**TOWN OF GROTON PLANNING BOARD**

**October 3, 2024**

**Meeting Minutes**

A special meeting of the Planning Board was held remotely via Zoom on Thursday, October 3, 2024, at 7:00 p.m.

**Members Present:**

Ms. Lorayne Black, Vice-Chair

Mr. Phil Francisco, Clerk

Mr. Russ Burke, Board Member

Mr. David Bonnett, Board Member

Mr. Paul Hathaway, Board Member

Mr. George Barringer, Board Member

**Members Not Present:**

Mr. Scott Wilson, Chair

**Also Present:**

Mr. Takashi Tada, Land Use Director/Town Planner

Mr. Brian Falk, Town Counsel (Mirick, O'Connell, DeMallie & Lougee, LLP)

Per the Massachusetts Attorney General’s guidance regarding the Massachusetts Wiretap Statute, Ms. Black opened the remote meeting and stated that the meeting was being recorded, and all votes must be taken via roll call. Ms. Black also introduced the Planning Board members in attendance.

***Discussion – Proposed Accessory Dwelling Unit (ADU) Zoning Amendment Article***

Mr. Falk thanked the Planning Board for convening this special meeting. He said he requested this special meeting to review preliminary feedback provided by the Municipal Law Unit of the Attorney General’s Office relative to the proposed ADU zoning amendments, ahead of the Fall Town Meeting to be held on Saturday, October 5th. He said Groton’s ADU zoning amendments are among the first such amendments being considered by towns to comply with the new state law that enacted changes to the Zoning Act with respect to ADUs. The law requires towns to allow ADUs in single-family residential zoning districts, as of right (no zoning permit required). The requirements of the new law take effect on February 2, 2025.

Mr. Falk mentioned the Executive Office of Housing and Livable Communities (EOHLC) has the authority to issue guidelines and/or regulations regarding the implementation of the new ADU legislation. However, nothing has been issued yet.

Mr. Falk said he spoke with the two main attorneys in the Municipal Law Unit yesterday and he feels confident that Groton’s ADU zoning bylaw will not be disapproved in its entirety. He reviewed the feedback which is summarized in his email shared with the Planning Board, dated 10/2/2024. His main concern was with the non-residential zoning districts in Groton, where single-family and attached two-family dwelling units are allowed as of right, but where ADUs are proposed to be allowed only by special permit from the Planning Board. The non-residential zoning districts in question are Neighborhood Business (NB), Village Center Business (VCB), and General Business (GB). Brian’s take away from his discussion with the Municipal Law Unit is that the overall proposal will be approved, but certain provisions of the proposed ADU zoning amendments may receive cautions. Another possible outcome is that the Municipal Law Unit approves the zoning language but disapproves the special permit requirement for the non-residential zoning districts in the Use Table. This would result in a few undefined blanks in the Use Table which would require the Building Commissioner and Town Counsel to resolve on a case-by-case basis, or until EOHLC provides guidelines/regulations to clarify this issue.

Mr. Falk said there might be other cautions from the Municipal Law Unit for other provisions in the zoning amendment, but he did not foresee a wholesale disapproval.

Mr. Burke suggested the Planning Board should go forward with the proposed zoning amendments as written for now, in the absence of specific guidance from EOHLC. He also anticipated some controversy regarding the provision requiring common ownership of both the principal dwelling and the ADU. However, the term “accessory” seems to imply common ownership.

Mr. Francisco asked about the feedback summarized in item #4 of Mr. Falk’s email. Mr. Falk explained that the provisions listed in item #4 relate to site plan review criteria that might generate a caution from the Municipal Law Unit with respect to the imposition of “reasonable regulations”.

Mr. Falk said he was reluctant to make any changes to the proposed zoning amendment on the eve of Town Meeting.

Mr. Hathaway said ADUs will not have a major impact on a community in the near-term, but over many years the additional units can have a negative impact on the character of a town. Mr. Burke agreed but suggested the lack of town sewer in most residential locations would minimize the overall impacts in Groton.

The discussion concluded with no action taken to revise the current zoning amendment article.

The Planning Board members thanked Mr. Falk for his guidance on this matter.

***Adjournment***

At approximately 7:40 p.m., Mr. Francisco made a motion to adjourn. Mr. Burke seconded the motion.

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

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

Mr. Burke, and Mr. Francisco, and Mr. Hathaway

Nay: 0

**MOTION CARRIED: 6 – 0 – 0.**

***Planning Board Meeting Schedule***

* October 5, 2024 – Fall Town Meeting
* October 10, 2024 – In-Person

Respectfully submitted:

Takashi Tada

*Approved 11/14/2024*