

Minutes Meeting of June 11, 2003 – Groton Residential Gardens, Oak Ridge Estates

Members Present:: Mark Mulligan, Stuart Schulman, Chase Duffy, Dave Gandle, Bob Cadle, Shaun Sullivan

Mark Bobrowski noted that because of the advertising and notification of abutters issues, the hearing should be convened and continued with no presentation of evidence. Thus the hearing can be readvertised and the abutters be notified using all correct certified abutters lists. He said that if the hearing is not opened then the applicant would receive an automatic comprehensive permit through failure to convene said hearing within 30 days of filing, pursuant to M.G.L 40b, comprehensive permits.

Kristen McEvoy suggested that the hearing should not be opened.

Atty. Bobrowski disagreed and noted that he was hired by the Board as legal consultant for 40b projects. He then left for another meeting.

Mr. Degen, PB, said that the hearing should not be opened.

The Chairman said that the agenda will be discussed and the hearing will be opened with no evidence being presented.

Ms. McEvoy reiterated her belief that the hearing should not be opened.

Ms. Lathrop, abutter, noted general issues with the entire project.

The Chairman reconvened the Groton Residential Gardens hearing.

Of note: the project has expanded and additional copies of the application are necessary to distribute to various boards for their comments, as well as an updated abutters list for additional advertising and notification.

A continuation was requested for 7/16/03 @ 8:00 pm. The entire abutters list was also submitted. The applicant's counsel said that all twenty copies requested would be submitted with an additional six large plans.

Carrie Kneeland asked whether the old plan was being withdrawn since a new plan was being submitted.

Mr. Cadle suggested withdrawing the original application because he will not be sitting on

the new one.

Mrs. Collette, PB assistant, noted that Ms. Kneeland was referring to a MEPA plan, which is different than the 40B application and has nothing to do with the ZBA.

Mr. Degen, PB said that the MEPA is for a project change, etc., and suggested that the ZBA read through the MEPA packet. He noted that comments needed to be made prior to 6/30/03.

Ms. McEvoy noted MGL Chapter 11 by-laws.

Discussion ensued regarding due process regarding advertising, etc.

The Chairman convened the Oak Ridge Meadows 40B Comprehensive Permit hearing by reading the Legal Notice.

Mr. Cadle suggested that the Board wait to hire the consultants until the next meeting, which will have been properly advertised.

Mr. Mulligan proceeded to go through the criteria which determines whether the application is complete.

- 1) yes;
- 2) yes;
- 3) yes but needs a little work with one deed;
- 4) yes;
- 5) yes,
- 6) yes,
- 7) yes;
- 8) yes;
- 9) yes;
- 10) n/a
- 11) missing and incomplete infor;
- 12) yes;
- 13) incomplete, preliminary only;
- 14) abutters list incomplete for Groton and Littleton;
- 15) No 21E, etc. is mentioned and this should be addressed;
- 16) All fee issues need to be addressed.

Discussion ensued regarding due process.

Atty. Deschenes asked for the hearing to be continued to 7/16/03 at 9:00 pm.

Mr. Degen said that the initial meetings with the BOH were about this project being designated for 55 and older.

The Chairman felt that those discussions were unrelated to the ZBA.

Ms. McEvoy said that she wants input from boards regarding project availability and noted concern regarding the size of the project.

The Chairman said that the discussion needed to stop.

The hearing was continued to 7/16/03 at 9:00 pm.

The Board moved, seconded and voted unanimously to consider the zoning and planning checklist provided by the town's insurance company to ensure proper procedural order during a public hearing be incorporated into ZBA rules and regulations.

The meeting adjourned at 9:30 pm.