**TOWN OF GROTON PLANNING BOARD**

**Thursday, May 11, 2023**

**Meeting Minutes**

A virtual meeting of the Planning Board was held on Thursday, May 11, 2023, at approximately

7:00 p.m. The meeting was held on Zoom pursuant to the Open Meeting Law and Chapter 2 of the Acts of 2023.

**Members Present:**

Mr. Scott Wilson, Chair

Ms. Alyson Bedard, Clerk

Mr. Russell Burke, Board Member

Mr. David Bonnett, Board Member

Ms. Lorayne Black, Board Member

**Members Not Present:**

Ms. Annika Nilsson Ripps, Vice-Chair

**Participating Via Telephone:**

Mr. George Barringer, 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 being recorded, and all votes must be taken via roll call. Further, 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 – Preliminary Subdivision Plan, Flexible Development***

***63 Gratuity Road, Assessor’s Parcel 216-47***

***Routhier & Roper Gratuity Road LLC.***

Mr. Paul Routhier, Developer, Mr. Brian Lagasse, and Attorney Melissa Robbins, Farrell & Robins, P.C. were present via Zoom to speak on behalf of the application. Mr. Matthew Waterman, the Engineer of Record was also present via Zoom.

Attorney Robbins addressed the Board, and the proposed Flexible Development Subdivision would have a separate cul-de-sac road off Gratuity Road and Jenkins Road. She said a wetland ran through the center of the property (intermittent stream) but they had an existing Order of Resource Area Delineation from the Conservation Commission. She added there were approximately 32 acres of dry upland on the site, and a total of 54.5 acres.

Attorney Robbins stated there were 14 lots on the proposed plan, adding that the applicant would like to do a Flexible Development which would allow a significant amount (73%) of open space to remain within the development via conveyance to the Town of Groton.

Attorney Robbins indicated that the applicant was proposing 33 units; 16 duplexes and one single-family with five affordable housing units which were 15% per the Flexible Development Bylaw.

Attorney Robbins said she was aware that there would be many questions and concerns regarding traffic, and they had already engaged Vanasse & Associates to perform a traffic study as part of the preliminary subdivision application.

Mr. Waterman said the property was located in the Agricultural/Residential zone, noting that the topography was primarily level. He said the yield plan showed 14 lots consisting of 80,000 square feet with 225 feet of frontage. The developer’s preference is to construct a flexible development in which the lots, roadways, and infrastructure would be privately owned by a condominium association.

Mr. Waterman stated that if the plan went from a conventional to a flexible development, it would create five density bonus units. Four of the density bonus units would be generated from the open space, while one bonus unit would be generated by the inclusion of age-restricted units. He also mentioned that five of the units (15%) would be affordable as required for a flexible development.

Mr. Waterman explained the utilities would include electric and propane, town water, and a common septic system that could collect over 7,260 gallons per day. He added that they did not have any issues with the peer review letter from Nitsch Engineering as well as the Conservation Commission’s comment letter.

Mr. Wilson noted that comment #3 on the Conversation Commissions letter stated that the ORAD did not address the presence or absence of Bordering Lands Subject to Flooding (BLSF). Attorney Robbins replied that they would address that concern at a future time.

Mr. Wilson also noted that the concerns of the Hazel Grove Agricultural Commission would also be addressed. Attorney Robbins said they would be happy to schedule a site walk.

Mr. Burke asked if the entire development would be age-restricted. Attorney Robbins replied that to get bonus units, a couple of the units would be age-restricted. Mr. Burke asked if the age-restricted units would allow for the occupancy of a person 18 years of age or under. Attorney Robbins that they would be allowed. She added unless it was exclusively a 62-and-over type of development they would only require at least one owner family member that resided in the house to be 55 and over.

Ms. Black asked if there were any plans to plant visual screening at the opening to Gratuity Road. Attorney Robbins replied there would be. Ms. Black also asked if there was any lighting being offered. Attorney Robbins replied there would be minimal dark sky compliant lighting.

Ms. Harris McWade, on behalf of the Hazel Grove Agricultural Association, addressed the Board and said the Hazel Grove Agricultural Commission would very much like to be good neighbors and the first and foremost concern was safety. She said the Commission was requesting a physical barrier and perhaps a visual barrier on the track for the racehorses.

Mr. Wilson asked if there was an existing fence around the racetrack. Mr. McWade replied there was not.

Ms. Anna Eliot asked if the abutting property (HGAA) received a notice because the Parks Commission had not. She said she would like to see the developer install a chain-linked fence between the two properties. She also asked if the affordable units would be in perpetuity. Attorney Robbins replied that they would.

Ms. Wendy Good commented that she would like to see, as part of the planning process, a trail from Gratuity Road that connects to the trail along the Nashua River as it would be useful to the new residents as well as continuing the trail system in Groton.

Mr. Bruner, Riverbend Drive, asked if a historic resource evaluation or endangered species review had been done. Mr. Wilson replied that those evaluations were relevant to the process and would be taken into consideration as the process proceeded.

Mr. Adam Burnett, 155 Gratuity Road, asked if he could participate in a site walk. He said he felt the development would have a huge negative impact and recommended that the number of units be reduced. He also said the proposed septic system would be placed in his backyard and suggested the development be hooked up to the town’s sewer system.

Mr. Aaron Green said he was very concerned about the proposed septic system, the increase in traffic, and the possible flooding.

Ms. Diane Landry, Gratuity Road, stated that she had serious concerns about the increase in traffic if the development were to move forward.

Ms. Nicole Talbot, a direct abutter to the proposed project, said she was concerned about traffic and was dumbfounded at the number of proposed units.

Mr. Tada read aloud a Zoom Chat question from Mr. Pablo Neiva: “Are those duplexes just like the ones at the end of the road near Fitches Bridge?”

**MOTION:** Ms. Black made a motion to continue the public hearing until the June 8, 2023, meeting. Ms. Bedard seconded the motion.

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

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

Mr. Burke, Mr. Bonnett, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 6 – 0 – 0.**

***Discussion – Village at Shepley Hill – Major Residential Development***

***Update of Sitework and Request for Release of Covenant***

***Longley Road & Sand Hill Road, Assessors’ Parcel 226-2***

Attorney Jill Mann addressed the Board on behalf of Shepley Hill Capital Partners, and stated that the request for an acceptance of a mortgage-based performance bond was based in part because it was a privately funded project so there was no bank to be named in a tripartite agreement. She said one of the most common forms of security was a tripartite agreement, but in this case, there was no lender.

Mr. Tada explained that the request for a performance mortgage in lieu of a bond or tripartite agreement had been sent to Town Counsel for review.

Mr. Larry Smith, the developer, commented that the furnished model home was being offered as a mortgage and it had a value of approximately $1.1 million and they had five units already sold in the community. He noted there was about $360,000 worth of sitework to be done.

Mr. Burke said he was concerned about being able to access a non-liquid asset, and he thought the Board should wait to hear Town Counsel’s opinion.

Mr. Barringer said he was not in favor of a performance mortgage in lieu of the traditional insurance bond.

Ms. Julia Dickinson, Corporate Controller for the developer, said it was not feasible for them to secure a bond because they are a privately funded LLC and also the General Contractor for the project.

Mr. Tada said he felt it was also important to receive feedback from Nitsch Engineering regarding the construction completion cost.

Mr. Tada also said, as per the Special Permit that was issued for the major residential development, there was a condition that the developer donates to the Affordable Housing Trust contingent upon the completion of permits. Mr. Smith said that condition was tied to the issuance of site-related permits, and he expected the final two permits for the common septic system and the private water supply wells to be issued within the next week to ten days.

Mr. Wilson stated that the discussion would be continued to the June 25, 2023, Planning Board meeting.

***Discussion – Groton Hill Music Center Sitework Update***

Mr. Wilson explained that Mr. Gary Shepherd from the Groton Hill Music Center was unavailable to attend the meeting due to a travel delay. He said the discussion would be postponed to the May 25, 2023, Planning Board meeting.

***Discussion – Definitive Plan and Special Permit Draft Decisions***

***Hayes Woods Subdivision – Flexible Development & Shared Driveway***

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

* Draft Special Permit for Flexible Development
* Draft Special Permit for Shared Driveway
* Draft Approval of the Definitive Plan

Ms. Black said the final approved plans are supposed to show the specimen hemlock trees identified during the site walk for protection, along with the standard tree protection detail (per MassDOT).

Mr. Burke suggested adding a statement in Condition #7 to the effect that the areas identified by the Planning Board for the preservation of two Hemlock trees as identified during the site walk on March 11th shall be noted on the Definitive Subdivision Plan and shall be protected by providing tree protection as per MassDOT standards, and the tree protection detail shall be provided.

**MOTION:** Mr. Burke made a motion to approve the Definitive Plan Approval for the Flexible Development of Hayes Woods Lane, as amended, dated May 11, 2023. Mr. Barringer seconded the motion.

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

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

Mr. Burke, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 1. (Abstained – Mr. Bonnett)**

Mr. Burke noted that the Planning Board would review the Special Permits and vote on them at the next Planning Board meeting, date specific on May 25, 2023.

***Project Updates***

* Master Plan Update
  + Barrett Planning Group under contract

Mr. Tada suggested that the Planning Board invite the Barrett Planning Group for a kick-off meeting at the June 8, 2023, meeting.

* Monarch Path

***Committee Updates***

* Complete Streets Committee

There were no updates to share.

* Community Preservation Committee

There were no updates to share.

***General Business***

* ZBA Updates – Groton Farms 40B
  + May 10th hearing topic: Traffic Impacts
    - MassDOT controls this section of road (500 Main Street)
    - Traffic peer review – MDM Transportation Consultants
  + May 17th hearing topic: Civil Engineering Design
* Meeting Minutes – April 27, 2023

**MOTION:** Mr. Burke made a motion to approve the minutes of the April 27, 2023, meeting, as presented. Mr. Barringer seconded the motion.

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

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

Mr. Burke, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 5 – 0 – 1. (Abstained – Mr. Bonnett)**

***Planning Board Meeting Schedule***

* May 25th
* June 8th
* June 22nd

***Adjournment***

At approximately 9:40 p.m. Mr. Barringer made a motion to adjourn. Ms. Bedard seconded the motion.

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

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

Mr. Burke, Mr. Bonnett, and Mr. Wilson

Nay: 0

**MOTION CARRIED: 6 – 0 – 0.**

Respectfully submitted:

Trish Gedziun

Recording Secretary

*Approved 6/22/2023*