**TOWN OF GROTON PLANNING BOARD**

 **Thursday, December 16, 2021**

**Meeting Minutes**

A virtual meeting of the Planning Board was held on Thursday, December 16, 2021, at approximately 7:00 p.m. All votes would 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

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

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

***Public Hearing – Special Permit – Detached Accessory Apartment – 45 West Street***

***(Sheila Julien & Mark Gerath)***

Mr. Mark Gerath and Ms. Shelia Julien, the applicants, presented their proposal for an accessory apartment on the second floor of the existing detached barn on their property. Mr. Gerath said a question had arisen during the pre-application meeting with the Planning Board on November 4, 2021, regarding the apparent overlap of the barn on his property with the DCR property to the west (Nashua River Rail Trail). He said David E. Ross & Associates had done a site plan for the previous owner that showed the offset of the barn to be six feet from the nearest corner to the DCR property line.

Mr. Gerath said the existing two-story barn was constructed in the early 1980s, the walls and ceilings were insulated on the second floor and the first floor was an over-deep two-car garage. He said there were two garage doors and a “person door” on the first floor with double-hung windows on both floors. Mr. Gerath noted the second floor was approximately 780 square feet in area, and the proposed accessory apartment would contain a kitchen, living room, and a maximum of two bedrooms) and there was an interior set of stairs to the second floor.

Mr. Gerath said there was a wetland resource area on the west side of the Rail Trail which was about 75 feet from the nearest footing of the proposed 130 square foot deck and a stairwell that would come up from the exiting driveway pad. He said the Conservation Commission had toured the site and they would meet with them again on December 28th to discuss the RDA filing.

Mr. Gerath said there was existing electrical services coming from a pole on West Street and the same pole supplied the existing house; there was an existing sewer line that connected to the trunk line adjacent to the Rail Trail; and the water line from West Street was located east of the barn.

Mr. Gerath explained the proposed site changes would be a lateral connection between the barn to the sewer that would remain on their property, and the electrical and water service would likely be buried as well. He noted there was very little visibility to any neighbors during the summer months and in the winter you could see the barn from the Rail Trail as well as from West Street. He also noted there was one abutter who could see the south wall of the barn once the leaves fell.

Mr. Gerath stated that he felt the proposed project met the special permit criteria of the Zoning Bylaw. He pointed out that they did not intend for the apartment to be handicap accessible.

Mr. Wilson asked if there were Board Members who had questions or comments. There were none.

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

Michael and Jenny Woods, 20 West Street, submitted Zoom Chat comments in support of the project. They said there would be no change to the village character as a result of the project.

Amy Quintin, 21 Whiting Avenue, also expressed support for the project via Zoom Chat.

There were no other comments or questions from abutters.

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

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

Yea: Mr. Bonnett, Ms. Black, Ms. Nilsson Ripps, 7

 Mr. Barringer, Ms. Bedard, and Mr. Burke,

 and Mr. Wilson

Nay: 0

**The motion carried 7 – 0 – 0.**

**MOTION:** Mr. Burke made a motion to approve the issuance of a Special Permit for the detached accessory dwelling as presented. Mr. Barringer seconded the motion.

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

Yea: Mr. Bonnett, Ms. Black, Ms. Nilsson Ripps, 7

 Mr. Barringer, Ms. Bedard, and Mr. Burke,

 and Mr. Wilson

Nay: 0

**The motion carried 7 – 0 – 0.**

Mr. Tada will draft an approval decision for the Board to review at the next meeting on January 13, 2022.

***Public Hearing – Special Permit – Custom Cabinetry Shop (Town Center Overlay District)***

***36 Court*** ***Street (Halsey Platt)***

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

Attorney Bob Collins, representing the applicant, addressed the Board and stated the property was approximately 60,000 square feet and there was 190 feet of frontage on Court Street. He said Mr.

Platt was proposing to construct a 12,600 square foot building to house a specialty custom cabinetry workshop that would augment the existing Platt Builders facility at 31 Adams Avenue. The existing, dilapidated barn/shed on 36 Court Street would be demolished.

Attorney Collins said a small portion of the back façade of the building was in the buffer zone of the wetlands on the opposite side of the rail trail and they would be filing a Notice of Intent with the Conservation Commission prior to the end of the year. He said they also had an appointment scheduled to review the stormwater management system with the Earth Removal Stormwater Advisory Committee in early January.

Attorney Collins said the existing single-family house at 30 Court Street sat on a strangely shaped non-conforming lot. He said the applicant intended to renovate the home and they would like to reconfigure the lot so that it had a usable yard. He further said he would like to request that the lot with the single-family house on it be separated so that it would not be subject to the special permit for commercial use. He reminded the Board that the applicant had community support for the project.

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

Mr. Burke stated he felt it was important to retain good businesses in town and the proposed expansion of Platt Builders was a good reuse of the property. He added, however, he felt taking a non-conforming lot and making it into another non-conforming would be a sticky point. Attorney Collins replied separating the house lot was merely a lot-line change under 218-5.7(F2) which allowed someone to change the size and shape of an existing non-conforming lot without impacting their “grandfathering status.”

Mr. Bonnett requested that the number of parking spaces be reviewed. He observed that the proposed stormwater management area currently showed that the water would flow onto 30 Court Street and was interested in how the runoff would be contained. Attorney Collins replied the combination of infiltration and a rain garden would prevent runoff from occurring on 30 Court Street. He also said most of the current employees parked in the lot on Adams Avenue and the parking shown on the plan was more than what was needed. The new facility would house eight existing Platt Builders employees and four new employees.

Mr. Burke commented that he felt he needed to be comfortable with the stormwater management prior to signing off on a special permit and would not feel comfortable with a stipulation stating it would be approved upon site plan review.

Mr. Burke stated he would agree to close the public hearing with the understanding that the stormwater management would have to be a condition of approval.

Attorney Collins commented that the applicant’s lenders wanted to see an approval of the use prior to moving forward.

Attorney Collins stated he felt it might be wise to continue the public hearing to the January 13, 2022, meeting where he would have the engineering plan, the stormwater management plan, and he would have gone through the process with the Earth Removal Stormwater Management Committee.

Attorney Collins asked the Board to reconsider the issue of separating the house lot from the special permit so the renovation of the existing home could move forward.

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

none. Mr. Tada commented that there were three to four written statements in support of Halsey Platt’s proposal.

Mr. Burke pointed out that the Town Center Overlay District Design Review Committee had submitted a very thorough and insightful review of the project. He requested the report become part of the public record.

**MOTION:** Mr. Burke made a motion to continue the public hearing, date specific, to the January 13, 2022, meeting at 7:30 p.m. Mr. Barringer seconded the motion.

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

Yea: Mr. Bonnett, Ms. Black, Ms. Nilsson Ripps, 7

 Mr. Barringer, Ms. Bedard, and Mr. Burke,

 and Mr. Wilson

Nay: 0

**The motion carried 7 – 0 – 0.**

**MOTION:** Mr. Burke made a motion to rescind the Planning Board’s decision to accept the applicant’s request for withdrawal of the Approval Not Required (ANR) Plan for 30 & 36 Court Street, dated September 5, 2021; and bring said application back for consideration of endorsement. Ms. Black seconded the motion.

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

Yea: Mr. Bonnett, Ms. Black, Ms. Nilsson Ripps, 7

 Mr. Barringer, Ms. Bedard, and Mr. Burke,

 and Mr. Wilson

Nay: 0

**The motion carried 7 – 0 – 0.**

**MOTION:** Mr. Barringer made a motion to endorse the Approval Not Required (ANR) Plan, dated September 5, 2021, for Platt Builders regarding 30 & 36 Court Street, pursuant to §218-6.3.F(2). Mr. Burke seconded the motion.

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

Yea: Mr. Bonnett, Ms. Black, Ms. Nilsson Ripps, 7

 Mr. Barringer, Ms. Bedard, and Mr. Burke,

 and Mr. Wilson

Nay: 0

**The motion carried 7 – 0 – 0.**

***Discussion – Oriole Drive Surety – Cash Bond to Replace Tri-Party Agreement***

***Rocky Hill* *Subdivision (Dave Moulton)***

Attorney Collins, on behalf of the applicant, stated he brought in a check for $280,958.77 which

represented the most recent performance bond figure for Oriole Drive. He requested that the Planning Board allow the applicant to post the cash bond with the Town Treasurer, and to replace the existing tri-party agreement with the cash bond.

**MOTION:** Mr. Burke made a motion to substitute the surety being held for the completion of the work on Oriole Drive by replacing the tri-party agreement with a cash surety in the amount of $280,958.77 subject to the Land/Use Director preparing and executing the necessary paperwork.

Mr. Barringer seconded the motion.

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

Yea: Mr. Bonnett, Ms. Black, Ms. Nilsson Ripps, 7

 Mr. Barringer, Ms. Bedard, and Mr. Burke,

 and Mr. Wilson

Nay: 0

**The motion carried 7 – 0 – 0.**

***Discussion – Letter of Support for Housing Coordinator CPA Funding Application***

Mr. Burke stated the letter of support was part of the annual application to request a portion of the Housing Coordinator’s salary be paid by CPA funding.

**MOTION:** Mr. Barringer made a motion to support the Town of Groton’s application for CPA funding for the Housing Coordinator position salary and benefits. Ms. Bedard seconded the motion.

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

Yea: Mr. Bonnett, Ms. Black, Ms. Nilsson Ripps, 7

 Mr. Barringer, Ms. Bedard, and Mr. Burke,

 and Mr. Wilson

Nay: 0

**The motion carried 7 – 0 – 0.**

***Project Updates***

* Village at Shepley Hill

Mr. Tada explained the Planning Board had issued a special permit and definitive subdivision approval in January and the Conservation Commission issued an order of conditions. He said the Conservation Commission’s decision was appealed by one of the direct abutters (Groton Conservation Trust). He further said the item went before the Massachusetts Department of Environmental Protection (MADEP) for resolution. MADEP issued a superseding order of conditions that affirmed the Conservation Commissions’ original approval. Mr. Tada said the developer was free to proceed with the development.

* Kilbourn Place, 240 Main Street

Mr. Tada explained a site plan review was done with the Planning Board as well as a review with the Historic District Commission and stormwater review to renovate the former Donelan’s building. He said the original plan was to have multiple retail office units, but a medical group had expressed interest in leasing the whole space. He added the Planning Board needed to approve a special permit for medical office use in the Village Center Business (VCB) District.

* Multi-Family Zoning District

Mr. Tada stated the Planning Board had discussed a multi-family zoning district to potentially present at the Fall Town Meeting which did not happen for a variety of reasons, but the Department of Housing & Community Development issued draft guidelines on December 15, 2021, for multi-family zoning districts for MBTA communities such as Groton.

Mr. Tada explained that they would be getting some advice from Attorney Brian Falk of Mirick O’Connell (Town Counsel) and the state indicated that the public comment period would close on March 31, 2022, and suggested the Board have a discussion in January regarding the item.

***Committee Updates***

* Complete Streets Committee

There were no updates.

* Community Preservation Committee

Mr. Burke stated the committee was waiting for applications to come in by January 13, 2022.

***General Business***

* ZBA Updates

Mr. Tada said the Zoning Board of Appeals was in the process of interviewing/appointing alternate members.

* Meeting Minutes – November 18, 2021

**MOTION:** Mr. Barringer made a motion to approve the minutes of the November 18, 2021, meeting as presented. Ms. Black seconded the motion.

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

Yea: Mr. Bonnett, Ms. Black, Ms. Nilsson Ripps, 6

 Mr. Barringer, Ms. Bedard, and Mr. Burke,

 and Mr. Wilson

Nay: 0

**The motion carried 6 – 0 – 1. (Abstained – Mr. Burke)**

***Planning Board Meeting Schedule (Via Zoom)***

* January 12, 2022
* January 27, 2022
* February 10, 2022
* February 24, 2022

***Adjournment***

**MOTION:** At approximately 9:15 p.m. Ms. Black made a motion to adjourn. Mr. Barringer seconded the motion.

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

Yea: Mr. Bonnett, Ms. Black, Ms. Nilsson Ripps, 7

 Mr. Barringer, Ms. Bedard, and Mr. Burke,

 and Mr. Wilson

Nay: 0

**The motion carried 7 – 0 – 0.**

Respectfully submitted:

Trish Gedziun

Recording Secretary

*Approved 1/13/2022*