**TOWN OF GROTON PLANNING BOARD**

 **Thursday, January 13, 2022**

**Meeting Minutes**

A virtual meeting of the Planning Board was held on Thursday, January 13, 2022, at approximately 7:00 p.m. All votes to 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.

***Public Hearing – Special Permit & Site Plan Modification for Medical Office use in Village Center Business District – 240 Main Street (Kilbourn Place LLC – Gus Widmayer, Manager)***

Attorney Bob Collins, representing the applicant, addressed the Board and said he was requesting approval for a change of use and a waiver to evaluate if the parking on the site was sufficient for the proposed use. He said a medical group associated with Emerson Hospital expressed interest in siting a medical office facility with a radiology clinic on the property. He noted there were no changes to either the site design or building design previously approved by the Board with the exception of one door that needed to be six inches wider to be ADA compliant.

Attorney Collins stated the current site plan includes a total of 46 parking spaces (including 5 on-street spaces). The site plan was approved in 2019 when the proposed use was retail/offices. Mr. Collins said the ration of parking spaces to square footage of building area was comparable to Emerson Hospital’s existing facility at 100 Boston Road.

Mr. Barringer stated that he felt a medical use was acceptable for the site but asked where the emergency exits were in the building. He said the exit doors that would be used in the case of an emergency would empty directly onto traveled pavement. Attorney Collins replied he felt that could be addressed with appropriate signage.

Mr. Barringer asked what type of lighting would be in the back of the building. Attorney Collins replied it would not change from what was approved in 2019.

Mr. Bonnett suggested that there be markings behind the building so drivers would notice that they should not go too close to the building. Attorney Collins replied that could be a stipulation to approval.

Mr. Bonnet asked if two ADA accessible parking spaces would be enough. Attorney Collins replied he would consult with the prospective tenant but would come back to the Board if more were required.

Ms. Black, referring to the handicap accessible entrance asked if it transitioned from asphalt to concrete with no curbing. Attorney Collins replied in the affirmative.

Ms. Black asked where the snow storage was located on the property. Attorney Collins replied it was on the right side of the building and snow would be removed from the parking lot so there was never an enormous mound of snow because there was limited space.

Mr. Tada commented that condition #9 of the 2019 Site Plan Approval stated that “snow banks and snow piles shall not exceed a height of 3-feet at any time, and excess snow shall be removed from the site within 72 hours of the conclusion of a storm event.”

Ms. Black noted the plan did not show evergreens to screen the dumpster. Attorney Collins replied he would check with Stan Dillis about the plantings proposed around the dumpster.

Mr. Widmayer added he had received some suggestions from “Friends of the Tree Warden.”

Ms. Nilsson Ripps noted that the handicapped parking spaces were not located on the shortest accessible route to the building. She added she thought there should be more than two ADA parking spaces pursuant to the state building code. She noted that the state code required either 10% or 20% of the parking spaces serving a medical facility to be accessible, depending on the type of facility. Attorney Collins replied he would consult with Mr. Dillis.

Ms. Bedard echoed the above comment from Ms. Nilsson Ripps about the state code requirements for accessible parking at medical facilities.

Mr. Burke said he was glad to see a viable use for the building, and indicated he was willing to consider a waiver of the parking requirements. He reiterated Ms. Black’s concern about the lack of curbing or other barrier between the bituminous parking lot and the concrete apron.

Mr. Barringer asked if the property had the appropriate sewer capacity to meet the use. Attorney Collins replied he would check. Mr. Widmayer replied he sent the necessary information to the Sewer Commission earlier that day, and he would provide the same information to the Planning Board.

Mr. Barringer suggested that the existing generator would have to be larger to accommodate the new medical facility use.

Mr. Wilson said he had similar concerns about potential conflicts between pedestrians and vehicles around the building entrances. He encouraged the applicant to incorporate striping and other visual cues to keep vehicles from entering the walkways.

Ms. Black suggested adding physical barriers such as bollards or planters.

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

**MOTION:** Ms. Bedard made a motion to continue the public hearing regarding 240 Main Street, date specific, to the January 27, 2022, meeting at 7:00 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.**

***Public Hearing (Continuation) – Special Permit – Custom Cabinetry Shop (Town Center Overlay District) 36 Court*** ***Street (Halsey Platt)***

Mr. Wilson said the applicant submitted a request to continue this public hearing to January 27th.

**MOTION:** Mr. Burke made a motion to continue the public hearing regarding the special permit for 36 Court Street, date specific, to the January 27, 2022, meeting at 7:20 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.**

***Pre-Submission Review - Age-Restricted Multi-Family Housing Project***

***468 & 478 Main Street (Jeff Brem)***

Mr. Jeff Brem was present to speak about his conceptual proposal. He said he was both an engineer and developer and recently purchased the above noted property. He said there was currently a two-family dwelling on the north side of the property, as well as an old and dilapidated restaurant. He said the land was a total of 7 acres and was mostly zoned general business but there were 1.5 acres that was zoned residential.

Mr. Brem said he would like to construct 12 duplexes with 24 residential units in an age-restricted development (master bedroom on the first floor with a second bedroom and a loft on the 2nd floor.) He said ideally there would be access off of Main Street. He said conceptually he thought about adding a community park as well as a toddler play area. He added the proposed project would have sewer coming off of Main Street; noting he had already applied to the Sewer Commission to add the third parcel in the rear (Parcel 216-101) to the sewer district (it is currently not in the sewer district). He would put the four affected units on a private septic system if need be.

Mr. Barringer asked if the development would be condominiums. Mr. Brem replied it would be condominiums with private roads. Mr. Barringer asked what type of lighting there would be. Mr. Brem replied his thought was that it would be mostly lantern-type low lighting.

Ms. Black said she felt that proposed units 23 & 24 were very close to Main Street and the adjacent lot. She also asked about “Lot 1” on the plan. Mr. Brem replied all proposed units were in compliance with the 50-foot setback. He said Lot 1 would remain separate from the residential development and he envisioned some type of business use there.

Ms. Nilsson Ripps asked how large the proposed units would be. Mr. Brem replied each unit would be 36 x 50 feet. Each duplex structure would therefore be 72 x 50 feet. Each unit would be somewhere between 1800 and 2400 square feet.

Mr. Burke commented that he felt the Main Street/Taylor Road connection was very desirable. Mr. Burke also asked how Mr. Brem was going to address stormwater management. Mr. Brem replied he was the Home Builders Representative for the Stormwater Management Committee at the state level and was very committed to using best practices. But he added that the detailed site survey was not completed yet, so he hasn’t designed the stormwater management system.

Mr. Brem asked for clarification regarding the definition of age-restricted housing in the Zoning Bylaw. Mr. Burke replied that the state no longer accepted units that were age-restricted as counting toward the subsidized housing inventory. Mr. Burke also noted there were some deficiencies in the wording and they needed to be addressed, perhaps at Spring Town Meeting.

Mr. Tada pointed out that the deadline to submit Warrant Articles, if there were to be a change in the wording of the definition, was February 25, 2022. He said the date of Spring Town Meeting would be on April 30, 2022.

***Discussion – Special Permit for Detached Accessory Apartment – 45 West Street***

Mr. Tada pointed out that oftentimes, as part of the special permit there was a condition that it would run with the land and would apply to any successors in interest or control; or that the permit applied only to the applicant and was not transferable. He said the section in the accessory apartment zoning bylaw provision stated there was a specific requirement that the owner must occupy one of the units; either the main residence or the accessory apartment as a permanent residence.

Mr. Mark Gerath, the applicant, addressed the Board and stated he would very much like for the special permit to run with the land. He said he felt it was quite reasonable to apply a condition that stated should the owner not occupy one of the two units it violated the special permit.

**MOTION:** Mr. Burke made a motion to approve the special permit application for the detached accessory apartment at 45 West Street, with the stipulation that the special permit shall run with the land and apply any successor and interest or successor in control. The owner shall be obligated to notify the buyer, by written notice, of the requirements of the special permit upon the sale of the property. Mr. Bonnett 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***

* Hayes Woods

Mr. Tada said he had forwarded the Board the Notice of Noncompliance that Bob Kiley received from the Division of Fisheries and Wildlife for beginning his land clearing activities on Maple Avenue before completing his endangered species permit review with the state.

**MOTION:**  Mr. Barringer made a motion to request Mr. Tada to send a letter to the developer of Hayes Woods property to provide an update on the status of the cease and desist order issued by the Division of Fisheries and Wildlife and to provide a copy of the permit when it was subsequently issued to the Planning Board. Mr. Barringer also requested Mr. Tada to extend an invitation to the developer, Bob Kiley, to attend a future Board meeting to discuss why the work was started prematurely. Mr. Bonnett 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.**

* Village at Shepley Hill

Mr. Tada explained the appeal of the Conservation Commission’s Order of Conditions was resolved by the MA DEP whereby they upheld the Conservation Commission’s decision. He said the developer, Mr. Larry Smith, had reached out to the Planning Board, the Stormwater Committee, and the Conversation Commission to begin providing the documentation needed, and wanted to identify a date for the pre-construction meeting. He said he would keep the Board up to date.

***Committee Updates***

* Complete Streets Committee

Mr. Barringer stated that the Town was finally approved for approximately $363,000 to extend the sidewalks on Lowell Road and West Main Street.

Mr. Tada added the town was also awarded $150,000 in ARPA funds to build a sidewalk from the Indian Hill Music Center up Old Ayer Road to Main Street.

* Community Preservation Committee

Mr. Burke stated the committee looked at the projected grants they would be getting and the good news was that it appeared there were sufficient funds available should all of the applications be successful.

***General Business***

* ZBA Updates

There were none.

* Meeting Minutes – December 16, 2021

**MOTION:** Mr. Barringer made a motion to approve the minutes of the December 16, 2021, meeting as presented. Ms. Nilsson Ripps 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.**

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

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

***Adjournment***

**MOTION:** At approximately 9:23 p.m. Mr. Burke made a motion to adjourn. 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.**

Respectfully submitted:

Trish Gedziun

Recording Secretary

*Approved 1/27/2022*