**TOWN OF GROTON PLANNING BOARD**

**Thursday, March 24, 2022**

**Meeting Minutes**

A virtual meeting of the Planning Board was held on Thursday, March 24, 2022, at approximately

7:00 p.m. All votes were to be taken by roll call because the meeting was virtual.

**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

Mr. David Bonnett, Board Member

**Members not Present:**

Ms. Lorayne Black, Board Member

**Also Present:**

Mr. Takashi Tada, Land Use Director/Town Planner

Per the Massachusetts Attorney General’s guidance regarding remote public meetings, Mr. Wilson stated the meeting was virtual and being recorded and all votes must be taken via roll call. Further, Mr. Wilson introduced the people who were participating in the meeting.

***Public Hearing – Major Site Plan Review for Florence Roche Elementary School and Track***

***342 Main Street (Florence Roche Elementary School Building Committee) – Phase 1***

Mr. Wilson opened the public hearing and noted that the Public Hearing Notice was available in the Land Use Office at Town Hall.

* Phase 1: New track, utilities, and site preparation for the new building.

Ms. Meryl Nistler, Studio G Architects, reviewed the proposed Phase 1 Site Plan for the new Florence Roche Elementary School. Phase 1 includes a new 400-meter running track, installation of utilities, and site preparation for the new school in the vicinity of the existing track. She said the future Phase 2 Site Plan would include construction of the new elementary school building, demolition of the old elementary school building, and overall site improvements. She also stated the project was supported by the Massachusetts School Building Authority (MSBA).

Mr. Jeffrey Pilat, Civil Engineer, was present on behalf of Samiotes Consultants. Mr. Pilat stated Phase I would include the construction of a new six-lane 400-meter track as well as the clearing, grubbing, any associated earthwork, utility connections, and the track and field component installations.

Mr. Tada said the Conservation Commission had issued an Order of Conditions and the Earth Removal Stormwater Advisory Committee had issued a Full Stormwater Management Permit.

Mr. Pilat said they had received approval for an infiltration system from the Earth Removal Stormwater Advisory Committee. He also said that the installation of the grass fields and a wetland buffer seed mix was agreed upon with the Conservation Commission as part of the buffer zone enhancements.

Mr. David Saindon, Project Manager, Leftfield Consultants, said the track would be completed in the fall of the current year but they were planning on a full planting season to occur before opening it for the public’s use. He reviewed the timeline for permitting through 2025.

Ms. Nilsson Ripps commented, for the record, that although she had worked with Samiotes Consultants in the past, she had no stake in the current, proposed project.

Mr. Bob Garside, Building Commissioner, asked if the Groton Police & Fire Departments approved the temporary access. Mr. David Saindon replied there had been numerous meetings with the police and fire departments and they had received three letters of support from the Regional School District, the Police Department, and the Fire Department.

Mr. Bonnett said it was going to be a very big project and wanted to ensure the safety of the children attending school nearby was paramount.

Ms. Nilsson Ripps said she had some concerns about the noise level while the students would be in school. Mr. David Saindon replied they could have some time during the day that was quieter than others.

Mr. Bonnett asked if they would monitor noise and dust levels. Mr. Tripp McElroy, Gilbane Construction, replied there would be dust control measures in place.

Mr. Barringer suggested that dust and noise control should be a condition listed for the contractors proactively and not reactively.

* Peer Review Comments

Mr. Jared Gentilucci, P.E., Nitsch Engineering, reviewed the peer review report and noted they had also reviewed the Stormwater Management Design and Erosion & Sediment Control Plan for the Earth Removal Stormwater Advisory Committee. The stormwater permit was issued.

Mr. Gentilucci said, regarding the site plan review, that they looked at all of the documents submitted including a full set of site plans, and the Phase 1 Site Plan Review application. He said thirteen waivers were requested by the applicant as a number of items required under site plan review were not included in Phase I, but they were noted to be provided in the forthcoming Phase II submission. He also noted there were no objections to the waiver requests, assuming the information would eventually be provided under Phase II.

Mr. Gentilucci said the retaining wall waiver was still necessary because a portion of the retaining wall on the north side of the track and field was six feet tall, and anything over four feet required a waiver from the Planning Board. He said there were a few minor comments regarding the plan contents and that should be very straightforward for the applicant to address. He added that they did not see any red flags after the review.

* Comments from Fire Chief & Police Chief

Mr. Tada commented that the Police Chief Mike Luth’s comment letter, while he was overall very supportive of the site logistics plan, requested a plan be put in place for a crossing guard of some type to ensure safety to those pedestrians who would need to cross either the main school driveway or the temporary construction driveway during the construction. The letter from Fire Chief Steele McCurdy was also supportive of the proposed site logistics.

Mr. Haddad, Town Manager, asked the Planning Board if they could hold a special meeting on April 7, 2022, to finalize their review, as waiting until the regular meeting on April 14th would create a hardship with the start time of the project. The project is on a tight schedule and every week counts.

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

**MOTION:** Mr. Burke made a motion to continue the public hearing to Thursday, April 7, 2022, at 7:00 p.m., and to direct Mr. Tada to draft an approval decision. Ms. Bedard seconded the motion.

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

Yea: Mr. Burke, Ms. Bedard, Mr. Bonnett, 6

Ms. Nilsson Ripps, Mr. Barringer, & Mr. Wilson

Nay: 0

**The motion carried 6 – 0 – 0.**

Attorney Brian Falk, of Mirick O’Connell (Town Counsel) was present for the following zoning amendment hearings.

***Public Hearing – Citizen’s Petition – Zoning Bylaw Amendment to Change the Definition of Age-Restricted Housing (Submitted by Mr. Jeff Brem)***

Mr. Wilson opened the public hearing and noted that the Public Hearing Notice was available in the Land/Use Office at Town Hall.

Mr. Jeff Brem, the applicant, read aloud Article 17: Citizen’s Petition – Age-Restricted Housing Definition:

To see if the Town will vote to amend §218-3, Definitions of the Groton Zoning By-Law by deleting the definition of Age-Restricted Housing and replacing it with the following:

**AGE-RESTRICTED HOUSING** – Housing for persons 55 years of age or older which shall be in conformance with federal and state laws and regulations, including the Fair Housing Act, and the Housing Older Persons Act. All dwelling units in an Age-Restricted Housing development shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or another document that complies with the applicable federal and state laws, and which shall be recorded at the Registry of Deeds or the Land Court. The age restriction shall limit all the dwelling units in the development to occupancy of at least one individual of age 55 or older or their spouses of any age and to authorize special exceptions that would allow specific persons of any age to live in a dwelling unit together with an over 55 residents with individual approval of the Planning Board. The age restriction shall run with the land in perpetuity and shall be enforceable by the Town of Groton or any or all of the owners of the development.

Ms. Becky Pine, Chair, Affordable Housing Trust (AHT) said all of the members of her committee were present and called a meeting of the Affordable Housing Trust to order. Committee members present included:

* Ms. Becky Pine, Chair
* Ms. Carolyn Perkins, Vice-Chair
* Mr. Phil Francisco
* Mr. Richard Perini

Mr. Peter Cunningham, Chair, Housing Partnership called the meeting of Housing Partnership to order. Committee members present included:

* Mr. Peter Cunningham, Chair
* Ms. Anna Eliot, Member
* Ms. Carolyn Perkins, Member
* Proposed Amendment would Eliminate the Requirement to Provide Affordable Housing

Mr. Brem explained that he purchased a 7-acre parcel under the name of “Quality Green Homes” and was interested in an age-restricted development. He said the current restriction required 50% of affordable housing which he said would cause an economic problem. He said the restriction could be re-written so that there could be affordable housing, but affordable housing could not be restricted to persons under the age of 18.

Mr. Brem read aloud a proposed amended version of the original request.

**AGE-RESTRICTED HOUSING** – Housing for persons 55 years of age or older in which at least 15% of the dwelling units meet the requirements for local action units and which will result in the development of housing for households at or below 80% of the area median income eligible for inclusion in the subsidized housing inventory as defined by the Massachusetts Department of Housing & Community Development (DHCD) and which shall be in conformance with federal state laws and regulations including the Fair Housing Act, and the Housing for Older Persons Act. All dwelling units in an age-restricted housing development shall be subject to an age restriction and will show a limit of no less than 80% of all of the dwelling units in the development to occupancy of at least one individual of age 55 and older and to be described in a deed, deed rider, restricted covenant, or other documents that comply with all applicable federal and state laws and which will be recorded at the Registry of Deeds or the Land Court. The age restriction shall run with the land in perpetuity and shall be enforceable by the Town of Groton or any or all of the owners of the development.

Ms. Pine commented that she was happy that the applicant had taken the time to reword the proposed amendment to include affordable housing. She said the Affordable Housing Trust would like to see the number of affordable housing units be greater than 15%.

Mr. Burke commented that there were some deficiencies in the bylaw that needed to be addressed.

* Comments received from Attorney Brian Falk (Town Counsel)

Attorney Falk commented that at first glance he felt the proposed re-wording of the bylaw would pass the muster of being approved by the Attorney General. He also said it appeared to have addressed some of the concerns that he had with the original and second draft of the petition in terms of how the restrictions were laid out and how they were enforced.

Mr. Wilson asked if anyone had questions or comments.

Mr. Cunningham said he felt the proposed re-write was an improvement over the original but asked if other provisions in the zoning would allow it to go forward without necessarily setting a precedent for other developments in the future.

Ms. Anna Eliot said she did not feel amendments should be made prior to Town Meeting and would like to see the petition postponed.

Ms. Pine commented that as described, she felt the project met a need in Groton as they did not have market-rate housing that was priced below average.

Mr. Richard Harrington, a Civil Engineer, said he currently owned property on Gratuity Road in Groton, and the property was placed under agreement the prior July, and he went to the Town Planner and the Building Inspector to discuss the same section being discussed at this meeting. He said they wanted to pursue the age-restricted option and said he pointed out that there was a discrepancy in terms of who had the authority to grant the special permit, the Planning Board, or the Board of Appeals. He said the discrepancy had been resolved at the Fall Town Meeting.

Ms. Nilsson Ripps pointed out that $850,000 homes were not solving the problem of affordable or accessible housing. She said she felt she would like to see more housing diversity in town.

Ms. Bedard agreed that the proposal was not “perfect” from a planning perspective but that the Town had a critical need for housing that would meet the needs of residents on a fixed income.

**MOTION:** Mr. Barringer made a motion to continue the public hearing to April 14, 2022, at 7:00 p.m. Ms. Nilsson Ripps seconded the motion.

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

Yea: Mr. Bonnett, Mr. Barringer, Ms. Bedard, 6

Mr. Burke, Ms. Nilsson Ripps, & Mr. Wilson

Nay: 0

**The motion carried 6 – 0 – 0.**

***Public Hearing – Zoning Bylaw Amendment to Clarify Zoning Map Amendments and Special Permit Performance Standards in Business and Industrial Districts***

Mr. Wilson opened the public hearing and noted that the Public Hearing Notice was available in the Land/Use Office at Town Hall.

* Proposed Amendment would Clarify §218-5.5 by Separating the Provisions for Business/Industrial Special Permits from the Provisions for Zoning Map Changes.

Mr. Burke said the proposed article was to take the exact existing language and separate it into two sections. One section would address the matter of rezoning (i.e., zoning map amendment). The second section would address the performance standards for the issuance of special permits in the Business and Manufacturing Districts.

* Comments Received from Attorney Brian Falk (Town Counsel)

Attorney Falk commented that while he felt it made sense to reorganize the article, he had some concerns with the provision regarding the zoning map amendments for the districts. He said he was specifically concerned about sub-paragraph §218.5 (B) because it restricted the Planning Board’s authority regarding recommending zoning map amendments and making recommendations to Town Meeting regarding zoning map amendments, by requiring the submittal of a concept plan.

Mr. Burke indicated he would have no problem with eliminating the concept plan requirement. Ms. Bedard and Mr. Wilson were also supportive of doing away with the concept plan requirement.

Mr. Cunningham commented that the concept plan was essential in gaining public support for the RiverCourt assisted living project.

Mr. Burke asked if there were anyone else who had comments or questions. There were none.

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

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

Yea: Mr. Bonnett, Mr. Barringer, Ms. Bedard, 6

Mr. Burke, Ms. Nilsson Ripps, & Mr. Wilson

Nay: 0

**The motion carried 6 – 0 – 0.**

**MOTION:** Ms. Bedard made a motion to amend the Article to eliminate §218-5.5 A through C and renumber the remaining items accordingly. Mr. Barringer seconded the motion.

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

Yea: Mr. Bonnett, Mr. Barringer, Ms. Bedard, 6

Mr. Burke, Ms. Nilsson Ripps, & Mr. Wilson

Nay: 0

**The motion carried 6 – 0 – 0.**

**Recorder’s Note: Mr. Bonnett was excused from the meeting at approximately 10:03 p.m.**

***Discussion – Multi-Family Zoning for MBTA Communities***

* Select Board Briefing Held on 2/28/2022

Mr. Tada stated that the Select Board had held a briefing on the MBTA Communities draft guidelines on February 28, 2022, and the next day an application was submitted for technical assistance from the Montachusett Regional Planning Commission (MRPC) to help achieve compliance. He added that they received the grant and would request a kick-off meeting with MRPC to review the scope of work and the schedule.

* MBTA Community Information Form Submitted on 3/10/2022

Mr. Tada said that on March 10, 2022, the Town Manager, Mr. Mark Haddad, submitted the MBTA Community Information Form online with a copy of the Select Board meeting minutes from February 28th.

Mr. Burke said he would work with Mr. Tada to create a draft letter for the Planning Board’s review.

Ms. Becky Pine and Mr. Peter Cunningham adjourned their respective Boards.

***Project Updates - Music Center at Indian Hill (a.k.a. Groton Hill Music Center)***

* Meeting held on 3/16/2022 with the Project Manager, Building Inspector, and others, to discuss the requirements for Occupancy Permit signoff. The Planning Board’s requirements are listed in Condition #3 of the Major Site Plan Review Permit, PB #2016-23.
* Question re: Verification of site plan compliance (Condition #3F) – Nitsch Engineering should

verify the As-Built site plan. The Planning Board reserves the right to make the final decision.

* Riding arena to be demolished; loamed & seeded – Could be done as a minor modification

of the Site Plan Review.

* Anticipated Opening – September 2022

***Adjournment***

**MOTION:** Ms. Nilsson Ripps made a motion to postpone addressing the remaining items on the agenda due to the late hour and adjourn the meeting at approximately 10:36 p.m. Mr. Barringer seconded the motion.

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

Yea: Mr. Barringer, Ms. Bedard, Mr. Burke 5

Ms. Nilsson Ripps, & Mr. Wilson

Nay: 0

**The motion carried 5 – 0 – 0.**

Respectfully submitted:

Trish Gedziun

Recording Secretary

*Approved 4/14/2022*