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TO: Groton ZBA
FR: Paul F. Alphen, Esq
DA: June 28, 2023
RE: Heritage Landing 40B

To follow up on the first meeting of the Board regarding the Heritage Landing 40B application, we are pleased to submit the following responses to questions raised by the Board at that meeting that required some additional information.

1. Not having heard from Town Counsel or the Town Planner to the contrary, it is our understanding that the Town is not in a position to exercise "Safe Harbor" status regarding our client's project. Nevertheless, we did not expect the Board to consider taking that approach in light of the published affordable housing goals contained within Groton's Housing Production Plan.

According to the Town of Groton Housing Production Plan 2020-2025, the Town of Groton is significantly below the 10% minimum requirement for affordable housing. To meet the 10% required minimum of affordable housing units, Groton will need an additional 173 units.

The Housing Production Plan suggests a range of options to meet pressing local housing needs, and to bring Groton to the State 10% threshold, presenting a proactive housing agenda of Town-sponsored initiatives. Due to the rising costs of homeownership, including escalating energy costs and taxes, some residents are finding it increasingly difficult to afford to remain in Groton. The published Housing Goals include:

- STRIVE FOR ANNUAL NUMERICAL TARGETS FOR AFFORDABLE HOUSING AND HOUSING PRODUCTION PLAN CERTIFICATION
- ENCOURAGE A DIVERSITY OF HOUSING TYPES FOR A RANGE OF INCOME LEVELS, AGES, AND ABILITIES.
- ENCOURAGE A GREATER VARIETY OF ARCHITECTURAL DESIGN AND DIVERSITY OF HOUSING TYPES.
- LEVERAGE OTHER PUBLIC AND PRIVATE RESOURCES TO THE GREATEST EXTENT POSSIBLE.

2. We recently received an updated plan prepared for the Parks Commission outlining their goals for the land on the opposite side of Cow Pond Brook Road, and their goals are consistent with our client's proposed nitrogen restriction areas. We have requested another meeting with the

Commission to continue discussions regarding the restriction. As stated at the meeting, without the restriction, Heritage Landing can still be built, but most of the units would become two (2) bedroom units. Having all the units as three (3) bedroom units is preferable as it provides a wider opportunity for families seeking affordable housing and alternative forms of housing.

3. Building permit costs were incorporated within our client's proforma financial calculations within Building Structure Costs. Although at some point in the process we may ask the Town, through the ZBA, to provide some relief on the affordable units.

4. The anticipated HVAC systems will likely be fueled by propane, but our client is also exploring the use of electric systems.

5. To assist residents, especially nearby residents, in expressing their questions and concerns directly to the development team, our client is setting up a website with an email address. The website should be live within 10 days or so, and we will get that information to you. Perhaps the ZBA can post a link on their website.

6. We do not know the selling price of the affordable units. At least 25% of the units will be available to households earning at or below 80% of the Area Median Income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Groton is \$89,400. The ultimate selling price will be a function of the applicable income figures at the time the units are sold and mortgage interest rates. A rough guess of the selling price is \$220,000.00.

7. The condominium common expense fees for the affordable units are the same as for market rate units, but our client is working on trying to lower the estimated expenses. Our client anticipates that the units will be served by a private trash service, the cost of such will be included in the condominium fees.

8. We do not have the proposed language for any easement or restriction language that NHESP may require for the turtle nesting areas, but we anticipate that no activities will be permitted within the area except for the use, inspection, repair and replacement of the stormwater management features and the subsurface septic disposal systems within designated areas and it is common to require on-going monitoring, and a long term management plan, of all turtle nesting areas.

9. Our client asked traffic engineers TEPP LLC, to recommend an appropriate scope of a traffic assessment and TEPP LLC recommended the preparation of a traffic-assessment memorandum including:

- sight-distance analysis of the Cow Pond Brook Road/Rosie Lane intersection
- traffic volumes, consisting of trip-generation analysis of the proposed land development
- emergency-vehicle access
- qualitative discussion of area traffic impacts

The proposed 40 single-family-detached housing units will generate the following weekday vehicle trips:

- AM-street-peak hour, 32 (8 in and 24 out)
- PM-street-peak hour, 42 (26 in and 16 out)

The above calculations are based on Institute of Transportation Engineers, *Trip Generation Manual*, 11th Edition (Washington DC, September 2021).

TEPP, LLC concluded that such trip generation is well below 100 trips in or 100 trips out. On this basis, with adequate sight distances for the Cow Pond Brook Road/Rosie Lane intersection, the project is anticipated to have no significant impact on overall area congestion and safety for vehicle and pedestrians.

10. The June 13, 2023 Memorandum from the Board of Health states that the Board of Health has not witnessed soil testing at the site. Our client has records of soil testing performed on site which was witnessed by representatives of the Board of Health. Some additional testing may be necessary, but as stated in the Memorandum, ultimate jurisdiction for review and approval of the system will lie with MassDEP.

11. In anticipation of the Board appointing a peer reviewer to review the engineering information on the plans, we respectfully request that the peer review be limited in scope to the level of detail required at this time by the applicable regulations. The plans submitted with the application are **Preliminary Site Development Plans**. As provided by 760 CMR 56.05 (2), the application materials for a Comprehensive Permit include “preliminary site development plans” as follows: preliminary site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site. The plan showing the proposed location and types of sewage, drainage, and water facilities, including hydrants likewise need only be preliminary.

Similarly, in accordance with the Board of Appeals Rules pertaining to Comprehensive Permits, Section 338-34 describes the contents of an application for a comprehensive permit, including the contents of a “preliminary site development plan”. Such a plan shall show “the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; type and location of proposed sewage disposal and proposed landscaping improvements; trash disposal; open areas within the site, including but not limited to school bus shelters and parks or other play areas for children; proposed stormwater management system; proposed property lines and rights-of-way of any proposed streets; and proposed lighting plans.”

The level of detail is deliberately lower than that required for a customary site plan review application, because (as provided by 760 CMR 56.05 (4)(a) “Consistency with Local Needs is the central issue of all Comprehensive Permits before the Board”. The applicant anticipates that, if and when, the permit is approved, that conditions of approval will describe requirements for the preparation and the review of final site development plans and engineering data regarding the

details of the project, including stormwater management, septic design, water services and other issues customarily required as part of a site plan approval plan.

We look forward to continuing discussions with the Board.

Very truly yours,
Alphen & Santos, P.C.



Paul F. Alphen, Esq.