

**Town of Groton**

**Zoning Board of Appeals**

173 Main Street

Groton, Massachusetts 01450

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November 1, 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

Jack Petropoulos, Full Member

Thomas Peisel, Full Member

**Other Members in Attendance**

Veronica O’Donnell, Associate Member

**Others Present**

John Amaral

Rob Anctil

Leslie French

Chris Alphen

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 broad cast. There will be video and audio for viewing.**

**Chairman Easom read aloud the agenda for this meeting.**

**Meeting Minutes**

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

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

**Member McLaughlin read aloud the public notice into the record**.

Chairman Easom reminded everyone who was a sitting voting member on this application, which was noted as Bruce Easom, Jay Prager, Thomas Peisel, Daniel McLaughlin, and Jack Petropoulos. Mr. Petropoulos missed the previous meeting on October 11, 2023 and he has submitted an affidavit indicating that he has brought himself up to date. This document has been filed with the Town Clerk.

Attorney Chris Alphen mentioned that there were various comments from the Board from the previous meeting with some additions they wanted to see in the decision and Mr. Alphen has since added these additions in. Mr. Alphen also got assistance from Fran Stanley in regards to edits that needed to be made and these were also reviewed by Town Counsel, who had minor revisions as well. These revisions were mostly in regards to the style and wordings of these conditions rather than substance. The decision has now been reviewed by four different attorney’s and is in very good shape at this point.

The Board, applicants and Attorney Alphen proceeded to go through the larger changes from the previous meeting. One change included the extension date of October 13, 2023. Member Prager mentioned that the decision mentions “plans of record” throughout the decision and asked what these plans of record were. Mr. Alphen explained that these plans of record were listed in one of the conditions on this decision, which was condition number B.3. Member Peisel asked where someone can view these plans of record and it was noted that these are located in Town Hall in the Land Use Department and they can be found on the zoning board of appeals webpage. Mr. Alphen also said that these plans are not typically attached to the decision that is being filed and are usually held with town staff.

Chairman Easom asked about the condition numbered as A.5 to A.8 and asked Fran Stanely if these changes to the document were satisfactory to her. Ms. Stanley agreed that these changes are acceptable. At this time, Rob Anctil asked about public comments coming in and it was clarified that Ms. Stanely is town staff, that these are internal comments, and no new information was brought up so this was acceptable. Mr. Alphen agreed that Town Counsels changes to Ms. Stanley’s comments were also acceptable.

Chairman Easom also had a question about condition number B.3 and said that from his understanding, this condition allows the applicant to move the buildings around on the property, without limit and without having to talk to the Town. Mr. Easom wanted to get clarification on this condition and Mr. Alphen said that this condition meant that if there are any changes from the plan of record, they will be reviewed by the building commissioner and if they determine that the changes are major changes, such as moving the buildings in terms of location, this would then require the applicants to bring this request before the Board. In the second part of this condition, it explains that if the layout of the units get adjusted during building, this will not be considered a major change. There was brief discussion about this condition and it was agreed upon that the clarification word of “interior” should be added to this condition before “layout” so that it is clear that it is the interior layout of the units and not the location of the actual building.

Continuing, the next condition that was discussed was number B.50. This condition is about the garage and the additional part that was added included that these will be a third-party thing and that the Board will not take any position on how the garage spaces are allocated.

The condition B.68 was brought up and it was explained that this condition is where it describes that it is a requirement to get a bond after the third certificate of occupancy. Due to the size of the project and the layout of the development, it makes the most sense to not require this until the third occupancy.

Chairman Easom asked about condition number C.7 and the testing of fill being brought into the site and it was explained that this is in condition number B.36 and it includes the chapter of the section where it says that this is a requirement.

One last significant change that was shown was in condition numbers C.28 to C.30, which shows the conditions that were agreed upon with the neighbor. The agreement with the abutter was submitted at the previously held meeting and it was read in to the record and it was then incorporated in to the decision.

There were some revisions to Exhibit A made by Fran Stanley, which shows a more detailed and accurate list of documents that were submitted.

There was further discussion on whether or not the As-Built (or also known as As-Constructed) plans should be included in the recorded filing for the decision. It was eventually agreed upon that these plans are not typically filed with the decision but that the applicants would file it with the registered of deeds once the project was completed.

Rob Anctil mentioned that there was one item that the applicants wanted to bring up, which was in condition number B.17. This condition explains that the Town applied for a MassWorks grant, which was recently awarded. Mr. Anctil said that the last sentence in this decision mentions that the applicant shall be responsible for the design and installation of the utilities servicing the project. However, Tom Orcutt, Water Superintendent, said that the Town will be responsible for these costs. Mr. Anctil was not sure if it was outside of their ability to now change this condition and Mr. Alphen said that if this changes reality, then this is not a major change to the decision and if they find a different source of who covers this and take care of it, and the Town is happy to comply, then this condition should not affect this. Chairman Easom mentioned that the public hearing portion of this meeting was closed on October 11th, which means no further new information would be accepted. Since this information came in after this, the change of this condition to show this should not be made. There are rules that allow the public hearing to be re-opened for reconsideration for significant changes but this may not necessarily be considered major new information. Attorney Alphen said that this condition should not be affected one way or the other. It was agreed that this decision would not be changed.

There were no further comments from the Board, applicants and Attorney Alphen.

***The Chair will entertain a motion to approve the comprehensive permit as presented on November 1, 2023 with two revisions. These are to add the word “interior” to condition number B.3 and the addition of a requirement to file the As Constructed plans at the Registry of Deeds upon completion of the project and that the Chairman is authorized to sign on behalf of the Zoning Board of Appeals the approval of the amended draft decision. Member Thomas Peisel made this motion and it was seconded by Member Jack Petropoulos.***

There was brief discussion about this motion and if anything else should be added or amended.

***Member Peisel amended his motion to also include the word “interior” after the word “modification to the” in the last paragraph in condition number B.3. Member Petropoulos seconded this amendment.***

***This motion was carried unanimously via roll-call vote 5-0.***

Chairman Easom thanked everyone that was involved in this process, that the public input was appreciated and the preparation in the package provided by the applicants.

John Amaral thanked the Board for their time on this project and also thanked the Town employees and the public for getting involved as well.

Member Jack Petropoulos also gave praise for the work that was put in to this project.

There were numerous appreciation comments from the applicants and Board members.

**General Business**

**Approval of Minutes from October 11th, 2023**

*The Chair will entertain a motion to approve the meeting minutes from October 11th, 2023 as drafted. Member Prager made a motion to approve the meeting minutes from 11th of October 2023. Member Peisel seconded this motion and it was carried unanimously 5-0-1.*

**Approval of Invoice from the Nitsch Engineering:**

*The Chair will entertain a motion to pay the Nitsch Engineering invoice in the amount of $375.00. Member Prager made a motion to approve the Nitsch Engineering invoice. Member Peisel seconded this motion and it was carried unanimously.*

**Approval of Invoice from the Nitsch Engineering:**

*The Chair will entertain a motion to pay the Nitsch Engineering invoice in the amount of $5,246.40. Member Prager made a motion to approve the Nitsch Engineering invoice. Member Peisel seconded this motion and it was carried unanimously.*

**Member Prager made a motion to adjourn. Member Peisel seconded the motion and it was carried unanimously.**

A motion to adjourn at 7:30 PM