

**Town of Groton**

**Zoning Board of Appeals**

173 Main Street

Groton, Massachusetts 01450

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May 10, 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

Ken Cram, Traffic Engineer

Bob Michaud, MDM Peer Reviewer

Gus Widmayer

Veronica O’Donnell

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 read the agenda for tonight’s meeting aloud.**

**Discussion of new member: Interview candidates for Committee Vacancy – Gus Widmayer, Veronica O’Donnell**

Gus Widmayer was the first applicant to be interviewed for the committee vacancy.

Mr. Widmayer introduced himself and explained his experience with the town, which included being on the Planning Board for a year in 2018, receiving about 60% of the popular vote, and that has lived in town for 15 years. Mr. Widmayer explained that he was familiar with Chapter 218 and zoning rules in general. As a developer he has come across some of these rule’s head on and because of this, he believes he is qualified for this opening and is ready to give his input as needed.

Associate Member Harris said that he has known Mr. Widmayer and said he is an active member of the town and that he would be a great addition to the Board.

Member Petropoulos asked Mr. Widmayer if he could give the Board a sense of his professional background and how this professional background would prepare him for the Zoning Board of Appeals. Mr. Widmayer answered this by explaining that while he wasn’t completely familiar with the Zoning Board of Appeals, his background in business and real estate development has given him some insight from a developer’s point of view. He went on to explain that his business imports packaging for semi-conductors so he purchases from various countries and sells it to mainly aero-space and defense companies like Raytheon. Following this, Mr. Petropoulos asked if there was regulation compliance involved in doing this and Mr. Widmayer agreed that it does fairly often with defense products. Mr. Petropoulos proceeded to ask about some regulations that Mr. Widmayer has faced and asked if he’d be able to use an example of this and how he was able to resolve them and why he thought they were fair solutions. Mr. Widmayer was not able to come up with an example right away and also mentioned how he wasn’t sure how the Zoning Board of Appeals and the Planning Board differentiated. To explain the difference, Mr. Petropoulos used a chicken coop being placed closer than they are allowed to, to the nearest property as an example and explained that it is up to the Zoning Board of Appeals to decide if this will be something that is allowed and to determine what the impact(s) would be for the neighbor and the town and if it is a good reason for this to be placed where proposed. Member McLaughlin asked about his opinion on this 500 Main St application from a developer’s perspective and Mr. Widmayer said that he would defer to the law. Mr. Widmayer then proceeded to ask what the difference was between an associate member and a three-year member and in sum, it was explained that there is no major difference, just that the three-year member is usually a voting member and an associate member is more of a learning position that cannot vote unless called for to fill in.

Veronica O’Donnell was the second applicant to be interview for the committee vacancy.

Ms. O’Donnell introduced herself and said that she has been a resident of Groton since 1990 and raised her children here and is now considering retiring, so when she saw this vacancy, she thought it would be a good opportunity for her to get involved with the Town. She went on to explain that she is currently Branch Chief at the Massachusetts Environmental Protection and that she handles the toxic reduce production program, the environmental results program, flame retardance, farm safe and dental regulations. Most of her career has been in environmental consulting and that she has done mostly remedial activities in building studies for hazardous waste, so most of her experience is in regulations. Ms. O’Donnell went on to say that this is something she does enjoy doing and that she has looked over this application and given the time, she would have some questions but otherwise she wants to be able to give back to the community and that this seemed like a good starting point in doing so. Member Petropoulos asked Ms. O’Donnell if she would have a problem with being a non-voting member and she did not have any objection to this.

Member Prager made a comment that both of these candidates are highly qualified but had no questions.

Chairman Easom and the Board came to the conclusion that there would soon be two positions open and that they could possibly recommend both candidates, with a recommendation for the first open vacancy and then the other for the following open vacancy.

***Member Prager moved that the Board recommend that each candidate is highly qualified and
that is it their recommendation that one be appointed to the current opening and the other to be
appointed when the next opening occurs, which is anticipated to be June 30th, 2023. Member Peisel
seconded this motion.***

***Member Petropoulos moved to amend the motion to specify for the Boards sake, which
member they ask to be appointed immediately. The recommendation for the immediate member to be
appointed to be Veronica O'Donnell and for the next open vacancy to be Gus Widmayer. Member McLaughlin seconded this motion to amend and the motion to amend was carried by a unanimous vote.***

***The main motion, as amended, was then carried by a unanimous vote.***

**Meeting Minutes**

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

**Chairman Easom opened the public hearing****. This is the third hearing in the process for this comprehensive permit.**

**Member McLaughlin read aloud a public notice for this hearing.**

**Chairman Easom reminded everyone that the selected peer reviewer for Traffic was chosen to be MDM Transportation Consultants.**

**Leslie French, the applicant, began this presentation with her Traffic team, Ken Cram, Director of Traffic Engineering at Bayside Engineering:**

Ken Cram began the traffic presentation, with consideration to what MDM Transportation’s peer review letter laid out. Mr. Cram briefly explained his previous experience and his work around the Commonwealth, New England and Groton, Massachusetts.

The first section that Mr. Cram focused on was the location site, which has been shown as 500 Main Street where the former Deluxe Corporation site used to be located, in the west of the center on Main Street. He explained that this building used to contain 128,000+ square feet of office space. This location is to be turned into 3 multi-family units with 56 units each, and 32 townhomes (8 buildings combined, with 4 townhomes in each building). Mr. Cram explained what had been previously explained which was that each multi-family building will have four stories and will contain one and two-bedroom units and that the townhomes will be two and three-bedroom units. Scattered around will be three garages for these apartment units and the townhomes will each have a single car garage.

The main focus of the traffic portion of this project is located on Main Street, State Route 119. This is a state-controlled highway, so the state controls the access to it, and because they are changing the use behind the existing enforce permit, they will have to file a new access permit from the MassDOT, which is something they plan to carry out. In his presentation, he showed an ariel view of 500 Main St with the abutter in view, with the intersections that they looked at. They looked at existing traffic volumes from February 2, 2022 to get accurate information. They observed that at peak hours in the morning (7:00AM to 9:00AM), there was about 1,382 vehicles per hour and during the peak hours in the evening (4:00PM to 6:30PM), there was about 1,551 vehicles per hour. Mr. Cram estimated that they were averaging a speed of 38.9 mph in a 40-mph zone and that the 85th percentile speed was 43-mph. Data that was also found were motor vehicle crash data, which came in at a total of thirty-two crashes, with no fatalities. Mr. Cram also made note that for all of these intersections, they do not fall under the MassDOT Highway Safety Improvement Program List, which means that these are not intersections that have a lot of crashes involved.

Member Prager asked what the time period for the thirty-two crashes were and Mr. Cram confirmed that it was from information that was observed in 2015 to 2019, so these might go up when adding in 2020-2022, however it is not anticipated to grow exponentially and that he is doubtful that they will be significant crashes. Following this, Member Peisel asked if this data is only the data from Route 119 where the property is on the slideshow he presented and Mr. Cram verified that it was the seven or eight intersections they observed near this location which would be the most impacted by this project.

He explained that they previously researched crash data from 2015 to 2019 because this was a pre-COVID period. However, MDM asked for them to look into adding information from 2020, 2021 and 2022 so they will add this into their assessment, but because this will be affected by COVID traveling data, Mr. Cram doesn’t expect much of an impact on this information.

Mr. Cram continued with his presentation and used a scenario of if Deluxe Corporation was still operating. He explained that they included this data because it would give the public an idea of the difference between a business like Deluxe, compared to their proposal of townhomes and apartment units. Mr. Cram described that if a similar business was still in operation at this location, the total amount of traffic would have a significant number of people coming in during the peak hours in the morning and similar leaving during the peak hours in the evening. In comparison, for the proposed project, they are looking at significantly less traffic during both peak hours. Mr. Cram and his team looked at a seven-year horizon for this project because similar projects usually have to go through MEPA for state review if they generate a certain amount of traffic or have so much land disturbance (and any number of environmental impacts). Mr. Cram made note that they have already completed the MEPA process for this project entirely, and it was determined that there was no further MEPA review required, but that there would be local review, which is the current step, and then interface with the MassDOT because of the previously stated new access permit that is needed. Focusing on the seven-year outlook for this project, they contacted Town Planner, Takashi Tada, and he was able to help with projects in the area so that Mr. Cram and his team could include this data in their projections. In comparison to what was previously shown for a “current” Deluxe (or similar) site, this proposed project is estimated to produce significantly less traffic. The difference between the two sites would be roughly 208 vehicles entering and exiting in the peak hours of the weekday mornings and 204 vehicles entering and exiting in the peak hours of the weekday evening hours for the “current” development. These numbers are being compared to 73 vehicles entering and exiting in the peak hours of the weekday mornings and 81 vehicles entering and exiting in the peak hours of the weekday evening hours for the proposed development. In total, there would be 494 less daily vehicle trips from the Deluxe Corporation to the proposed development (135 fewer vehicles in the weekday morning peak hours, 123 vehicles fewer in the weekday evening peak hours).

Next in Ken Cram’s presentation, he explained how him and his team observed Mill Street Northbound to Main Street delays and queues. He explained that often times because they know the directionality of the flow in the morning and evening peak hours, they know the capacity analysis technology they are required to use is conservative for the un-signalized intersection analyses; so, what they will do is pick a key intersection and they will do the traffic counts and record the actual delays and queues at this intersection. They estimated that during the average peak hour, the maximum amount of time of delay is 132 seconds, just over a minute of delay. They also calculated that the average peak hour delay per vehicle per second was 21 seconds during the weekday morning and 23 seconds during the weekday evening. This is for people turning left or right out of Mill Street onto Main Street. This correlates to a level service C operation, with A being good and F being bad. Levels C and D are generally accepted as a reasonable expectation for an un-signalized intersection in a suburban location such as the one they observed here.

Chairman Easom asked how they recorded the data from left turners versus right turners and Mr. Cram said that all of their counting was done by video and that the software program that the video gets fed into will produce the necessary data. By watching the video, you can also watch who turns left and right while you record the delay development. For this, someone will actually have to watch the video with the timestamp in the video. Mr. Easom mentioned that he would be most interested in viewing who is turning left for this project and Mr. Cram agreed that it would be important because those who are turning left have to find a gap between both directions compared to the right turn only looking for a gap in one direction. Member McLaughlin asked if he had the analysis available for the vehicles only turning left and Mr. Cram said that they did this analysis based on the requirements and not a calibrated analysis because they saw that when they compared the analysis to the actual calculated data to the highway capacity manual that they are required to use, the actual amount was less than the proposed. Mr. Cram and his team also received a comment from MDM Transportation asking them to do this next, to apply them to the actual Mill Street analysis and the actual driveway analysis and to do this analysis again to get an idea of what the actual operations will be. They plan to do this, but haven’t been able to preform this yet. Mr. McLaughlin also mentioned the closest intersection and how this would be a similar turn and mentioned the speed limit at this intersection (Champney Street). Mr. Cram then brought up how they were going to communicate with the MassDOT to get the speed limit possibly reduced.

The next section of Ken Cram’s presentation explained how much traffic this project is estimated to generate. In total, it was estimated to have 80% of traffic going East on Main Street, following with 11% going South on Mill Street and 6% going North on Champney Street and 3% going West on Main Street. MDM has concurred with this assessment as well. It was also determined that there would be minor impact on intersections which meant that there wasn’t much that would significantly cause the project to require significant off-site mitigation measures. However, they do have a proposed mitigation plan.

Mr. Cram then went on to explain how the road this project is on, Main Street, is a preferred type of road in regards to layout with it being mostly flat and straight where you are able to see much of the road in both directions with at least 500 feet of stopping sight difference and intersection distance. Stopping sight distance is that distance that the vehicle that is traveling on Main Street needs to come to a stop based on the 85th percentile speed. It was explained that so as long this has 335 feet from their driveway, in the situation where a child unexpectedly ran out to get a ball, this vehicle would be able to stop safely. Mr. Cram proceeded to show an aerial of Main Street, showing that there is over 500 feet in each direction, so the applicants are confident in terms of sight distances and safe operations.

Mr. Cram then briefly described some site components of this project, which includes EV charging stations at 56 garages and additional charging stations throughout each multi-family building and the clubhouse. In sum, roughly 30% of the residential units will have access to a charging station. The applicants will be meeting with GELD to discuss the installation of infrastructure to support future charging stations as well. More site components included that all of the signs on the site will be compliant with the Manual on Uniformed Traffic Controlled Devices regulations and that all pedestrian accesses within the project will be ADA compliant. Right now, it is unknown if school buses will come on the site, but there are plans to work with the school bus company to ensure safe pick-up and drop-off locations for students. There will also be a “delivery” zone designated spot (Amazon, UPS, FedEx, etc.) in front of each building, out of the way of traffic so that they can deliver items safely. Mr. Cram also mentioned that they were working with Greg Roy, the site Civil Engineer on this project, on an auto-turn analysis to make sure that the largest fire truck that Groton has can safely circulate the site without crossing over curbs or anything alike. Mr. Cram proceeded to explain the turning radius for fire trucks in more detail, explaining that all access will be from Main Street and the emergency access location will be located on Taylor Street, which will be gated. The applicants are also looking into ZIP cars and they are investigating public transportation options for residents. In regards to this, they are working with the Council on Aging and are providing them information on this to make them aware of it. In conclusion, there is 404 parking spots planned for vehicles, which is well above the minimum requirement of spots for residents and guests.

Finally, some off-site improvements for this project included crosswalks with Rectangular Rapid Flashing Beacon (RRFB) to safely cross Main Street, and the applicants have been working closely with the MassDOT in regards to this. Seeing as there are multiple different businesses across the street, they believe this is an important factor to keep this location as safe as possible for pedestrians and vehicles. They will also be proposing sidewalks along the frontage of the property. Mr. Cram said that there will be a Transportation Demand Management Program, which is a measure to try and get people to use what public transportation is available and not using their own car, with the possibility of carpooling depending on tenants’ situations and lifestyles. As previously brought up, they will be pulling an access permit, which will include the plans showing the new sidewalks and crosswalks. Mr. Cram also mentioned that they suggested doing a post development review of Mill St/Main St and Champney St/Main St, and this will occur typically when there is about 75%-80% occupancy to ensure there will be real conditions calculated in this review. Member Peisel asked if they set any metrics after doing this analysis, for example, what would trigger wanting to take action? Mr. Cram answered this by saying that it can be established as a part of the monitoring program, during the review. At the same time, they can also determine the timeframe and mechanisms that can be discussed and reviewed.

Member Petropoulos asked how this post development review would be paid and it was answered that the applicants would pay for it. Mr. Petropoulos also asked how and who would ensure that this would be completed. Mr. Cram said that this would likely be in the conditions of approval. It was also explained that if a condition was violated, it would be a violation in the specific town department or board where it was violated and it would be that department or boards duty to ensure that it get resolved. Attorney Chris Alphen said that a common condition in a situation like this would be having an off-site improvement under the jurisdiction of the MassDOT where it would be subject to their review, so the best they can do is inform them of their plans and get these things approved and if for some reason they are not getting them completed and following these conditions, the applicants will need to come back before the Board to get a change in the decisions since there will be a change in the circumstances.

Ken Cram explained that they received MDM’s peer review letter on May 3rd and that they are currently reviewing their recommendations. They have concurred with some of their actions and have also brought up some questions that they plan to look more into and will provide written responses for the ZBA and MDM as soon as they are able to.

Member Peisel asked about a “slow down lane” that was brought up in a previous meeting in the west bound side as you approach the driveway, so that vehicles can slow down while taking a right hand turn safely and how this was not included in this presentation. John Amaral explained that they did meet with District 3 in regards to a deceleration lane and they expressed that while it appears to be a safety feature, it actually raises other safety concerns and that they would not look favorably at this.

Member McLaughlin wanted clarification that the plan is to not touch the DOT section of the intersection and that they will just make the sidewalk improvements and install the RRFB’s and Mr. Cram answered that it depends on what the MassDOT wants because they have certain requirements to meet but that this is what he expects.

Bob Michaud, Managing Principal at MDM Transportation Consultants, came forward to explain that they have done a thorough review and that Mr. Cram has covered each part of their review and has already begun to address some of the points they recommended. All in all, the study was done in good industry practices and they are aware that the applicant is well involved in discussion with the MassDOT in regards to this project, especially with the access design and the implantation of the RRFB’s. In relation to the driveway and the right-hand turn lane, they understand that the MassDOT will ultimately be the deciding factor on this but Mr. Michaud is pleased to hear that they are reluctant to have a deceleration lane because he believes it will complicate how the RRFB’s and crosswalks operate and that it would affect where they are located. For the site itself, he noted that many of the points they raised in their review have already begun to get addressed, for instance the transportation demand management that are being pursued, like ZIP cars. Council on Aging was also an important consideration they brought up because residents may not have direct access to reginal public transportation, so this would allow other options that may be useful for residents. MDM also noted that circulation was an important factor to look into and mentioned that the applicants were able to conduct this analysis. MDM also observed that Mill Street is an important pedestrian crossing and Mr. Michaud’s suggestion would be for this to be modified so that the crossing itself would be marked, visible and ADA compliant. Mr. Michaud mentioned the site lines at the Champney Street intersection and how this is something the applicant should complete more research on in regards to safety concerns. Mr. Michaud continued to explain some other concerns that were brought up in the review that they sent and said that they would work with the Board and the applicant to ensure that these safety concerns would be seen and solved.

Associate Member Harris said that he believes that the Select Board or the Planning Board might need to get involved to suggest traffic solutions. Chairman Easom asked where the state highway began westbound on Route 119, in relation to Workers Credit Union and it was described that it would be where the paving project was last year (Elm Street), which would be where the Select Board would potentially have some say and the other section(s) would be determined by the MassDOT.

Member Prager asked when they could expect the response to MDM’s recommendations and Mr. Cram and Mr. Amaral would estimate in about a week to ten days from this meeting, given Greg Roy’s availability. Mr. Prager also asked about the typical process with two traffic experts and if there would be one unified response, or if there would be two and Mr. Michaud said that procedurally, they would receive a written formal response to their review, and then they would review this and then issue a final review letter, but he doesn’t expect the final review to be complicated considering the initial review. At this point they would work with Mr. Cram and Town Counsel and the Board to identify specific language, such as identifying the post occupancy monitoring and the mechanisms and components of that. Mr. Cram also asked if the Board would allow him to directly contact Mr. Michaud so that they are not going through a third person to get a response. Chairman Easom and the Board agreed that this would be fine.

Member Petropoulos mentioned that his question about the post-occupancy agreement and how that gets structured and thanked him for mentioning this. Mr. Petropoulos asked if the TDM was another document that they would review and Mr. Michaud said that the TDM commitments would be memorialized in the conditions. Occasionally, a separate document will be identified for this that acknowledges the commitment by the applicant to do certain things and this will become a reference document.

Member McLaughlin brought up a concern with middle schoolers and young children going through Taylor Road, and how that this might be a potential safety hazard because of obstruction of view on that bridge located there. This was not a consideration that the applicants looked into, but they will take this under advisement and will do research on if they are able to do anything and hopefully come to a safer conclusion for this area.

**Discussion:**

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

Chairman Easom read aloud an email sent by Heather Taoultsides, who was unable to attend. In summary, this email was a question in regards to Taylor Street and the current plans about the emergency access that connects to the dead-end street she lives on. The main question Ms. Taoultsides had was how this access point would be regulated and if there will be a gate that will allow only emergency vehicles to utilize this connection. Mr. Amaral stated that they have met with the Fire Department and this is something that they require as an emergency only access point and that there will be a gate put here, so other vehicles will not be able to pass it.

Michelle Collette, ADA Coordinator, wanted to mention that she was pleased to hear all of the emphasis on pedestrian access and people with disabilities who use wheelchairs and walkers. The only question Ms. Collette had was if they planned to put the tactile squares at the curb cuts and Mr. Cram confirmed that they would be, so in response to this she asked if they could be painted yellow because it is more visible to those with low vision and the applicant said that they would do their best to accomplish this.

A neighbor, who lives in the Groton Residential Gardens across the street, said that she believes reducing the speed limit to 30mph on Route 119 would make this area safer for all the surrounding businesses and residents. She also mentioned that this area is a passing zone and that it would a good idea to turn this into a no-passing zone. Mr. Cram said that they plan to propose the speed limit change as well as the passing zone to a no-passing zone and that they have raised this issue to the MassDOT and they stated that they would support this decision.

A Groton resident, Allison Bedard, asked if in their analysis if they included the turns going towards the school and Route 495 because she believes this is where most of the traffic will be swayed to go towards since most amenities are in that direction. Mr. Cram answered her by saying that this was included in their analysis, which is why there was about 80% of the estimated traffic heading in that direction.

Member Peisel asked if the thirty-two accidents that were in the four-year span, if this number included just car accidents or was it all incidents, including pedestrians. Mr. Cram said that the thirty-two accidents included all incidents.

*The next meeting will be held on May 17th, 2023 at 6:30 PM****.*** *The topic of this meeting will be the first round of Civil review.*

Attorney Chris Alphen asked if the Board would want to authorize all of the engineers to communicate directly to each other and it was agreed upon with the Board that when it came to this, they would authorize it at that point after each engineer has independently provided their reviews. Mr. Alphen also brought up how there was some issues with the fire truck radius plan and wanted to see if they could get an opinion from the Fire Department regarding that. Chairman Easom recalled an email that the Fire Department sent in and read it aloud into the record. While it doesn’t talk about the radius plan specifically, it does mention the requirements for access and operations.

***Member Prager made a motion to continue this public hearing to the 17th of May, 2023. Member McLaughlin seconded this motion and carried unanimously via roll call vote.***

**General Business**

**Approval of Minutes from April 19th, 2023**

*The Chair will entertain a motion to approve the meeting minutes from April 19th, 2023 as amended. Member Peisel made a motion to approve the meeting minutes from the 19th of April 2023 as amended. Member McLaughlin seconded this motion and it was carried unanimously.*

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

A motion to adjourn at 8:25 PM