved Leftfield’s request. The Planning Board agreed to allow Leftfield to pay the invoices directly from Nitsch.

Mr. Burke suggested that the group speak with Mr. Tada regarding any waivers required before any submission.

**Pre-submission Review Detached Accessory Apartment, 45 West Street (Mark Gerath & Sheila Julien)**

Mr. Gerath and Ms. Julien informed the Board that they would be submitting the permit application themselves, with guidance from Mr. Tada. Mr. Gerath explained that he has been in contact with Bob Garside, Mr. Tada, Nikolis Gualco, and the Sewer Commissioners. There was a concern for a sewer connection and limited capacity however, there seems to be no issues. The fundamental questions Mr. Gerath presented to the Board were how the application looked and if a site plan was required. An interior and deck plan has been designed. Mr. Gerath described the two story barn being approximately the depth of two car lengths, and including a set of interior stairs that lead to an open area. The applicants proposed a great room/dining/kitchen area, two bedrooms, and a bathroom. An isolated deck would be constructed half the length of the building and visible from the
Rail Trail. There would be no changes to the existing structure except for the placement of windows. There is adequate parking for any additional vehicles.

Mr. Barringer recommended a survey after viewing a picture that showed the accessory building encroaching the abutting Rail Trail property. The provision regarding non-conformance 218.57E1 was cited. He then questioned if Mr. Gerath conversed with Mr. Garside regarding the non-conformance. Mr. Gerath replied yes and stated that Mr. Garside said that for non-conforming structures as long as the addition does not exacerbate the non-conformance it can be approved as a modification to the existing structure. Mr. Barringer commented that the applicant's proposal is not increasing the encroachment.

Mr. Burke questioned if a plot pan was provided with the mortgage. Mr. Gerath replied no and agreed to have the property surveyed. Ms. Julien commented that the exterior stairs would be extending parallel to the lot line. Mr. Burke remarked that the draft application was very thorough and the plan was well presented; however, the lot line needs to be established.

Mr. Gerath commented that the scheduled meeting with Mr. Tada may not be necessary. The Board agreed that the application is ready to be submitted. Mr. Burke recommended if the barn is not on the property that the applicants may want to request for a license from the DCR authorizing a grant easement for a specific time period or life of the structure.

**Potential Zoning Amendments for 2022 Spring Town Meeting**

* Tree Preservation Bylaw

The Friends of the Tree Warden had a discussion with Mr. Haddad proposing a Tree Preservation Bylaw similar to the Town of Concord’s which had been forwarded to the Board by Mr. Tada. The bylaw is intended to encourage individual homeowners to preserve some trees on the perimeter of their property. Natalie Greene, a member of the Friends of the Tree Warden had provided the Concord bylaw as an example. It is defined as a general bylaw that makes reference to their Planning Board having jurisdiction over the implementation of the bylaw. Mr. Tada questioned if the Board would consider a similar Tree Preservation Bylaw and referenced it being somewhat similar to the Scenic Roads Bylaw which governs alterations of stone walls and shade trees in the public right away. If any alteration is requested the process starts with the Planning Board and then is forwarded to the Tree Warden.

After citing the Concord Bylaw, Mr. Burke stated that the bylaw could be very controversial depending on how it is written and could be very much debated at the Town Meeting. Mr. Tada agreed and commented that the bylaw would did not seem to fit the Planning Board’s jurisdiction.

Ms. Bedard acknowledged the wording of the bylaw could be disputable, “if construction was not occurring then the homeowner could remove the trees however, if there was construction the homeowner would not be allowed to cut the trees.” Mr. Burke concurred that language was very tricky and was not in favor of the Board taking this on.

Ms. Black mentioned that the Board had previously discussed adding a landscape section in the zoning amendments and after taking the time to fully understand the Tree Preservation Bylaw the Board could consider adopting a portion of the bylaw. She then referenced item 2.2 “constructing a building on a vacant lot”, stating that could be any subdivision. Mr. Barringer suggested striking the protection of the trees on existing lots that are going to be developed.

Mr. Bonnett suggested that the Board encourage a certain set back not to be disturbed by the developers as requested at Hayes Woods. Ms. Black commented that it can be defined as a vegetated buffer. Mr. Burke stated the Board does have a provision of identifying trees on a site and the Board tends to be very lax.

Ms. Black requested additional time to refer to her sample landscape bylaws.

Mr. Burke commented that the Town of Weston has been looking for examples of towns that request site plan reviews for single family homes.

The Board agreed to table the topic.

* Marijuana Retail Establishment Bylaw

There have been two potential retail businesses that have spoken with the Select Board on gaining their licenses for marijuana sales. A question that has come up is the provision of the distance required between marijuana establishments and day care centers. Under the term daycare it also includes schools, childcare and adult daycare centers. In the marijuana section of the bylaw the term that is used is “licensed day care” whereas “child care” is listed in the Definitions section. Mr. Tada questioned if the Board would consider revising the language and how the distance is measured.

Mr. Burke stated the 500 feet from property line to property line could hurt the location of the marijuana retail establishment. A lot of communities measure from building to building. Mr. Tada explained that someone was considering the former bank building located in the Mill Run Plaza that extends up to Mill Street; however, a childcare center is located across the street which is only 40 feet away. If the distance from the two buildings were measured it would total 800 feet and there would be no issues.

Mr. Wilson stated that it is better to define the distance from building to building.

Mr. Burke commented that the 500 foot distance was established by certain members wanting to cast a wider buffer. He then cited the Planning Boards definition of a licensed daycare which provides education from grades K-12 also including, church, park, library and other marijuana establishments. Chapter 94g marijuana legislation states public and private schools that provide an education 1-12. Certain items had been added to the definition of a licensed day care that the Town may not have been entitled to. Mr. Burke was okay in changing the definition and stated that the term adult daycare is not a sensible use.

Mr. Barringer questioned the alcoholic beverage license’s dimensional requirements of 500 feet. Mr. Burke stated that the requirements should be the same for both establishments. For zoning purposes alcoholic sales are identical to retail businesses. Only religious entities have authorization to prohibit sales. The Board relies on the licensing authority for any rules and regulations. There have been events where licenses for alcoholic events were provided to schools.

The Board was open to an amendment and willing to change the distance from premise to premise.

**Project Updates:**

* Academy Hill

The paving of the last portion of Cherry Tree Lane (entering from the northern entrance near Townsend up to Arbor Way) is expected this fall. Nitsch Engineer performed a site inspection last month and identified a large amount of damage to the existing binder cord which requires repair. Yesterday afternoon Nitsch walked with the paving contractor to ensure that they understood that both the road and sidewalk need to be repaired.

* Monarch Path

The paving was completed a couple of weeks ago and an engineer report has not been provided. The developer is planning on petitioning the Town to accept those roadways next year. The engineer will prepare the As-Built Plan and submit it to the Planning Board to be added as a Warrant at the Town Meeting.

* Reedy Meadow Estates

The warrant has been passed and approved at the Town Fall Meeting. The checks should be issued today and Nitsch Engineering will clear the outstanding balance.

* 227 Boston Road

The Planning Boards issued a special permit for a shared driveway and endorsed ANR for a second house lot. One requirement is to submit a detailed site plan in advance to any building permits. Mr. Tada received a site plan today for the second access site to where the second house would be developed and also a sewer line that extends from 119 under the golf course, wetlands, and up to close proximity to the proposed house. Mr. Tada stated that he would forward the plans to the Board.

* Village Meadows

 Mr. Tada received a complaint from an abutter regarding the developer working after the approved operations of hours (6:00P.M.). A concrete truck also showed up after hours a couple of times. The building commissioner went out and spoke with the developer and reminded him of the working operation hours and was informed that he only has one more wall to pour this week.

**Committee Updates:**

* Complete Streets Committee

 Mr. Barringer had brief conservation with Sheila Harrington and would like to continue his discussion.

* Community Preservation Committee

Mr. Burke stated the CPC will be meeting on Monday to review the pre-applications that were received and noted that they are extensive on recreation and parks. The Conservation Commission is requesting $300,000.

**General Business\***

* ZBA Updates

Mr. Tada said the ZBA met last night and went over 3 applications. 1. Halsey Platt requested to alter his existing contractor shop and add an addition which is related to the ANR Plan that was endorsed tonight. 2. 37 Boat House Road was approved to alter an old structure and be reconstructed on the existing footprint. 3. A variance of the lot width requirement in the zoning that would allow a new house on a vacant lot on Common Street was approved. The lot is odd shaped and the house is required to be located away from the wetlands.

* Meeting Minutes- September 23, 2021

**MOTION:** Mr. Barringer made a motion to approve the minutes of the September 23, 2021 meeting as presented. Ms. Nilsson Ripps seconded the motion.

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

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

Nay: 0

**The motion carried 7-0-0.**

* Meeting Minutes- October 07, 2021

**MOTION:** Ms. Bedard made a motion to approve the minutes of the October 7, 2021 meeting as presented. Ms. Black seconded the motion.

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

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

Nay: 0

**The motion carried 6-0-1. (Abstained- Mr. Barringer)**

* Meeting Minutes- October 21, 2021

**MOTION:** Mr. Barringer made a motion to approve the minutes of the October 21, 2021 meeting as presented. Ms. Nilsson Ripps seconded the motion.

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

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

Nay: 0

**The motion carried 5-0-2. (Abstained- Ms. Black, Mr. Bonnett)**

**Planning Board Meeting Schedule**

* November 4 & 18
* December 2 & 16

**Adjournment**

**Motion:** At approximately 9:20 P.M. Mr. Bonnett made a motion to adjourn. Mr. Barringer seconded the motion.

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

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

Nay: 0

**The motion carried 7-0-0**

Respectfully submitted:

Kristine Fox

Per Diem Minute Taker

*Approved 11/18/2021*