

Minutes Meeting of November 12, 2003 – Washington Green Workshop

Mark Bobrowski, Doris Chojnowski, Michelle Collette, Jean Kitchen, Ray Lyons, Mr. Dresser, Mr. Tanner, the developer and Margot Hammer

Atty. Lyons suggested ZBA comments.

Discussion ensued regarding whether the Chairman should be present.

The primary ZBA issues are the proximity to the substation.

Atty. Lyons noted that they have moved the buildings away from the substation and have actually removed one building, although there will be the same number of units. He said that all rear driveways have been removed.

Mrs. Collette asked about some of the project being less than 100 feet from the wetlands.

Atty. Lyons said that it does not conform, but noted that the project only needs to meet Title V regulations. He said that no work will be within the 50-foot wetlands buffer.

Mrs. Collette said that the septic system setbacks need to be 100 feet from the wetlands and noted that this by-law has been in place for more than 20 years.

Atty. Bobrowski suggested putting the septic systems in front of the buildings and moving the buildings back and combining the systems.

Mr. Dresser said that that would require more impervious cover and is probably not environmentally necessary.

Atty. Lyons said that the buildings are worse for the wetlands than the septic systems are.

Ms. Chojnowski, of GELD, noted that the substation has been hidden for 25 years. She said that once this development is built, all the residents will know that the substation exists. She said that safety is a big issue, particularly around children getting in and being hurt or killed. She said that vandalism is also an issue. She noted that this is the only substation in town, and that if it is damaged the town could be out of power for a length of time. She also noted liability issues and asked for indemnification against any claims. She said that any noise from the transformers would only get worse.

Atty. Lyons asked whether Nate Nutting Road will ever have a substation.

Ms. Chojnowski said that only when this substation has been built out.

Ray said that old transformers louder.

Doris said not so and suggested that they buy out substation.

Ray said that GELD could move.

Doris said that we were there for 25 years and shouldn't have to incur that expense because of this project.

Discussion ensued regarding topography and how that affects the noise level.

Discussion ensued regarding what man-made buffers are possible, ie insulated fence, tree plantings, etc.

Mrs. Collette said that Hollingsworth & Vose is very loud in the summer. She said that the substation noise is very intrusive, and asked about a sound engineer consultation.

Mr. Dresser said that there were no plans for one.

Atty. Lyons said that a 10-foot change in topography makes a huge difference in noise level.

Discussion ensued regarding whether a nice environment is being provided so near to the substation.

The ZBA suggested removing the two buildings closest to the substation.

Ms. Chojnowski noted that a bad situation is being created.

Mr. Tanner said that they don't want to lose two buildings.

Of note: the site is 13.5 acres and the State allows up to 8 units per acre.

Mr. Tanner said that they could have more than 8.

Atty. Lyons noted that 10 acres are upland, and thus they could have 80 units. He said that the number was reduced to 44 so that a groundwater discharge permit would not be required.

Ms. Collette said that in an environmental Zone 3 district nitrate loading caused by more density is a concern.

Atty. Lyons said that this is not a real concern with this density. He said that they are designing

optimal systems.

Ms. Wood said that she wants access provided to the town land around the project.

Atty. Lyons said that his client is talking about donating land to GELD under power line, and noted that an easement could be placed on that land for access to the town land.

Discussion ensued regarding use of the town land. Mr. Tanner said that he doesn't want public access through the development, but emergency vehicle access would be okay.

Ms. Wood said that she thinks that the upland area of the town land is much cut off by wetlands and thinks an easement is a good idea.

Mr. Tanner said that in Zone 3 there are no DEP regulations.

Mrs. Collette said that local by-laws govern zone 3, and asked whether the project conforms. She noted concern regarding the gallons/per day/sewage.

Atty. Lyons said that there is a waiver request for local by-law zone 3 regs.

Discussion ensued re: EMF issues. Atty. Lyons submitted something from the internet. Atty. Bobrowski said that it is a political lobbying ground, (information ventures, inc.).

Mrs. Chojnowski said that trees don't buffer much noise.

Atty. Lyons said that they reduce noise and the units are more marketable.

Foulkes, Tim, sound engineer, environmental.

Doris, has GELD lawyers looking into emf issue. Has perceived health risks and utilities have been held accountable for reduced property values. Want written into deed that cannot sue for values or health issues.

Mark – said would be hard to enforce deed restrictions about suing, particularly with increase in activity of substation.

Doris – ZBA needs to decide if GELD concerns outweigh project viability.

Mark- wants an expert to review emf readings. 40bs have been denied and upheld when there is a health risk, ie airport and noise levels very important, chemical plant, etc. Not good public policy to place housing where health risk.

Dresser- zoning doesn't address distances from substations and thus no risk.

Mark project is much denser than zoning allows.

Tanner – talking about proximity.

Discussion ensued regarding peer review.

Tanner perceived problem won't stop project. Only marketing issue for them.

Doris said that could be a real problem for town.

Michelle site distance on Lowell road show stopper for subdivision of 5 or 6 lots. Also too much cut and filing that affects chiriboga property.

Ray working with GELD to improve site distance and keep area mowed.

Dresser- low lying scrub brush hampers site distance. In town right of way and could be taken care of by town.

Ray – home owners association could pay for mowing.

Jean – need agreement with town to have private people working in rightofway.

Mark- escarow account for mowing.

Michelle- Police Chief red flagged site distance issue. Some issue is topography.

Jean- more affordable units.

Whistle suggested having them do affordable on town land.

Mark- some lengthy process but could happen.

Ray said that adding road would change layout and buffer issues substantial.

Michelle felt, as Whistle suggested, a joint venture with applicant to develop town land for additional affordable housing and GELD could have a larger buffer zone, etc. Could be a win/win.

Ray dead in water if lose this project. Too much time.

Discussion ensued regarding ramifications to dual projects.

Michelle need to go to Con. Comm re buffer issues.

Of note: traffic issues are on the agenda for the 3rd of December.

The Meeting adjourned at 11:00 am.