

Minutes Meeting of July 13, 2004 – Oak Ridge

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

The Chairman reconvened the Oak Ridge hearing.

The Town Line Neighborhood Association asked for additional PB review.

The Chairman said that he was okay with this.

The applicant said that he was not okay with this.

Carolyn Perkins said that if the applicant is not interested with a new review the Board can just submit the newest JNEI report to the PB. She noted that collector streets need an 8% grand and this 10%, which could be some issue.

Discussion ensued regarding what Littleton is asking for, etc.

Atty. Bobrowski said that Judith Pickett, Littleton Town Counsel, said that there are no issues regarding by-laws that waivers are needed for.

Mark Slager, engineer for the applicant, said that 350 sq ft of work is in Littleton and DEP says it is a negative impact because the new parcel is so small.

Atty. Bobrowski said that the Board needs to wait for a response from the Littleton BOS, who have until at least 8/1/04 to reply.

Discussion ensued regarding whether the Board needed an additional site eligibility letter. Traffic was discussed as well.

Of note: State and Littleton issues are the same involving both the Con. Comm. and the BOS.

Mrs. Duffy asked about the width of the road that would service 11 buildings.

Mr. Slager said that there were no issues presented from the fire chief.

Mr. Sullivan suggested that because there is only one egress maybe this should be re-reviewed by both Groton and Littleton PBs.

Mr. Slager said that it is a standard width for a roadway with off street, garage and guest parking.

Discussion ensued regarding the loop driveway and possible emergencies.

Ms. Perkins, PB asked whether it was a 24-foot pavement.

Mr. Slater said it was 24 feet from berm to berm.

Ms. Perkins said that 24 ft is a lot of pavement and more than sufficient.

Atty. Bobrowski said that the issue of off street parking is important.

Mr. Slager said that the PB wanted 7 or 8 additional parking spaces and they did that.

Atty. Bobrowski said that the Board could decide to ask for a few more spaces because it's a big site and thus shouldn't be an issue. He also said that the applicant should submit a new plan to Gary Hebert.

Of note: make sure that Mr. Hebert gets the new plan.

Discussion ensued regarding water issues.

Mr. Field said that he would go with Groton Water wants and needs.

Of note: the buildings are 6600 sq. ft, less than the 7500 sq. ft. required for a sprinkler system.

Atty. Bobrowski said that he will get Mike Jacobs to do a pro forma review.

Mrs. McEvoy said she wants a list of requested variances.

Atty. Bobrowski said that the is a good request and should be submitted. He said that that takes place in deliberation. He asked for clarification regarding the 55 and older status.

Mr. Field said that yes that is the criteria.

Mr. Sullivan asked about the number of units at the Deer Haven project.

Discussion ensued regarding the number of units and impact.

An abutter noted concern regarding the swamp at the end of Sunset Road and other wetlands. He said that all houses have wash wells and is concerned regarding the quality of the wells.

Mr. Slager said that in the new application there is no filling in of the swamp at all and no adverse impact on wells.

Discussion ensued regarding the water department routes.

Mr. Orcott said that there is a requirement that the Water Department has control and stubs are left for abutters to be able to get town water.

Atty. Bobrowski asked whether blasting will occur.

Mr. Field said that there is no indication of need because only nuggets of rock have been found.

The Chairman asked about the amount of ledge.

Mr. Slager said that no ledge has been found in test holes.

An abutter said that there is a lot of ledge and some sandy soil.

The Chairman asked whether there has been BOH review and the applicant replied in the affirmative.

A Littleton abutter said that there is ledge and a hill and felt that water could be affected.

The Chairman asked about how to protect the water.

Atty. Bobrowski said that it is difficult to prove how a water supply is tainted. He said that it is hugely expensive to hire a hydrogeologist and would be unlikely to prove anything. He said that it could be left to tort legislation and said that it is fair to put a blasting condition in.

Mr. Slager said that they would do a base line study of surrounding homes to determine whether any damage occurs if blasting is necessary. He said that they won't know about blasting until the 1st week of august.

Atty. Bobrowski reiterated that the Board can condition blasting in the decision.

An abutter asked whether another water line could be run down Sunset Dr. as a protection.

Mr. Field said they would not agree to that.

The Chairman said that if blasting testing, etc. cause damage than the applicant should remediate if a problem occurs at Sunset Rd.

Mr. Sullivan said that there should be an opportunity for relief if there is a problem.

Mr. Orcott said that it is not an enormous cost to extend for the applicant. He said that there are

problems with wells there already and thus Bayberry Rd. people opted to extend town water.

Atty. Bobrowski said that this all feeds into what Mike Jacobs has to offer regarding the pro forma. He said that the Board needs to think about possible mitigation measures.

Mr. Sullivan asked whether the Water Dept. wants a stub down that road.

Mr. Orcott said that yes, they did.

Of note: the plan has been submitted to the earth removal committee and they have not responded to date.

Mrs. McEvoy asked about the additional test holes, wondering why they are being done in August instead of April. The applicant said that there was no time available. She also asked about the Littleton parcels and whether the original parcel is part of the pro forma. The applicant said that it was not. She asked whether the two-acre parcel could be guaranteed to have no access from Groton. The applicant said that he would not guarantee that.

An abutter felt that the applicant had already said that there would be no access from Groton.

Atty. Bobrowski said that there would be no access from the loop road. He suggested asking for a condition that the remaining Littleton parcel not be built on.

Mr. Field said he would look into this.

The Chairman asked whether this was for the record.

Atty. Bobrowski said that that is what they said.

Mr. Field said that he no intention of building there but could not answer for his partner.

Mrs. McEvoy asked that if all show stoppers have been taken away when can the abutters negotiate how it can look nice with buffers, etc.

Atty. Bobrowski said to do it when the public hearing is open and suggested making a sketch with attached narrative.

Mrs. Perkins asked about the buffer.

Discussion ensued regarding what to save for trees, etc.

Atty. Bobrowski said that Groton does not need to share any units with Littleton.

Mr. Degen asked whether the applicant has represented in writing what will be cleared, etc.

Atty. Bobrowski noted that as a condition.

The two PB members said that it should be on the plan and as condition.

Mr. Slager said it will be mandated as shown on plan but he doesn't want to lock anything in yet until the site testing is final and the septic system plan is finalized.

Atty. Bobrowski said that the ZBA retains the final authority to sign off on plans.

A Littleton abutter noted concerned about the driveway layout. He said that he is concerned about ledge in the rising part of the driveway.

Mr. Degen noted concern that the applicant should be required to provide a screening plan and the onus should not rest on abutters.

Atty Bobrowski said that because this is an affordable housing project the applicant won't hire landscaping architect early on. He said that it is good for for abutters to say what they like. He said that no permit will be issued until all signage, etc., landscaping etc.

Ms. McEvoy and Cunningham property owners wanted to go on record that the applicant should get rid of the buildings in the back and keep more open space.

Ms. McEvoy said that developer is not willing to work with abutters.

The Chairman said that the issue seems to be the removal of eight buildings and landscaping and agreed that there should be some appeasement between the developer and abutters.

Mr. Field said that taking away buildings is not an answer.

Atty. Bobrowski said that landscaping may be an answer but noted nothing is being offered.

Mr. Slager said that they want to keep 40 to 50 ft of trees around the septic system.

Atty. Bobrowski asked whether there is another place to put the reserve.

Mr. Slager said that if it needed to be moved they could plant more trees.

Steven Gentile, abutter, noted that he is the most visually impacted by this project. He said that Mattbob has been open to providing some buffer, but to date he has nothing in writing. He said

that he has been having discussions with the developer for more than one year.

Atty. Bobrowski said that the more information listed in a decision, the more ironclad it will be and stressed that that's why abutters can really help.

The Chairman wanted landscaping clearly outlined before building begins.

Mrs. Perkins asked about tree line blocking between the septic area and buildings.

Of note: the Board wanted clarification regarding a possible fire truck issue.

Mr. Degen said that he doesn't understand why the ZBA is asking for abutter input when they are tax payers, etc.

Atty. Bobrowski said that a wish list from abutters is a good thing and stressed that they should ask for the moon. He said that the ZBA can negotiate from there.

Mr. Sullivan asked for clarification regarding a tree line shown on the plan.

Mr. Degen said that the tree line as shown might not be as it is built.

The Chairman noted that the Board understands that.

Mr. Sullivan asked how the tree line was arrived at by the applicant.

Discussion ensued regarding how the tree line was determined.

The Chairman noted for the record the following memos and issues:

BOS

Con Comm. X2

State amended eligibility letter

PB recommendations, driveway, fire safety, 7 parking spaces, etc.

Discussion ensued regarding having the traffic engineer to discuss single access and parking, JNEI and the Mike Jacobs pro forma review.

Atty. Bobrowski asked whether a workshop is in order.

Discussion ensued regarding whether the density could be reduced or the number of affordable units increased, or major landscaping, etc. could be negotiated.

An abutter asked one more question about water, the answer of which the Board didn't know.

The Chairman continued his list of issues, etc.,
Earth testing and removal,
Land clarification regarding the Littleton parcel,
Landscaping.

Atty. Bobrowski noted that following issues:

Traffic: five issues,
Water: what is happening, particularly re: Sunset Rd. signoff,
JNEI signing off of plan,
Blasting issues.
He suggested one meeting with traffic, engineering and water being discussed.

Mr. Degen noted his unhappiness that the application won't come before the PB again.

Mrs. Perkins said that the JNEI report submitted to the Board would be enough.

The Chairman noted that the only change is with the driveway.

Mr. Degen noted that the earth removal committee wants a meeting.

The Chairman said that the applicant doesn't want to meet so there will be a section of a ZBA meeting for earth removal bylaws, etc.

Mr. Degen commented that a Boxboro 40b developer earned over 20% profit and asked how the ZBA intends to monitor the project and earnings.

Mr. Field noted that he owns the real estate office handling sales.

Atty. Bobrowski said that there are different ways of handling how a project is monitored. He said that projects as proposed are slimmer on paper, particularly if the developer plays different roles. He said that as long as profit is taken within the proper role and within industry standards, it is okay.

The Chairman asked who keeps an eye on that standard.

Atty. Bobrowski said that this is a for sale project and will be audited big time.

Discussion ensued how to monitor the finances and who could be the auditor. A suggestion was made for Mike Jacobs to serve in that function.

The hearing was continued to 7/28/04 at 8:00 pm.

Of note: book space.

The Meeting adjourned at 10:50 pm.