

**Town of Groton**

**Zoning Board of Appeals**

173 Main Street

Groton, Massachusetts 01450

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April 19, 2023 - 6:30 PM - Second Floor Meeting Room

**Members Present and Voting for Public Hearing**

Bruce Easom, Chairman

Jay Prager, Full Member

Dan McLaughlin, Clerk, Full Member

Thomas Peisel, Full Member

Jack Petropoulos, Full Member

**Other Members in Attendance**

Russ Harris, Associate Member

**Others Present**

John Amaral, Applicant

Leslie French, Applicant

George Robb, Applicant

Rob Anctil, Attorney

Members of the public

**The meeting was called to order at 6:30 PM by Chairman Easom and stated that the meeting was being recorded for later broadcast. There will be video and audio for viewing.**

Chairman Easom recalled that at the previous meeting, an email was to be set up for the Groton Farms 40B comprehensive permit application so that members of the public could provide comments. The email address to contact would be ZBA@grotonma.gov, so whoever is at the meeting tonight, to please also send in a written comment to this email address to ensure that they can be compiled when needed for this application.

Chairman Easom also recalled the discussion of whether or not Russ Harris could serve as an alternate on this board. Since the last meeting when this was discussed, Town Counsel indicated that he didn’t see any reason why that could not happen. Due to this, Chairman Easom invited Mr. Harris to sit with the board for this meeting. Mr. Easom stated that he would not be one of the five voting members that will be hearing this application, but in the case of a Mullen Rule problem Mr. Harris would be asked if he could sit in and provide a third vote in order to meet the minimum requirements for votes. Applicant John Amaral and his team sent a letter in response to Town Counsel’s email regarding this situation. In sum, Town Counsel could not offer a definitive opinion on the legality of this, and their counsel could not provide it either. As a result, Mr. Amaral and his team have expressed their objection to having an associate member named for purposes of sitting in on this application because there is no case law, from his understanding, and that it is a “gray area” that opens up the door for any reason someone feels that they want to file an appeal. He asked for the board for them to consider this request because it is something they are concerned about. Chairman Easom said that this would only be in the event that an associate member would need to be brought on in order to determine a vote, so he asked the applicant and his team if there would be any objection to having Mr. Harris sit on the board until this occurs. Mr. Amaral said that if the board and Russ Harris decide that they wish to continue on with Mr. Harris sitting on the board at this time and they come to this circumstance, he believes the threshold would be at that time. If at a time this occurs and it is understood that they would possibly object at this time, then they would not have a problem with moving forward with this application. Attorney Chris Alphen agreed that this would be a correct analysis and they have this right but, in the meantime, there would be a “back up plan”. Mr. Harris had no objection but asked if he would be able to deliberate on this application and ask questions. It was agreed upon that Mr. Harris would be able to deliberate and ask questions as an associate member. Mr. Harris went on to ask if the applicant and his team were comfortable with this approach and Attorney Anctil mentioned that they would like to reserve their rights to object at a later time to figure out who is participating but he doesn’t have any objection to him participating during the process but they would prefer to keep their submitted letter as written.

**Meeting Minutes**

**500 MG LLC - 500 Main St, The Groton Farms #2-23**

**Chairman Easom opened the public hearing****. This is the second hearing in the process for this comprehensive permit. Chairman Easom recognized Michelle Collette to present her letter for the applicant’s consideration.**

Michelle Collette and the Earth Removal Stormwater Advisory Committee reviewed the application and plans and they unanimously recommended that the applicants should rethink their request of a waiver of Section 6, Page 2 which states Section 2182SH.1E3 soil log submission. She states that the applicant requested a waiver for the requirement for witness soil testing for stormwater areas. Ms. Collette went on to explain how soil testing that has been preformed by a competent soil professional, licensed soil evaluator as required by the Massachusetts Stormwater management policy is important. The committee believes it is essential to have a qualified representative from the Town, such as the peer reviewing engineer, witness soil testing for all drainage areas. The deadline for soil testing is May 1, 2023 so it is recommended they scheduled a soil testing as soon as possible. Ms. Collette shared some background information on soil testing, which included previous experiences with other 40B projects in the vicinity. An example she used was the drainage system that was constructed for Groton Residential Gardens where the drainage basin was supposed to be two feet above the seasonal high ground water and in high ground water conditions. She explained that the retention basin wasn’t in the water table, which resulted in severe flooding to abutting properties which lead the Town of Groton Fire Department needing to go pump out the water in these abutting properties and discharge it into the catch basin on route 119, then ultimately into the Nashua River. This was an ongoing issue following this and it created a real hardship for the abutters. If this soil had been tested in the beginning, like it is being suggested for this project, this could have been avoided. As these two projects are in the same vicinity and are surrounded by the same soil, it is highly suggested to get this soil testing done. Attorney Rob Anctil said that they were not ready to respond to this yet but they would meet together and read the letter submitted by Ms. Collette to address this. It was noted that this is not a requirement but a request and a “for your information” for the applicants. Member Peisel was curious to know where this request was coming from because it seemed implied that the soil testing was completed by someone else and that the results may be questionable. Ms. Collette responded by saying that it has always been the best practice in Groton by the Board of Health and Stormwater Advisory Committee to have testing witnessed because opinions can vary and having a representative from the town witness the test has always been the best practice in town.

The transportation consultant was recommended to be MDM Transportation for traffic. The applicants did not have objections to this consultant or their proposal.

NITSCH was also contacted to be the peer reviewer for civil peer review and their proposal is still to be determined but it should be available by the next meeting to discuss.

Applicant John Amaral mentioned that NITSCH was a company the Town often worked with, and while they won’t have an objection to their proposal unless the amount is substantially out of line, they would like the boards blessing to allow them to send information (reports, plans, etc.) to both MDM and NITSCH so that once they sign the contract, they can have them immediately so that it doesn’t delay the process. Chairman Easom agreed that this would be a good idea and the other ZBA members and Attorney Alphen agreed as well. Town Planner Takashi Tada explained that NITSCH is already under contract with the Town, we just don’t have the proposal for this specific review. He also mentioned that MDM is not yet under contract, but they have submitted a proposal.

Following this, it was agreed that a 53G account would be set up to hold funds for these peer reviews.

**John Amaral, the applicant, began his presentation with his architectural team, Jeremey Baldwin from Maugel DeStefano Architects and Michael Radner from Radner Design Associates:**

Jeremey Baldwin began the architectural presentation, focusing on the community they are trying to develop. Mr. Baldwin started off with an ariel view of the site and the surrounding area, showing that this site is located near Mill Run Plaza (which is across the street), that it is close to both the Nashua River and the Rail Trail, and it is surrounded by woodlands. He goes on to show an existing ariel view of the site, which is currently known as the previous Deluxe Corporation and then immediately showed the proposed development next to show the difference between the two. This depicts how everything is still tucked behind the Deluxe building, mainly the larger multi-family buildings towards the back corner where the existing parking lot it. The proposed townhomes are looped around, closer to the front. The applicants focused on a set of two communities for this project: the townhouse community, which will have a looped road that works off of the main road, and then there is the multi-family community to the north of the complex. These multi-family buildings will have 360 degrees of access. The “Hub” of the community will be the Clubhouse, which is centered between these two communities. These combined communities will be “walkable”, meaning that the communities will be connected in that sense.

Member Petropoulos mentioned that the size difference between the current building versus the proposed complex is substantial. Applicant John Amaral said that this difference was just visual and that the actual impervious space is reduced compared to what exists today.

Member Prager asked if people could go onto the property to view it to see get an actual picture idea of this project. Mr. Amaral asked that, in consideration of abutters, just to keep in mind the property lines and discourages people to walk into the wooded area.

Mr. Baldwin continued his presentation with more visuals of the proposed complex. In front of the multi-family units will be the “clubhouse” with an outside pavilion to the side of this. Mr. Baldwin went on to show the “emergency access”, which attaches to the existing Taylor Road. There will also be garages, with EV charging hookups, located around the multi-family units. There will also be a maintenance building, which will be located near the proposed dog park. To show a better idea of how large this complex will be, Mr. Baldwin showed a scale of 4 football fields across these buildings. In the visual you were able to see that the taller multi-family units were two to four football field lengths away from the main road, the closest one being approximately 800 feet and the furthest being approximately 1,100 feet back. Mr. Baldwin also explained that the site entry will mostly stay the same from the current entrance. He expressed that they don’t plan to take many of the current existing trees down, so while the view will be slightly different in the winter, the team did take into consideration where these taller buildings would be located so that they wouldn’t be as visible at any time of the year.

In response to Member Petropoulos’s question earlier about size difference, applicant Mr. Amaral went on to explain that there is currently 364,546 square feet impervious area and when the project is complete, as presented, it will result in 317,073 square feet impervious area. This does include structure, roof, pavement, etc. and in sum this is a 47,473 square foot difference. He went on to explain that the lot coverage will be 7.88 units per acre and the buildings cover approximately 8.26% of that lot (Lot 2) and parking area is 20.46%, the open space is 28.22%, which is within the development area and outside of this area is an additional 43.06%. Of this acreage, approximately m 71.28% is green space (not being used).

Mr. Baldwin then explained the design of the townhomes. Theses buildings will feel like a single-family home by means of ensuring that each unit doesn’t have a view of someone else’s home in their backyard. They will all offer a garage, a driveway with parking (2 spots per unit), and each unit will have a patio or deck. These units will be in a looped road that will likely be used mainly be tenants. The outside will have a stone base and vinyl siding (clapboard and cedar shingles). The main goal is to have these buildings look the same in years to come. There will be 8 buildings with 32 units total, meaning each building will be 4 units, with a total height of 42 feet to the roof ridge. They will also be 2- and 3-bedroom units between 1,465 square feet and 1,660 square feet. Mr. Baldwin went on to explain that they will meet all necessary codes and accessibility. He used the term “visit-ability” in terms of ensuring that these units will allow those with disabilities to visit within these townhomes without much, if any, difficulty. They designed these units as best as they could with master bedrooms, bathrooms and kitchens on the ground floor. Mr. Baldwin also said that they were aiming to have these units be a zero-step entry and because the site is relatively flat, this shouldn’t be much of a problem. Mr. Baldwin also said that the garages will have EV ready electrical and that the roofs are designed to support future solar panels. Mr. Baldwin proceeded to show the unit count and how many of these would be affordable versus market rate. There will be 3 2-bedroom units and 5 3-bedroom units that will be affordable and there will be 9 2-bedroom and 15 3-bedroom at the regular market rate.

Jeremy Baldwin continued his presentation with the multifamily units next. Each of these will be 4 stories tall and will also have green space around them just like the townhomes do. Each building will include an elevator and they will be fully accessible units and 100% adaptable. 5% of the total units need to be group 2A dwelling unit, which means there are additional size requirements for various rooms like the bathrooms and the kitchen. 2% of these units will also be hearing impaired units. There will also be EV charging options as well, with the possibility of all parking spots having the potential to be turned into an EV charging station. These multi-family units will be one-to-two-bedroom units. There will be 84 units total for both the one bedroom and two bedroom (168 combined) and there will be 21 of each marketed as affordable. The square footage of these will range between 749 square feet for the one bedroom and 1,194 square feet for the two bedrooms. Mr. Baldwin explained that they focused on ensuring parking areas wouldn’t be inconvenient to walk to and from the entrances and exists.

Member Petropoulos asked for clarification on adaptable, whether it was in regards to energy or something different. Mr. Baldwin answered this by saying adaptable, as in if someone who lived here became handicap, the landlord is required to then adapt these units to become accessible. For example, the units don’t come with pre-built hand bars, so the landlord would be required to install them.

Mr. Baldwin went on to explain that the townhomes are IRC building code whereas the multi-family units are IBC. This means that the townhouses are designed more like a single-family home, so they are following those guidelines for those buildings and the multi-family are more of a commercial style building guideline.

Member Petropolous asked where the trash/rubbish would be located. Jeremy Baldwin said that it was located in the corner near where the emergency egress road is. John Amaral said that they are looking to arrange for the townhouses to have pickup, and if this is not possible for whatever reason, they would be using the same location for the apartment buildings. This topic brought on a discussion on how this might be difficult to access for some residents, seeing as this project is being presented as handicap accessible and adaptable. While the applicants said that they were working with the accessible committee and are reaching the guidelines, this location is also a generally standard location for trash in communities like this. Some ZBA members recommended an additional location on top of this location, or an entirely different location, and Attorney Chris Alphen mentioned that for projects similar to this, there is usually a trash management plan offered by the applicant to understand where and when (etc.) trash is located and picked up. This is something that the applicant and team will look into, with the help of Attorney Alphen sending an example of this.

Jeremy Baldwin moved on with the presentation stating that The Clubhouse is meant to be the center of the community. There will be 100% accessibility throughout this building, which includes the bathrooms and the fitness center. It was mentioned that the pool will also be handicap accessible.

Next Michael Radner, from Radner Design Associates, began his presentation starting with the amenities. The amenities will be the hub of the community and it will not be seen from the main road. There will be a fireplace, pool, playground and pavilion. Since these will be grouped the way, they are proposing this, these will be easily maintained and managed. The pedestrian walkway is designed so that it is intertwined between the amenities and the housing units. There will be open green space nearby that will serve as an amenity option as well. Located near the proposed dog park will also be a maintenance building for a snowblower or general maintenance items. The dog park was deliberately designed so that it is a little remote from the rest of the amenities due to noise and other alike reasons. Member Peisel asked if there would be a designated spot to put grills and similar in this area and Mr. Radner mentioned that there would be locations available for grills around the pavilion.

Mr. Radner continued his presentation with the lighting portion within the community. He explained that there will be different lighting throughout depending on where it will be located. The path lighting will be bollard lighting, which is lower to the ground, the parking lot will have a taller lamppost and the pedestrian light, which will be more decorative, will be of medium height. These will all have LED lighting and they will also have a shade so the light does not go up into the sky, which will also help protect wildlife (dark-sky compliant). Member Petropolous asked if the parking lot lights would be on throughout the night and it was confirmed that they would be because of health, safety and welfare. It was explained that there would be space between the road and the parking lights so they wouldn’t be very visible, if at all, from the main road of Route 119. Member Peisel asked if the path to the trash would be lighted and if it was an actual path or if it was a road so cars could come and go. It was answered that it would be lighted and since it is located right near the dog park and the maintenance building, cars would be able to access it and that there was even a parking area. It was also noted that, because of the emergency access road and the gate blocking access at the end of that area, the bottom of that roadway would be a cul-de-sac for people to be able to turn around easier if they were at the dog park or dropping trash off. The need for these lights to be on all the time in this area would be looked into, since it is a dead end for residents. However, the final two lights are spaced out further than the rest, so it would not be as bright.

Michael Radner then proceeded to go into more detail for the planting designs for this project. The main focuses when choosing plants were ensuring they were creating a sense of place, supporting biodiversity by using native plants wherever possible, and making sure that the plants that are being planted are tolerant of salt and other stressors. Some more factors in the plant selection were making sure they used drought-tolerant plants to save on water and that they would ensure they meet their functional needs by fitting these plants to their setting, such as a plant that needs shade and making sure they provide this. Mr. Radner showed some examples of plants that would be used, beginning with taller plants such as Red Maple and Swamp White Oak trees, and Armstrong Maple and fastigiate European hornbeam trees for more “upright” trees. For medium sized trees and bushes, some examples were the Eastern Redbud and Shadblow flowering trees and these would provide some color in the spring. There would also be some “screening” trees throughout the property that include Oriental Spruce trees, White Pine trees and Emerald Green Arborvitae trees and these trees would also provide coverage in the winter months as well. For shrubs, there would be ‘Soft Touch’ White Pine that also stay green all year round and ‘Arctic Fire’ Red-Osier Dogwood that would provide some “pop” in color through the development. Focusing on the perennials, groundcovers and grasses, there would be Butterfly Weed, Lilyturf, ‘Shenandoah’ Switchgrass and ‘American Fold Bush’ Black Eyed Susan plants. Mr. Radner said that all of these examples, plus others that may not have been mentioned, would be what he believes would qualify as a New England landscape and that it would look very natural. Mr. Radner wanted to make a comment about green space, saying that there would be a long green space that would be planted which is located near the parking area at the multi-family buildings. Along with this, there is also a large area of planted space between Building A and Building B (multi-units) and this is not typically a normal concept that you would see near these styles of building, especially 40B.

John Amaral mentioned that everything that they have proposed is something they looked into thoroughly and feel very strongly about and think will fit with Groton as a whole and hope that residents will also believe this.

**Discussion:**

**Chairman Easom opened the floor for questions from the Board:**

Member Petropoulos’s only question was the previous question he had about the trash and its location. Mr. Amaral said that they would sit down with Greg and Michael and see if they can come up with anything to address this. Mr. Petropoulos’s concern for the location of this was focused on how they’ve made it known that this project is supposed to be accessible and he is taking into consideration how someone with a disability may not be able to walk from point A to point B to put their trash in that current location. It was mentioned that in other situations similar to this, they would accommodate as best as they could, like putting the person looking to rent a unit in a more convenient location.

Member Prager had a concern about the amount of parking/guest parking and that it seemed like there was a limited number of spots. Mr. Amaral said that there would be over 2 parking spots per unit (404 total spots), which is above the minimum requirement. Member Peisel brought up how a one bedroom still might have more than one vehicle as well if there were two people living in this unit. If additional parking was needed, have the applicants thought about where this would be located? This was not something that was designed for green space parking, but they believe that the peer review comments will be helpful and it is something that they can come back to once they are available.

Chairman Easom asked about the empty land close to/on Route 119 and what the plans were for this location. Mr. Amaral stated that because they have been so focused on the 40B project, this is not something that they have looked into, but it is something they will look into later for general business, since that is what it is currently zoned as.

Member Peisel asked what property they actually own from the visuals they have shown. Mr. Amaral said that there was about 22 acres on this development but entirely it is approximately 30 acres that they own.

**Chairman Easom opened the floor for public comment:**

Michelle Collette wanted to thank the architect for the response to the memo from the Commission on Accessibility. Ms. Collette also asked if the swimming pool would be accessible and how would it be accessible, explaining that physical therapy routines often include swimming pool therapy. Mr. Radner said that there would be a chair and that it would be a lift and it can be lowered and removed.

Fran Stanley mentioned that because these are rentals, it shows that the applicants intend to be a part of the entire process, before and after. This shows that they are committed to ensuring this development will be a great community for people to live in later.

The next meeting will be held on May 10th, 2023 at 6:30 PM**.** The topic of this meeting to be determined closer to the meeting date, with the first round of Civil review to be at least before or on May 17th.

A site walk was discussed and determined to be held on Saturday May 6th at 9:00am (with consideration that Greg Roy would be able to attend). The public is invited to attend and there will be no deliberation.

Town Planner Takashi Tada wanted to get procedural clarification about getting the peer reviews started as soon as possible. Mr. Tada asked that since we didn’t have the cost proposal for Nitsch tonight, if we received it before the next meeting, can he go ahead with forwarding these numbers to the applicant and then move forward with signing them on?

**Member Petropoulos made a motion to authorize the Chair to engage peer review applicants and contracts agreed upon by the applicant on behalf of the board. Member Prager seconded this motion and it carried unanimously via roll call vote.**

***Member Prager made a motion to continue this public hearing to the 10th of May, 2023. Member Petropolous seconded this motion and carried unanimously via roll call vote.***

**General Business**

**Approval of Minutes from April 5th, 2023**

The Chair will entertain a motion to approve the meeting minutes from April 5th, 2023 as amended. **Member Prager made a motion to approve the meeting minutes from the 5th of April 2023 as amended. Member McLaughlin seconded this motion and it was carried unanimously.**

**Approval of Minutes from March 22nd, 2023**

The Chair will entertain a motion to approve the meeting minutes from March 22nd, 2023 as amended. **Member McLaughlin made a motion to approve the meeting minutes from the 22nd of March 2023 as amended. Member Petropoulos seconded this motion and it was carried unanimously.**

**Member McLaughlin made a motion to adjourn. Member Prager seconded the motion and carried unanimously via roll call vote.**

A motion to adjourn at 8:35 PM