

**Town of Groton**

**Zoning Board of Appeals**

173 Main Street

Groton, Massachusetts 01450

Tel: (978) 448-1121

 Fax: (978) 448-1113

November 8, 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

Veronica O’Donnell, Associate Member

**Others Present**

Paul Alphen

Judi Barrett, *via zoom*

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**

**Cow Pond Brook Road, Heritage Landing #3-23**

**Chairman Easom opened the public hearing. This is the seventh 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, Daniel McLaughlin, Thomas Peisel, and Veronica O’Donnell.

 **Chairman Easom opened the floor to the Applicant:**

Mr. Paul Alphen, was present and is a representative for Cow Pond Brook Road. Mr. Alphen began his presentation by explaining that, as him and the applicants expected, the traffic impact study was not complete yet. Due to this, the peer review portion of this also has not been completed. While there wasn’t significant process on this matter, there was a few updates on other issues. This includes a peer review letter from Nitsch Engineering regarding the plans, which regarded the proposed water line extension. Nitsch Engineering’s letter notes some additions that should be made to these plans and their expert opinion on the plans as well. The applicant(s) have concurred with these opinions and has directed their engineers to update the submitted plans to include the additional information for the proposed water line extension. Another update is that the applicants have received emails from the affordable housing trust and the parks commission regarding concerns about the potential location of the restriction area for Natural Heritage and endangered species program. Mr. Alphen explained that, not-withstanding, they anticipated the town would not enter any restriction agreement with Natural Heritage on any town land, without first conferring with all the town departments and making sure the restriction for the benefit of the project would not interfere with any of the plans for the parks commission or the housing trust. They respect the concerns that these entities have and have turned their attention to meeting with Natural Heritage and hope that in the coming weeks or months, or however long it takes, that they can alleviate these concerns and better define where the restriction will be. Mr. Alphen anticipates another potential extension because of these concerns.

Chairman Easom read the letter from Nitsch Engineering, dated November 8, 2023, into the record. In sum, this letter explains what else is needed to be included and what should be submitted in the applicants plans in order for them to be able to do a thorough review of this application. The water line extension was a main topic for this letter and it explained what was missing from the plans and what should be included. Mr. Alphen said that they were going to address these issues in a future meeting.

Chairman Easom read the letter from the Chief of Police, Michael Luth, dated October 10, 2023, into the record. In sum, this letter explained the shooting range that is abutting next door and how close it was to this proposed development. Due to this, Chief Luth recommended and requested a condition of an eight-foot chain-linked fence to be installed on the shared border between these two parcels to restrict access to this shoot range. Mr. Alphen said that they take Chief Luth’s concerns very seriously and would not be surprised if there would be a condition in the approval that requires this fence.

Chairman Easom read the letter from Misener-Brem Corporation, dated October 17, 2023, into the record. This letter regards the issues related to the proposed water and septic systems as submitted and gives a little more clarification about these topics.

Chairman Easom read the letter from an abutter, Hans and Anne Riemer, dated November 6th, 2023, into the record. This letter details their concerns with the presented 40B application and why they believe the development should not be approved.

**Chairman Easom opened the floor to the Board:**

Associate Member O’Donnell mentioned that in the letter from the Miesner-Brem Corporation that there is a statement that says the project is proposed with six separate septic systems on the property, with each serving six or seven units. Her question to this is, would there be any accommodation made during a protentional sale of the property when they are sold for the maintenance on them. Mr. Alphen said that this was a condominium association, so with any condominium association, the association owns the land and septic systems and will be imposed on the condominium unit owners and these costs associated with the maintenance of them will be on that entity for all of them. They will not be individually owned by lot owners.

**Chairman Easom opened the floor to the public:**

Groton resident and abutter, Thomas Pistorino, came before the board and read his letter, dated November 8, 2023, into the record. In Mr. Pistorino’s letter, he explains the concerns that he has about this development at this location and also explained what has been added in in this area throughout the years, stating that the area is not an ideal location for this project. It was noted that this project would not take the other proposed project of 500 Main Street into consideration. Mr. Pistorino had also mentioned that the septic systems being on the opposite side of the road is not ideal and it was clarified that this septic system is going to be on the proposed land and that the land that needs to be acquired, potentially across the road, is being proposed as the land that is needed for the nitrogen loading concern.

Another Groton resident and abutter, who had previously expressed her concerns, came before the board again and expressed her continuing concerns about this project, mostly relative to the traffic study impact and the progress that this is making. She also expressed concerns about the soil logs and how outdated they are and asked if the Board will be asking the applicants to do a more recent soil test. Chairman Easom said that this is a question that should be direct to the peer reviewer to determine if more testing should be completed. This Groton resident also asked about the turning radius for school buses and emergency access vehicles.

Fran Stanley mentioned that it might be best to guide the peer reviewer in regards to the traffic study since these peer reviewers may not necessarily know the normal activity around this area and may be using a general guideline for the data rather than what the residents are concerned about.

Another Groton resident and abutter, Brigid Killian, came before the board and also expressed her concerns about this proposed project, noting that an important road that isn’t being talked about as much as it should be is Hoyt’s Wharf Rd and explained how this project will greatly affect this road and mentioned the already concerning aspects of this road without the development.

There was brief discussion about the next meeting date and it was discussed that the next meeting to be held would be on November 29th, 2023.

**General Business**

**Approval of Minutes from November 1st, 2023**

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

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

A motion to adjourn at 7:35 PM