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**Town of Groveland
Planning Board
Meeting Minutes**

TOWN OF GROVELAND
2016 MAY -4 AM 10:19
TOWN CLERK
RECEIVED/POSTED

Date: March 22, 2016

Members Present: Bob O'Hanley, Bob Arakelian, Jim Freer, Walter Sorenson Jr.

Members Absent:

Others Present: Scott, Charles Haryslak, Mitch Kroner, Katherine Bailey,

Minutes Secretary: Amy Bedard (by notes & tape)

O'Hanley motions to open the Planning Board Meeting of March 22, 2016 @ 7:50pm, seconded by Arakelian. All members are in favor. Vote is unanimous. Meeting opens.

Planning Board Business/Updates:

PB Meeting Minutes Approved:

O'Hanley motions to approve PB Meeting minutes typed for March 15, 2016, seconded by Sorenson. All members are in favor. Vote is unanimous.

Homestead Lane / Tri-Part Agreement:

Freer states the PB approves and signs the tri-part agreement for Homestead Lane for \$450,000.00.

O'Hanley motions the approval from the PB for the tri-part agreement for Homestead Lane, seconded by Sorenson. All members are in favor. Vote is unanimous.

Sunset Circle / Sub Division:

Scott is before the PB to discuss the bond for Sunset Circle. Scott asks should they wire the \$540,000.00 or do they do a bank check? Sorenson states they do a passbook.

O'Hanley motions to accept the \$540,000.00 cash passbook, seconded by Freer. All members are in favor. Vote is unanimous.

Charlotte Parker / As built 477 & 479 Main St.:

Mitch Kroner states that Charlotte Parker sold her house at 479 Main St. last fall. O'Hanley states they built a house on the top of the hill but didn't put the driveway where it should be. The daughter built the house at 477 Main St. Kroner states in the fall they filed a permanent access and utility easement and an easement plan showing exactly where the driveway is. Kroner states the driveway is exclusive to 477 and 479 has its own driveway. Kroner states the easement was signed by Charlotte and the Gillet's. Kroner states when Charlotte sold the house they put right in the deed that it was subject to easement. Kroner states the easement plan was recorded. Kroner states that the PB was holding some money and the problem came in because the original company Apple Associates that created the plan went out of business so they needed to find a new company. Sorenson asks when Apple had the plan and did the topo for the driveway and the easement plan is the public record. Sorenson states where they are so many years passed and with the company being out of business the PB needs to waive the plan because it doesn't have all the data being carried over.

O'Hanley motions to make it two sheets not one, seconded by Freer. All members are in favor. Vote is unanimous.

PB will need a letter to release funds held by the Town.

Esty Way:

Adam states George couldn't be present at the PB meeting tonight but his partner Josh Noting is present. Adam states they are looking to get the mylar plans signed and give the PB an update. Adam states the mylars have been prepared. They are the same plan that was voted on February 2, 2016. Adam states they were working with the National Heritage and endangered species program relating to lots 5, 6, 7 and small portion of 8. They have come to agreement with the National Heritage the access for the turtles. Declaration of restriction will become a more permanent document when the project comes to completion. Adam states they also want to schedule a site walk. Adam states they are staking the property roadway, parcel A the limited cut along the Cooks property, another additional no cut on lot 8 and the National Heritage easement.

Discussion of update to parcel A as a limited no cut zone. Adam states comments on documentation to additionally mark out an area 20' into lot 8 that is also no cut area. Mr. Cook also asks can they change the limited cut area to a no cut. Sorenson states the no cut area will need to have a marker stating no cut. PB states Center Place had a huge issue with conservation land being built and cut on. PB states a hay bale line or snow fence any physical barrier during construction process. Sorenson states should be a no cut zone on parcel A. Adam states based upon conversations with George he has no objection to convert it to a no cut zone but at the end of the process. O'Hanley states sub division rules are 2 trees per lot. Sorenson states the limited cut on parcel A. O'Hanley states do the site walk and then they can make their decision. Freer states file it will everything and Sorenson states lot plan need to show no cut on lot 8. Adam wants to understand why it needs to be on the plan if it is just an agreement between private parties. Sorenson states it isn't for enforcement it is identification. Adam states it will be on chain of title for the lot. Adam states there is a plan but no mylar so it is an exhibit to the easement. Sorenson states put on the plan as no cut area. Adam states it will be enforced by the chain of title. Sorenson states research Stoneridge and the problems they ran into with that. Adam states that after discussion with the client, his client didn't feel that it was necessary to include it with the plan. So they are tonight requesting approval to the plan as is without the 20' no cut buffer shown on the mylar plan. Adam states they will provide the PB with a copy of the covenant and the easement plan as recorded with the registry. Sorenson still states they need to put it on the plan or approve the mylars or they are going to have the same problem they had at Stonebridge. Sorenson states A is noted 8 is the problem child. Adam states it should be noted that the PB voted on Feb. 2nd meeting to approve. Freer states he feels the covenant will cover them and that anyone that buys the land will understand it.

O'Hanley motions to sign the plan without no cut on lot 8 mylar, seconded by Arakelian. 3 for motion, 1 opposed. Motion passes.

Cook states he is furious that he has been negotiating with the builder and the PB voted it through. Cook states he wasn't asked his opinion. Cook states he hopes George sticks to his word and he has hope he will. O'Hanley asks if Cook appealed the decision. Cook states no he didn't. Mrs. Cook states they she has been at the meetings and she feels the meeting has been a disgrace that the PB members aren't even paying attention. Freer states if they are discussing anything during a meeting it is relevant to the decision. Freer states they take this very serious especially because of the problems the Town had to deal with in regards to Stonebridge. Sorenson states they are not being obstructionist to the project. Adam states he has concerns of it being shown on a definitive sub division plan approved by the PB a no cut easement on private property lot 8 somehow suggesting that the PB has a right of enforcement on the no cut buffer. Sorenson states he understands that concern and they can write in that the PB doesn't have enforcement. Sorenson states he works for the Town and his job is to protect the residents. Adam states he has an obligation to his client as Sorenson has an obligation to Groveland's citizens. Freer state he

feels the covenant will work. Mrs. Cook states she feels that the PB is very disrespectful to Walter Sorenson. Freer states that is not the case.

Adam states they also have covenant and a cost to complete estimate. Adam states he believes Peter Williams has reviewed the cost to complete and affirmed that it is accurate

New Zoning By-Law:

Freer states going back to 1954 that was the first year the Zoning By-law was adopted by the Town of Groveland. There were additions made to it in the early 1970s and recodified in 1975 and that is the last time that it became a new bylaw. There were additions in the 70s, 80s, 90s and teens a court decision in 1988 against the Town of Groveland's bylaw and he will read last statement in decision states "the court recommends the Town of Groveland and the PB take immediate steps to revise the Zoning bylaws that fail to meet the standards by the appeals court" Freer states the PB was ordered by the judge to create a new Bylaw in 1988. The development of the new zoning bylaw started in 2005 a little late but he will not discuss why but it wasn't the PB. The law firm Blatman, Brombroski and Mead where chosen to create the new Zoning Bylaw the rewrite and recodifications make a lot of clarifications, additions and deletions to the Zoning Bylaw. The new Zoning Bylaw was completed in 2007. Freer states 2009 the BOS wanted the Town Council to reviews the Zoning Bylaw problems. The BOS decisions kept Town Councils review from happening, in 2014 the new BOS decided to spend money through 2015 to have Town Counsel review the Zoning bylaw. The review was completed in early 2016. Town Council covered the entire Zoning Bylaw including Browowskis' additions and deletions. Town Council made additional clarification and changes and protected the language to the Zoning Bylaw. Town Council agreed with Borowskis reclarification and changes. The PB has spent enormous amounts of time proof reading, questioning and making sure all current problems have been addressed in accordance with the law as it can be for the protection of the Town and its inhabitants. Freer states there are still areas that need improvement which will be brought before the Town Meeting one at a time, some are simple some need more understanding. Freer states the PB was advised by Town Council to only make changes that were necessary in the new Zoning Bylaw. Freer states in the Zoning Bylaw you have before you the items in black are the original language put together and the red is the Browbroski changes, blue is Kopelman and Page changes. Freer will review each section.

1st Section / General Section: Freer states mostly clarification of language. Last time updated was 1975. Clarification of language mostly by Brobrowski. Home occupation was changed by Kopelman and pages was done for Zoning Board of Appeals.

3rd Section / Zoning Districts: Freer states there are some clarification from Browbrowkis and Kopelan and Page all the districts are the same no changes.

4th Section / Uses: Freer states this was put into a situation that everyone can identify the use that is permitted or by right and not permitted or permitted through a special permit. Freer states in that section for some reason on the top of the page 4.4 what is missing P=Permitted in those zones and NP=Not permitted in the various zones. Freer states somehow the SPA which is BOA special permit got in there. Freer states it is a matrix and is very easy to look at and to determine what is a use that can be done in this zone. Freer states that is what the courts wanted them to do.

Freer states they took most of the uses out of the expanded Standard and doors 500 industrial industries and picked industries that the PB feels the town can handle without getting into trouble. Freer states there is a super fund that has been going on since the 80's.

5th Section / Non-conforming uses: Freer states that was re-written by Browbrowski. Freer states last time that was touched at all was 1975. Freer states you can't go 41 years without a rewrite because so much has happened.

6th Section / Overlay districts: Freer states again clarification language a lot by Kopelman and Page.

7th Section / Special uses Freer states again clarification language by Kopelman and Page. In particular are in-law apartments.

8th Section / Density. Freer states that was a rewrite. Freer states it is now in table form.

9th Section / Parking off Street and loading Areas: Freer states this is new and Brobrowski wrote this.

10th Section / Affordable Housing: Freer states this was clarifications made by Kopelman and Page in particular the CSD.

11th Section / Sign Regulations: Freer states this is all new written by Browbroski when they gave Groveland 8 different towns to look at to choose one that fit Groveland. Mentions signs that you can get by right permit and signs that are prohibited.

12th Section / Wireless Communications: Freer states clarification by Kopelman and Page

13th Section / Site Plan Review: Freer states this is a rewrite from Browbroski and some clarifications from Kopelman and Page.

14th Section / Administration: Freer states rewrite from browbroski largely Zoning Board of Appeals.

Freer states the major changes that we had are in the definitions for occupations something the Board of Appeals had a hard time with. Freer states they took out the examples that went back to 1954, most home occupations today are over the phone or on the internet. Freer states there are cottage industries which PB wants, businesses where you can make product there but sell it elsewhere. Freer states there is a line that states no retail sales. Freer states the in-law apartment change made is that they took it back to a medium point and clarified it. Freer states they made it simple. Freer states in the 40's and 50' every house on a block had a grandmother, aunt or uncle. They had a bedroom but lived with the family. So Freer states they settled on 900 sq. ft. but put the stipulation one bedroom one bathroom. Freer states some end up morphing into two families. Freer states the other issue is the state looks at dwelling units and postal addresses and it increased the footprint for 40B construction. The 3rd major change was the CSD section of the bylaw. Freer states what they have found from developers that if they use is, they put a house on it and sell it for what they want they can't do is for anything less than 20,000 sq. ft. Freer states they ran into problem a couple months back with a developer that was looking at a part of town that was quite remote and it didn't have town water or sewer and they wanted to use the CSD bylaw with 8 houses on 5 acres but given problems with Title 5 septic systems the PB sees so many failures. Because of Title 5 the average in the 30,000 sq. ft. is now about 50,000 sq. ft. under Title 5 just to take care of the septic. Freer states other major rewrite was use table. Freer states site plan PB uses for business and industrial land reviews similar to what they use for residential uses needed to be updated.

Freer states the new sections are off street parking. Freer states ADA laws they keep widening sidewalks which is now 6'. Freer states loading areas which has more accidents usually than at just in a plant.

Freer opens for comments ... Sorenson states please state name and address and sign in.

Charles Haryslak who lives at 94 Main St. addresses the PB. Charles states his concerns are as to how this is being presented to the Town's people of Groveland. Charles states he doesn't think the residents are knowledge enough and where deletions are not crossed out it doesn't show what has been removed. Freer states there are two sections that got lifted out which was condex units. Freer states they tried to put down the sq. ft. on a lot but they found out they can't do that, because it is illegal. Freer states that if it is an existing house they can split it into a condex they have a right to do that on the existing lot. The other part is the growth policy part of the bylaw. Freer states they didn't want to pull it but is expired in 2010. Freer states they may put it back at some point in time. Charles states that he it speaking holistically he feels it is important and he has watched many BOS, PB and ZBA and was presented to the people of this town on formatting and not content. Charles states there is still litigation on this and it makes the town and the town lawyers look shady. Charles states he is concerned about the change in content. Charles states the court said the way it was stated in the document it was to open for interpretation. Sorenson asks he is unaware of the issues. Charles states it is Brenda Haryslak and she wants to do a basket company. O'Hanley states they can't get into the details.

Justin states that to be an impartial party he states what happens and he has seen in other town is that when does that home occupation become something out of the use table. Justin states the table is talking about business on the broader side. Sorenson states the town has been updating this document from the 90's. Sorenson states they needed to clean up language and it is also a living document concerns that you have it needs to be accepted at some point and then they have a starting point and can then tweak and change moving forward. Charles states that he doesn't want to hear from the PB side about the case if he is unable to present his side. Charles states he needed to hunt for the document. PB states it was at the Town Hall. Charles states for residents to not know what has been deleted doesn't seem right. Freer states it was rewritten and in most cases it means the same thing. Sorenson states usually they write and intent that goes along with the bylaw so that people can understand what it was intended to do. Sorenson states it is transparent but it is complex because Zoning is. O'Hanley states they will not hold up anything that has to do with his case. Freer states they are not against home occupation it is the retail side. O'Hanley states write your complaints. Sorenson states they pondered submitting it in sections. Sorenson states they will reserve time at Town Meeting for next 6 to make changes. Freer states Haryslak is protected under the old bylaw. Discussions about abandonment and non-use. Freer states if you look at new bylaws written within the last 5 years notably Salisbury and Merrimac they are at 140 pages. Charles states he will get his concerns in writing to the PB but just to confirm this will be at Town Meeting and will need a 2/3 vote to allow.

Mitch Kroner 3 Cannon Hill Rd Extension is before the PB first for compliments to the PB for the new permitting guide and second he commends Jim for his countless hours. Mitch states he has some concerns with the home occupation on page 8 and page 9 no customer visits per any service, page 22 lawyers office not permitted, page 23 under accessory home occupation special permit with the ZBA. Mitch states he spoke to the business inspector. Mitch states he is a lawyer that works out of his house but doesn't have an office. Mitch states he had an office in Georgetown but now does it at his house and may occasionally see someone at his table or pick up a deed or have something notarized. Sentence 1 page 24 uses not specifically not set forth herein should not be allowed within the town of Groveland. Mitch for example some ladies in town make cakes and you order, pick it up and pay her at her house. Freer states that it is Browbroski. Mitch states home occupation is the backbone of America. Discussion of site plan reviews and lack there of in previous years.

Katherine Bailey from 6 Spring St. she also sits on the Zoning Board. Katherine states she understands new amendments are going to be made prior to this being voted on. O'Hanley hopes the suggestions will be presented to the lawyers and Sam. Sam states it is hard to pick and choose what you fix now. Sam just wants a document he can enforce. Katherine agrees fully and isn't suggesting that they don't adopt this. Another concern is in section 4.4 note there is a section listed as prohibited uses where everything is not permitted. Freer states that is what Browbrowski wanted to put in there for the reason being the prohibited list section do you just take one section and take all prohibitions out. Katherine states that would be her suggestions.

Katherine other's concern is section 5.2 non-conforming structures page 25. Katherine states it is not clear from that section if reconstruction after a casualty is permitted as a right or does it need a special permit. Katherine states her last comments are about home occupation. Freer states they can't discuss because they are in a law suit. Katherine states it should be discussed at further meetings. Katherine wants to know when the next public hearing will be. Freer states they will continue the hearing this evening and not close it.

Charles reads from another town from North Borough Zoning bylaw residential use accessory home occupation. An occupation conducted as an accessory use and in an owner occupied single family dwelling or detached accessory structure by the resident owner or owner's family. Charles reads the business list. Sorenson asks for Charles to submit this to the PB. Sam states the examples seem a little dangerous but he agrees that a guide line would be helpful.

O'Hanley motions to continue the hearing to April 5, 2016 @ 8pm, seconded by Freer. All members are in favor. Vote is unanimous.

Adjournment:

Freer motions to adjourn, seconded by Sorenson. All members are in favor. Vote is unanimous. Meeting is adjourned.