**TOWN OF GROTON PLANNING BOARD**

**Thursday, March 16, 2023**

**Meeting Minutes**

A regular (virtual) meeting of the Planning Board was held on Thursday, March 16, 2023, at approximately 7:15 p.m.

**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

**Members Not Present:**

Mr. David Bonnett, Board Member

Ms. Lorayne Black, Board Member

**Also Present:**

Mr. Takashi Tada, Land Use Director/Town Planner

Per the Massachusetts Open Meeting Law and Wiretap Law, Mr. Wilson stated the meeting was virtual and recorded, and all votes must be taken via roll call. Mr. Wilson introduced the Planning Board members.

Mr. Wilson stated the public hearing notices would not be read into the record, but they were available at the Land Use Office in the Town Hall.

***Public Hearings (Continued) – Definitive Plan & Special Permit***

***Hayes Woods Subdivision – Flexible Development***

***Pepperell Road, Assessors’ Parcel 104-30 (Kiley)***

Attorney Bob Collins was present on behalf of the applicant. He said he thought it might be prudent to continue the public hearing until after he received the stormwater permit.

* Vegetation Clearing Limits Plan, Dillis & Roy Civil Design Group received on 3/3/23.
* 2nd Stormwater review letter, Nitsch Engineering, received on 3/10/23.
  + Issue with TSS (Total Suspended Solids) Removal – Three additional waivers are required.
* Stormwater hearing continued to 4/4/23.
* Site walk conducted on 3/11/23 – Hemlock trees to be preserved.
  + Hemlocks flagged and added to the grading plan.
  + Lorayne Black – Suggested adding a conditional provision for tree protection.

***Public Hearing – Special Permit for Shared Driveway***

***Hayes Woods Subdivision – Pepperell Road – Lots 3, 4, & 5***

***Assessors’ Parcel 104-30 (Kiley)***

* Shared Driveway Plan includes a turnaround on Lot 4.
* Easements across Lots 4 & 5.
* Draft Declaration of Easements provided with the application.

Mr. Barringer asked if it was possible to add a bypass (i.e. a wider section) along the shared driveway to allow vehicles traveling in opposite directions to pass. Mr. Collins said they would look into it.

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 continue the public hearings to April 13, 2023. Mr. Barringer seconded the motion.

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

Mr. Burke, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

***Public Hearing – Proposed Zoning Amendment to Clarify the Provisions***

***for Accessory Apartments***

Mr. Burke said the proposed amendment would clarify the provisions for detached accessory apartments.

* Amend the Definition of Accessory Apartment by Eliminating the One-Bedroom Limit and replacing it with a Limit on the Habitable Floor Area (800 square feet)
* Amend the Provisions of 218-9.4 Accessory Apartments to Clarify that the Size Limit is 800 square feet of Habitable Floor Area

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. Mr. Barringer seconded the motion.

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

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

Mr. Burke, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

**MOTION:** Mr. Burke made a motion to recommend approval of the Article by Town Meeting. Ms. Bedard seconded the motion.

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

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

Mr. Burke, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

***Issue Special Permit for Marijuana Retail Establishment***

***1 Forge Village Road (New England Craft Cultivators)***

* Draft Permit #2023-03 was reviewed. (Special Permit & Site Plan Review)

Mr. Tada said condition #3 included the below verbiage:

1. The applicant shall provide revised plans to the Planning Board showing occupant load and correcting errors on the floor plans submitted with the application, prior to receiving the Planning Board sign-off on the Building Permit.

Mr. Tada also noted that he had received the Mullin Rule Certification from Mr. Burke.

Mr. Tada also said the below condition #2 was not included in the first Marijuana Retail permit that was issued for the United Cultivation establishment Mill Run Plaza. He said Mr. Bob Garside, Building Commissioner, had requested that it be added. He said Mr. Garside had learned that under the Cannabis Control Commission’s regulations, the establishment was not allowed to do any building work or pull any permits until the Provisional License from the Cannabis Control Commission had been received.

1. Pursuant to 935 CMR 500.103(1)(a), the applicant shall obtain a Provisional License from the Cannabis Control Commission prior to beginning construction as an Architectural Review Process must be completed by the Commission.

The Board collectively decided to remove condition #4 as there was no exterior work being performed.

1. No permanent occupancy permits shall be issued until the Planning Board receives an As-Built Plan and certification from a registered professional that all construction (including utilities) has been done in accordance with the approved site plans.

Mr. Tada indicated that the architect had informed him that the amended plan was available.

Mr. Wes Ritchie of New England Craft Cultivators addressed the Board and said that he did not feel that condition #2 was completely accurate as if work was done after a provisional license had been issued then one would have to go through an architectural review, and if work was done prior to the provisional license being granted then one would not have to go through architectural review. He said he feared that it might slow them down.

Mr. Tada said the initial concern was shared with Mr. Garside by someone at the Cannabis Control Commission.

Mr. Ritchie said he felt the condition was an overcorrection from a problem relating to the first Marijuana facility.

Ms. Bedard suggested that the Board should get clarification from Mr. Garside, the Building Commissioner.

Mr. Tada suggested changing the wording of condition #2 to the following:

1. Pursuant to 935 CMR 500.103(1)(a), the applicant shall obtain a Provisional License from the Cannabis Control Commission prior to beginning any construction that is subject to the Architectural Review Process by the Commission.

The Planning Board collectively agreed with the change.

Mr. Barringer said it had been the practice of the Planning Board to review commercial site plans one year from approval.

Ms. Bedard suggested removing the words “the premises” from condition #11 and replacing them with “the marijuana retail establishment”.

**MOTION:**  Ms. Bedard made a motion to approve the Special Permit 2023-03 for New England Craft Cultivators. Mr. Burke seconded the motion.

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

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

Mr. Burke, and Mr. Wilson

Nay:

0

**MOTION CARRIED: 5 – 0 – 0.**

**MOTION:**  Mr. Burke made a motion to approve the Site Plan Review for New England Craft Cultivators at 1 Forge Village Road, with the noted conditions, and approval of the requested waivers. Ms. Bedard seconded the motion.

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

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

Mr. Burke, and Mr. Wilson

Nay:

0

**MOTION CARRIED: 5 – 0 – 0.**

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

***Technical Assistance Update***

Mr. Burke noted that Ms. Andrea Campbell, the new Attorney General, had issued an advisory opinion that said in essence that the requirement for an MBTA Communities was not discretionary but was mandatory and that communities who failed to enact the requisite multi-family zoning might be subject to legal action either by private parties or public entities.

* Mr. Jeff Legros, Principal Planner, Montachusett Regional Planning Commission (MRPC) will meet with the Planning Board on 4/13/23.

***Project Updates***

* Master Plan RFP

Mr. Tada explained that the RFP had been provided to nine potential respondents.

* + Deadline to Submit Proposals is 4/3/23.
* Village at Shepley Hill

Mr. Tada said curbing was being installed.

* Groton Hill Music Center

Mr. Burke said he had noticed that since the last Planning Board meeting the interior lights of the Groton Hills Music Center had been toned down a bit.

Mr. Wilson said he still thought the lighting on the property was excessive.

Mr. Barringer volunteered to discuss the site lighting with the folks at Groton Hill Music.

Mr. John Sopka, a resident (via Zoom) addressed the Board and said he had planned on asking the Board what he needed to do for a citizen to bring an appeal to the Board for a reduction in general lighting at the Groton Hill Music Center. He said, however, he was happy to hear how Mr. Barringer’s meeting went.

* Bank of America ATM Site Lighting, 167 Main Street

There were no updates to share. The board asked Mr. Tada to reach out to Bank of America and request an update by the end of the month.

***Committee Updates***

* *Complete Streets*
  + Will meet to review the sidewalk plans from Nitsch Engineering the following week.
* Community Preservation Committee
  + Evaluated the eight FY24 project applications on 3/13/23. Seven of the eight applications would be proposed to received funding at Town Meeting. He said the Committee voted against the application from the Housing Authority to do some initial site feasibility studies for landlocked property. (The property had been used by the Groton Fire Department for practice and they used hazardous firefighting materials on the site.)

***General Business***

* ZBA Updates
  + Groton Farms 40B Public Hearing – Wednesday, 3/22/23
    - 6:30 p.m., 2nd-floor meeting room, Town Hall
* Meeting Minutes – February 9, 2023

**MOTION:** Ms. Bedard made a motion to approve the minutes of the February 9, 2023, meeting, as presented. Mr. Burke seconded the motion.

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

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

Ms. Nilsson Ripps, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

***Planning Board Meeting Schedule***

* April 13th – (Likely in-person)
* April 27th
* April 29th Spring Town Meeting

***Adjournment***

At approximately 8:55 p.m. Mr. Burke made a motion to adjourn. Mr. Barringer seconded the motion.

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

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

Ms. Nilsson Ripps, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 0.**

Respectfully submitted:

Trish Gedziun

Recording Secretary

*Approved 4/13/2023*