**TOWN OF GROTON PLANNING BOARD**

**Thursday, January 12, 2023**

**Meeting Minutes**

A regular (virtual) meeting of the Planning Board was held on Thursday, January 12, 2023, at approximately 7:00 p.m.

**Members Present:**

Mr. Scott Wilson, Chair

Ms. Annika Nilsson Ripps, Vice-Chair

Ms. Alyson Bedard, Clerk

Mr. George Barringer, Board Member

Mr. David Bonnett, Board Member

**Members not Present:**

Mr. Russell Burke, Board Member

Ms. Lorayne Black, Board Member

**Also Present:**

Mr. Takashi Tada, Land Use Director/Town Planner

Per the Massachusetts Attorney General’s guidance regarding the Massachusetts Wiretap Statute, Mr. Wilson stated the meeting was virtual and recorded, and all votes must be taken via roll call. The Planning Board members were introduced.

Mr. Wilson stated the public hearing notices were available at the Land Use Office in the Town Hall.

***Public Hearing – Special Permit – Detached Accessory Apartment***

***60 Hemlock Park Drive, Parcel 233-92 (Baxevanis)***

* Dean & Shannon Baxevanis, 60 Hemlock Drive, the applicants, were present on behalf of the application. Mr. Baxevanis said he wanted to construct the accessory apartment for his elderly parents.
* Accessory apartment in the existing garage, consisting of approximately 750 total

square footage with one proposed bedroom.

* Served by Town Water and Title 5 compliant septic system.
* Comments from Water Superintendent.

Mr. Tada commented that the Board of Health had reviewed the application and determined the septic system was in compliance with Title 5.

Mr. Tada said Mr. Tom Orcutt, Groton Water Superintendent, provided a memo stating that there would be a new water service fee for the apartment.

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

**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. Nilsson Ripps, Mr. Burke, Ms. Bedard 5

Mr. Bonnett, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

**MOTION:** Mr. Burke made a motion to approve the Special Permit for the Detached Accessory Apartment located at 60 Hemlock Drive and to direct Mr. Tada to prepare a draft approval decision to include standard conditions, and to note the comments received from the Water Department and the Board of Health. Ms. Nilsson Ripps seconded the motion.

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

Yea: Ms. Nilsson Ripps, Mr. Burke, Ms. Bedard 5

Mr. Bonnett, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

***Public Hearing – Special Permit – Detached Accessory Apartment***

***284 Old Dunstable Road, Parcel 243-28 (Brock)***

* Attorney Bob Collins was present on behalf of the applicants, Corey & Rachel Kiley Brock.
* Accessory apartment in the existing barn, with one proposed bedroom and a total area of approximately 2,000 square feet.
* Private well and septic system.

Mr. Burke commented that the area of the proposed accessory apartment was substantially larger than the bylaw’s maximum of 800 square feet. He said it did not comply with the legislative intent of the bylaw, and he could not support the application.

Attorney Collins stated that they were not requesting any additional area than the existing footprint of the barn. He said he would return to the Planning Board with an amended plan.

Mr. Bonnett said he agreed with Mr. Burke and added that the “existing” garage was so new that it did not appear to even be finished.

Mr. Brock said he did not understand why there was a size requirement of 800 square feet and asked to be directed toward language that explained the requirement.

Ms. Nilsson Ripps said she felt a request for a 2,000-square-foot dwelling was a stand-alone residence at that size and not an accessory apartment.

**MOTION:** Mr. Burke made a motion to continue the public hearing to January 26, 2023, at 7:00pm. Ms. Nilsson Ripps seconded the motion.

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

Yea: Ms. Nilsson Ripps, Mr. Burke, Ms. Bedard 5

Mr. Bonnett, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

***Public Hearing – Scenic Roads Permit – Alteration of Stone Wall***

***Old Dunstable Road, Parcel 248-2 (Lewis)***

* Attorney Bob Collins was present on behalf of the applicant, Richard Lewis.
* The proposed was for the removal of approximately 20.5 feet of stone wall for a new 14-foot-wide driveway (new home construction).

Mr. Bonnett asked how the stone wall would be terminated. He also asked if the wall could be rebuilt across the street.

* Mr. Tada explained that he received an email from Tom Delaney, DPW Director/Tree Warden, in which he said the applicant would need a driveway permit and that he had no problems with the removal of the stone wall as long as the stones were used to rebuild sections of wall along the right-of-way where stones had been taken in the past. He said the stones may not be removed from the property.

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

**MOTION:** Ms. Nilsson Ripps 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. Nilsson Ripps, Mr. Burke, Ms. Bedard 5

Mr. Bonnett, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

**MOTION:** Ms. Bedard made a motion to approve the Scenic Roads Permit – Alteration of Stone Wall on Old Dunstable Road, Parcel 248-2, with the condition stated in Mr. Delaney’s email, as indicated above. Ms. Nilsson Ripps seconded the motion.

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

Yea: Ms. Nilsson Ripps, Mr. Burke, Ms. Bedard 5

Mr. Bonnett, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

***Public Hearing – Special Permits – Hammerhead Lots & Shared Driveway***

***207 Gratuity Road, Parcel 213-84 (Noonan)***

Attorney Bob Collins was present on behalf of the applicant, Joseph Noonan.

* The property is approximately 17 acres and has 250 feet of frontage on Gratuity Road.
* The application is to divide the existing house lot into two hammerhead lots and to use the existing driveway as a shared driveway.
  + Lot 1: Hammerhead lot with 7.4 acres and 46 feet of frontage. The existing house and accessory structures would remain on Lot 1.
  + Lot 2: Hammerhead lot with 10.0 acres and 204 feet of frontage. Lot 2 would be sold to the Conservation Commission.

Attorney Collins acknowledged that there would have to be a Title 5 examination done on the existing septic system for the house, as part of the subdivision of the land. He said the acquisition of Lot 2 by the Conservation Commission would allow for public train access between Hazel Grove Park and Fitch’s Bridge. It would also resolve the controversy surrounding an abandoned portion of Jenkins Road which used to continue along the Nashua River.

Ms. Bedard observed that the lot areas shown on the site plan do not match the project narrative. Mr. Collins explained that the site plan had been recently revised, but the project narrative was based on an earlier version of the plan. He said he would provide an updated narrative.

Mr. Olin Lathrop, Groton Conservation Commission, addressed the Board and said the Conservation Commission had been working with the property owner, Mr. Noonan, for quite some time and it was a plan that both sides were happy with. He said the Conservation Commission intends to purchase the land labeled as Lot 2, and as a result, the Town would give up any rights to the continued use of the former road along the Nashua River.

Mr. Burke asked if the proposed lots conform to the lot shape provision of the zoning bylaw. He suggested a waiver of the lot shape provision might be in order.

Mr. Lathrop said he believed the lots do conform to the lot shape requirements, but it would not hurt to have a waiver from the Board, just to avoid any complications.

Mr. Tada read aloud from a comment posted in the Q & A.

Mr. Brad Paul, 18 Nod Road – *I was a member of the Trails and Greenway Committees during the controversy that Attorney Collins referred to. The question of whether the road was underwater was never resolved because the owners at the time refused to allow surveyors onto his property to accurately determine the location of the road and whether a portion remained efficient to keep the trail. There was a Warrant Article to temporarily take the land out of eminent domain to allow the surveyors to go on the property, but the Article was defeated at Town Meeting.*

Mr. John Sopka, a resident, asked if the parking was going to be by Gratuity Road, what would inform people who were driving cars on the shared portion of the driveway not to continue on the drive to get closer to the river. Attorney Collins replied that there would be appropriate signage.

Mr. Wilson asked if there were any more comments from members of the public. There were none.

**MOTION:** Ms. Nilsson Ripps made a motion to close the public hearing. Mr. Burke seconded the motion.

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

Yea: Ms. Nilsson Ripps, Mr. Burke, Ms. Bedard 5

Mr. Bonnett, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

**MOTION:** Mr. Burke made a motion to approve the Special Permit for the shared driveway application located at 207 Gratuity Road, Parcel 213-84, as presented with the standard conditions. Ms. Nilsson Ripps seconded the motion.

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

Yea: Ms. Nilsson Ripps, Mr. Burke, Ms. Bedard 5

Mr. Bonnett, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

**MOTION:** Mr. Burke made a motion to approve the plan showing the hammerhead lot creating lots 1 and 2, noting that the Special Permit would also include an acknowledgment that the Planning Board waive the provision of Chapter 218-6.3J Lot Shape. Mr. Bonnett seconded the motion.

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

Yea: Ms. Nilsson Ripps, Mr. Burke, Ms. Bedard 5

Mr. Bonnett, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

***Approval Not Required (ANR) Plan***

***18 Nod Road, Parcel 216-83 (Paul)***

Mr. Brad Paul, 18 Nod Road, the applicant, was present on behalf of the application.

* The proposal was regarding the division of an existing 5-acre house lot into two conforming lots. Lot 1 consisted of 1.84 acres, and lot 2 consisted of 2.99 acres.

**MOTION:** Ms. Nilsson Ripps made a motion to endorse the Approval Not Required plan for 18 Nod Road. Ms. Bedard seconded the motion.

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

Yea: Ms. Nilsson Ripps, Mr. Burke, Ms. Bedard 5

Mr. Bonnett, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

***Discussion – Master Plan Update***

***Request for Proposals (RFP)***

* Need to finalize the procurement schedule with the Town Manager.
* Mr. Tada would forward the final draft of the RFP to the Board and would work with the Town Manager on dates.

**Recorder’s Note:** At approximately 8:34 p.m. Mr. Burke was excused from the meeting.

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

***Action Plan Approval and Technical Assistance Grant Update***

* Action Plan Approved; Interim Compliance Letter from DHCD
* Scope of Work for Technical Assistance Grant still being Finalized
* Resources for Community Engagement & Outreach – CHAPA
  + The Citizens Housing & Planning Association was making resources available to all MBTA communities regarding assistance with optimizing public engagement and outreach.

***Project Updates***

* Village at Shepley Hill
  + Ms. Nilsson Ripps asked if there were any regulations for when construction vehicles temporarily block traffic on the roads.
  + Mr. Tada said he would try to get an update on the water supply wells.
* Groton Hill Music Center
  + There were no updates to share.
* Bank of America ATM Site Lighting, 167 Main Street
  + Mr. Tada explained that he prepared a draft letter to the Bank of America, but he would prefer to send it after Mr. Barringer had the opportunity to review it.

Ms. Nilsson Ripps said the Planning Board had approved the signage at the Dunkin’ store located at 788 Boston Road (Four Corners). She said for the past year there was a large “hiring” sign that had not been approved. She suggested that the town reach out to the owner prior to an official complaint being made. Mr. Tada explained that the Zoning Enforcement Officer, Mr. Bob Garside, had opined that it did not rise to the level at which he would take action. He added that he was under the impression that Mr. Garside had already brought it up to the owner, but he would follow up with him.

***Committee Updates***

* Complete Streets Committee

Mr. Tada explained that Nitsch Engineering had informed him that all three of the draft sidewalk plans would be ready for the town to review the following week. He said he would forward them to the Board once he received them.

* Community Preservation Committee

Mr. Tada stated that the FY24 Complete Draft Applications were due by 4:00 p.m. on January 12, 2023.

***General Business***

* ZBA Updates

Mr. Tada noted that the ZBA had an application to alter a non-conforming structure at 31 Fitchs Bridge Road, and there may also be a public hearing on the same date to address the 40B project known as Groton Farms. He said he would keep the Board informed.

* Meeting Minutes from December 15, 2022

**MOTION:** Ms. Bedard made a motion to approve the minutes from the December 15, 2022, meeting, as presented. Ms. Nilsson Ripps seconded the motion.

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

Yea: Mr. Bonnett, Ms. Bedard, Ms. Nilsson Ripps 4

& Mr. Wilson

Nay: 0

**MOTION CARRIED: 4 – 0 – 0.**

***Planning Board Meeting Schedule***

* January 26, 2023
* February 9, 2023
* March - TBD

***Adjournment***

At approximately 9:11 p.m. Ms. Nilsson Ripps made a motion to adjourn. Ms. Bedard seconded the motion.

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

Yea: Mr. Bonnett, Ms. Bedard, & Ms. Nilsson Ripps, 4

& Mr. Wilson

Nay: 0

**MOTION CARRIED: 4 – 0 – 0.**

Respectfully submitted:

Trish Gedziun

Recording Secretary

*Approved 2/9/2023*