

## **Minutes Meeting of 9/04/03- Groton Gardens, Oak Ridge**

Members Present: Stuart Schulman, Shaun Sullivan, David Gandle, Mark Mulligan, Chase Duffy

The Chairman reconvened G.R.G. 40B hearing. He then read the memo from the Sewer Dept. into the record.

The Chairman reconvened the Oak Ridge hearing. He then summarized several memos into the record: 1) PB; 2) Police; 3) Leslie Lathrop concerns; 4) Josh Degen, as a private citizen said he wants a notice of intent re: the serious vernal pool which could this stop project; 5) P & S into record; 6) Con. Comm. – certified vernal pool; 7) BOS; 8) Water; 9) Sewer; 10) BOH

Doug Deschenes noted that he met voluntarily with the PB and that it was a productive meeting. He said that he will address all issues raised in that meeting. He said that he wants to talk about the vernal pool issue and noted that he is in the process of putting together a notice of intent with the Con. Comm. and Mark Slager, Landtech engineer. He said that his client received notification regarding the vernal pool at the end of June. He noted that it is a small pool to the rear of the site. He said that the entire light brown area on the map does not have the criteria of a vernal pool. He said that the area is too large to be vernal pool and does not have the characteristics of a vernal pool. He also said that nothing is proposed in there and there is no grading within 100 feet.

Mr. Gandle asked how a determination was made regarding the status of the large verbal pool

Atty. Deschenes said that at the last meeting someone said that the large area is a vernal pool.

Chris Corwin, Con. Comm. said that she certified it, and it is also certified with the State. It goes through the large area on the map and beyond.

Atty. Deschenes said that he needs to find out what is happening and noted that he was told that it was not the whole area.

Kristen McEvoy submitted a letter showing that it is in fact a vernal pool.

Discussion ensued regarding vernal pool locations.

Sandy Brock, JNEI, said that she will make calls to determine the vernal pool location. She then presented her engineering report, which noted large and smaller wetlands on the site. She also noted a smaller sliver along the Littleton line that leads into a cart path and is an upland. She said that there will be 44 units on site because that is the maximum allowed with Title 5. She said that if there are more units a separate wastewater treatment plan will be required. She said that up to 10,000 gal/day is allowed.

Atty. Bobrowski said that it is a qualitative differential and asked whether a permit should be required if the project is under the limit.

Ms. Brock said that the project is not impacting ground water if all setbacks are met. She said that DEP has set the guidelines at 10,000 gallons before a ground water discharge permit is needed. She said that if a proposal goes above that level a nitrate level analysis and mounding figures, etc. are required. She also noted that in terms of grading the site is balanced because the cuts equal the fills. She said that if it were a large cut or fill site other permits would be required. She said that the slopes vary from 1/5 to 8%, which are within the limits for a good driveway design. She noted that at the back of the buildings there is a 3 to 1 slope that can be mowed and doesn't need special stabilization. She said that the riprap slopes are 1 to 1 but there are some questions and wants clarification from the applicant regarding two retaining walls along the driveway where some grading seems to be low and murky. She noted that the left side is somewhat higher (wetlands side) and that there is an abrupt drop on the property line. She suggested that maybe the wall cannot be constructed without going over the property line. She said that the Con. Comm. is interested in the retaining wall on the wetland side, which could have more impact on the construction side. She noted that wooden guardrails are not adequate with a six-foot drop. She said that there is 500 feet before there is a split in the roadway and that there is one unit per 28,000 square feet including the wetlands. She reiterated that there are less units because a waste water treatment plant is not being constructed. She said that there should be sidewalks, although bus pickup will be on 119 because the road is private. She that there will be safety issues if parents wait in their vehicles with their kids. She said that the plan shows a one car garage and parking for one additional vehicle, but no visitor parking is shown. She said that there is 1400 feet from 119 to the end of the road and 500 feet to the "Y" in the road.

Atty. Bobrowski asked about the 2.3 acres in Littleton.

The applicant said that there are no plans now but that he will not commit to any condition other than that there will be no site access from Groton.

Ms. Brock asked about the number of handicap units.

Atty. Deschenes said that a small percentage of handicap accessible units are required and said that there is a plan to do at least two

Atty. Bobrowski noted that that is not necessarily necessary.

Discussion ensued regarding the extent of requirements for handicapped accessible units.

Ms. Brock said that snow removal/storage is less of an issue with this site because of lesser density. She said that the turning radius at 119 is a little tricky but this will be addressed by the traffic engineer. She noted that 15 units have accessibility issues to the rear, which is particularly

important re fire safety.

Atty. Deschenes said that he wants to meet with the fire and police chiefs.

Ms. Brock noted that no landscaping plans have submitted, but felt many trees could be saved, etc. She said that the drainage methodology being used is appropriate and noted that she has some very technological questions. She said that three detention basins are being used which should be like bathtubs to hold back runoff from impervious cover and then release it slowly. She said that none of the detention basins will make for extended release and said that there are no definitive water plans. Title V discussion then ensued.

The engineer for the applicant said that some additional testing is needed but noted that the areas by the proposed Title V system have good soil.

Discussion ensued regarding the distance of the Lathrop's well vs. runoff.

Ms. Brock noted that wetlands do a good job of cleaning up human junk but they cannot be overburdened. She said that the utilities will be underground and there will be no propane. She said that the proposed single access could be an issue that needs to be discussed with the fire chief.

Mrs. Duffy asked about egress to the rear of buildings.

Ms. Brock said that there is a big drop in slope at the rear of the buildings.

Mrs. Duffy asked about people egress to the rear.

Ms. Brock thought it could happen for safety issues and asked about dumpsters.

The Chairman noted that there are action items which need revisiting.

Ms. McEvoy asked about the yellow shown on the plan.

Ms. Brock said that they are hay bales and silt fencing.

Ms. McEvoy asked about the large detention fence and its impact on the large vernal pool. She also asked about pesticide use and salt going into the detention basins.

Ms. Brock said to mention the to the ZBA and Con. Comm. and suggested that no pesticide or salt use should be conditions.

Ms. Corwin said that the Con. Comm. can only regulate the first 100 feet.

Atty. Bobrowski said that the ZBA can further regulate that.

Ms. Brock said that the ZBA can regulate fertilizing and nitrates and also can deal with water quality.

Mr. McEvoy asked about the septic system nearly on his property. He said that the project is on the cusp of needing a waster water treatment plant and asked whether he should be concerned because of the proximity.

Ms. Brock said that the Board should be concerned but more about the vertical flow than the horizontal flow. She said that this would be less of an issue than with a full treatment plant.

Mr. McEvoy asked if the system fails who would be responsible.

Atty. Bobrowski said that the unit owners association would be responsible if the system fails. He said that the Town has emergency access and will be reimbursed by the homeowners through liens, etc.

Discussion ensued regarding nitrogen loading tests and whether more bedrooms could be added. Of note: restrictions can be made all across the board.

Mr. Gandle asked whether there is insurance to be gotten to protect against catastrophic damage re: septic failure, etc.

Atty. Bobrowski said that the condo association could be forced to put aside dollars as a protection.

Engineer for the applicant said that a condo septic system is much more closely monitored than that of a single-family home, and the results are submitted to BOH.

Mr. Sullivan asked whether there are dual pumps, and was told that there are. He said that there are steep grades in the quad are and suggested putting the system away from the wetlands. He also suggested using an evaporation pond instead of a deep detention area.

Engineer for applicant noted that the septic has not been finalized and said that it could be rebalanced. He said that the retention basin is for evaporation and not positive discharge and would always have a permanent pool of water. He said that other aspects take up more land.

Ms. Brock said that they don't want to dry out a vernal pool.

Mrs. Duffy asked about beavers. The engineer said that he didn't notice any.

Ms. McEvoy asked about vegetation.

Ms. Brock said that there is existing vegetation and some pervasious planting which is mowed once or twice a year. She suggested to the engineer to put in a tree line.

Discussion ensued regarding whether a wildlife study should be conducted.

Atty. Deschenes said that they will be talking with Pat Hickery of Natural Heritage.

Ms. Brock said that salamanders are afraid of the dark and thus a bridge rather than a tunnel would be required.

The Chairman said that he wants to defer for the time being on requiring a wildlife study.

Mr. Degen said that other projects have triggered a wildlife study.

Ms. Brock said that one cannot do a study in the fall because animals aren't doing their thing. She said that Spring or early summer is the time.

Ms. Korwin noted concerned about migration routes.

Ms. Brock said this is too small a project for wildlife review.

Mr. Degen suggested marking the center line of the driveway where it intersects 119.

A Site walk is scheduled for 9/13/03 @ 9 am.

The hearing was continued to 10/15/03 at 8:03 pm.

The Meeting adjourned at 10:00 pm.