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**Town of Groton**

**Zoning Board of Appeals**

173 Main Street

Groton, Massachusetts 01450

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June 20, 2024 - 6:30 PM - Second Floor Meeting Room

**Members Present and Voting for Public Hearing**

Bruce Easom, Chairman

Thomas Peisel, Full Member

Jay Prager, Full Member

Daniel McLaughlin, Clerk, Full Member

Veronica O’Donnell, Associate Member, via Zoom

Leonard Green, Associate Member

Gregg Baker, Associate Member

Molly Foster, Associate Member, *via Zoom*

**Others Present**

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 on the Groton Channel.**

**Associate Member Molly Foster was in attendance via Zoom, so any and all votes taken during this meeting will be done via roll call vote.**

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

**Meeting Minutes**

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

Chairman Easom reminded everyone that the public hearing portion of this application was closed on the 23rd of May, 2024. Mr. Easom brought some corrects to the draft decision to Judi Barrett, who has incorporated these into the most recent draft decision of the comprehensive permit, dated June 20, 2024.

The Board proceeded to go through the updated draft decision, page by page and stopped if there were any questions or concerns on any of the items. There was discussion on the item D.14 which focused on noise and hours of operation to clarify that it included all exterior work during the times and hours agreed upon.

The Board also went through the list of waivers on this updated draft decision. A few edits regarding the format should be made and the footnotes will also be removed on the final decision. Clarification was also made if some conditions or waivers were included as well, such as dark sky requirements and they were included.

The Board proceeded to vote on the list of waivers. The members voting on this mater are Bruce Easom, Dan McLaughlin, Tom Piesel, Jay Prager and Veronica O’Donnell.

*Member Prager made a motion to grant the waivers requests on pages one to five but the Board deems the waivers not necessary. Member Piesel seconded this motion and this motion passed unanimously via roll call vote.*

*Member Prager made a motion to accept the grant as shown on page seven, with respect to section 218-4.2. Member Piesel seconded this motion and this motion passed unanimously via roll call vote. This will be for 28 units and not 40 units, as discussed and seen in other parts of this draft decision.*

*Member Prager made a motion to grant the waivers beginning with the waiver regarding section 218-5.1 to page thirteen. Grammatical errors to be made in this. Member Prager amended his motion to grant the waivers from the end of page seven to the page twelve to the item that pertains to section 381-10 (Streets).* *Member Piesel seconded this motion and this motion passed unanimously via roll call vote.*

*Member Prager made a motion that the Board’s decision in respect to waiver section 381-13 is that the applicants shall provide a sidewalk on one side of the street and show the sidewalk on the plans. Member Piesel seconded this motion. There was further discussion on this motion. Member McLaughlin amended this motion with the exception that this waiver shall be granted subject to condition E2 on page eighteen of the draft decision. Member Prager seconded this motion and this motion passed unanimously via roll call vote.*

*There was further discussion on this previous waiver and Member Prager made a motion to reconsider the motion to grant the waiver for section 381-13. Member Piesel seconded this motion and this motion passed unanimously via roll call vote. Associate Member O’Donnell made a motion to rescind this motion and Member Prager seconded this motion. This motion passed unanimously via roll call vote.*

*Member Prager made a motion that the Board rejects waiver 381-13 (Other Improvements) with the condition that the applicant shall provide a sidewalk on one side of the street as shown on the final plans subject to section E2 on page eighteen.* *Member Peisel seconded this motion and this motion passed unanimously via roll call vote.*

*Member Prager made a motion that the Board grant waivers requested beginning at the bottom of page twelve with respect to section 381-10.E2 through page thirteen, fourteen and fifteen as described in the document. Member Peisel seconded this motion and this motion passed unanimously via roll call vote.*

*Member Prager made a motion to deny the waivers requested in respect to section 315-5A and 5F but the Board will consider granting a waiver to either one of these if the applicant can demonstrate if the waivers are needed. Associate Member O’Donnell seconded this motion and it passed unanimously via roll call vote.*

*Member Prager made a motion to grant this final waiver based upon prior recommendations from the Board of Health. Member Peisel seconded this motion and this motion passed unanimously via roll call vote.*

Minor edits to the waivers, such as fixing the language, to be made according to these decisions.

The Board moved on to the conditions of the draft decision and discussed the conditions on which they had questions on.

Member Mclaughlin made a motion that the Board should eliminate the word utilities and eliminate the sentence that says the as-built plan should be provided within 120 days after the projects final Certificate of Occupancy in section C.4a in the decision. In result of this, the final as-built, including everything, will be submitted prior to the final Certificate of Occupancy. Associate Member O’Donnell seconded this motion. There was further discussion on this section. Member Prager mentioned that the Board should request Nitsch and Judi Barrett to review this paragraph before making a final decision on it. Member McLaughlin withdrew this motion.

The Board determined that they would like to get more clarification for some of the conditions on this draft decision before they vote on a final decision for this matter. Town Counsel and Judi Barrett to be sought out to get further input on these specific sections.

Chairman Easom reminded the public that the 40-day period to file a decision closes on July 2nd, 2024 and that once a decision is submitted, there is a period in which the public can appeal the decision. This is usually 20 days and you would talk to the Town Clerk regarding doing this.

There was brief discussion on when the next meeting would be to discuss this matter and it was determined that the next meeting would be held on June 27th. 2024 at 6:30PM.

**General Business**

*Member McLaughlin made a motion to approve the meeting minutes of June 5th, 2024 as drafted. Member Peisel seconded this motion and it was carried unanimously via roll call vote.*

***Member Green made a motion to adjourn. Member Piesel seconded the motion and it was carried unanimously via roll call vote.***

A motion to adjourn at 7:35 PM