

MINUTES MEETING OF OCTOBER 20, 2004 – Rimkus, MISSIC

Members Present: Stuart Schulman, Chase Duff, Mark Mulligan, Shaun Sullivan, Jay Prager

The Chairman convened the Rimkus hearing by reading the Legal Notice.

The applicant was present, noting that there is not enough height on the second floor so they are proposing to build a 12-12 on one side and a 4-12 on the other. He said that they will raise the roof approximately 5 ft. and said that there is no foundation change. He said that they want 2 bedrooms and a bath on the second floor. He said that currently the height 6'6" and there is no heat. He said that he has a septic system for 3 bedrooms and the dwelling is currently one bedroom so the BOH okayed the addition.

An abutter wondered why if the non-conformity is not being increased, that they need to go before the ZBA.

The Chairman read the by-law for explanation.

An abutter noted concern regarding the access, particularly because the applicant but in a fence next to the road. He said that he was concerned that the construction workers will block the road, particularly since he has a business at home and can't afford to have the road blocked.

Mr. Rimkus said that his workers could park inside of the fence.

An abutter said that when the fence was being installed, the fence installers totally blocked the road.

Of note: the road is 1 rod wide.

Mr. Rimkus said that the fence is 4 ft. in.

The Board went over the special permit criteria.

1. No affect.
2. No affect.
3. Covered by the 3 bedroom Title 5 permit.
4. Improvement.
5. Covered by title 5
6. Positive fiscal impact because of a higher assessment.

The Board moved to grant a special permit based on the fact that it meets all Special Permit criteria and is an overall improvement to the neighborhood.

Of note: Conditions attached that BOH regs are met and construction vehicles don't block the road.

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Mr. Collins and Mr. Pine were present as agents for the applicant, noting that it is a 15-acre site, 1.5 miles in from Cow Pond Rd. and lies adjacent to the highway dept. and the transfer station. Mr. Collins said that the property is identified as the Oliver Wright land, who is a descendent of one of the original partitioners of the town. He said that at one time the parcel was found to be too far from Groton center and should be part of Dunstable. Mr. Patierno was able to purchase the right of redemption when the Town had to turn the land back to the owner of right. He said that Mr. Patierno has met with the town to discuss the site before he acquired ownership. He said that the aim is to facilitate older Groton residents in down sizing and to be able stay in town. He said that they just got plans for delivery to the PB for site plan review, noting that 50 % will be restricted to 55+ and under a subsidized housing program for Groton residents. He said that using the formula the project could have 155 units and the plan is only suggesting 48. He said that 36 will count as affordable in the State count. He said that this is a conservative approach but helps the community to further reach the affordable count and limit future 40Bs. He then asked Mr. Pine to give some review and the Board to schedule a site walk.

Mr. Pine gave specifics regarding location, etc. and noted that this is a somewhat difficult site. He said that he wants to create a pond in the middle of the development, to make use of a large reservoir of ground water. He said that in creating the pond, materials could be moved back to make the grades more approachable. He said that he wants to keep views to the town fields open, with a community type of area. He said that the 12 duplex units will have walk out basements and mostly private backyards. He said that there will be a communal gathering ground to create a sense of community and a private road to the rear of the buildings.

Mrs. Duffy asked whether the grade would be the same as for the transfer station.

Mr. Pine was unsure but said that it was far enough away that it is not issue.

Mr. Prager asked about the view of the highway garage.

Mr. Pine said that the town will let some landscaping be placed on town property and there will be a berm and trees to minimize the sound of the shooting range and highway trucks. He said that they are going with the assumption that the shooting range will stay.

Mr. Collins said that they have worked with the Town to allow topographic and landscaping changes on Town land.

Mr. Prager asked about parking.

Mr. Pine said that there are 2 spaces per unit and the duplexes have garages.

Mr. Collins said that the Board will receive site plan review plans at the next hearing.

The Chairman said that he has questions and read a memo into the record from Lo/Pistorino.

Atty. Collins said that 3/4 of the units will count towards the affordable quota under LIP. He said that 50% of them will be limited to 55+, 3/4 will be affordable, and noted that three buildings are rentals and the duplexes are for sale at market rate. Mr. Patierno is subsidizing by keeping the rents below a certain level. He said that there is a familial relationship between the rentals in the three buildings and the duplexes.

Mr. Patierno said that the duplexes are 1700 sq. ft. with one garage. He said that the two bedroom buildings will be 1000 sq ft. and there will be one and two bedroom handicapped units. He said that the one-bedroom units are 925 sq. ft. and all handicapped accessible. He said that the rentals are based on the median income formula from the State.

Discussion ensued regarding formulas and how determinations for affordability are made.

The Chairman asked whether they could get feedback from the BOS.

Mr. Collins said that he will get feedback from the housing authority and the BOS and noted that he has BOS guidelines.

Stu wants copy of that agreement with BOS. Also wants clarification of review process.

Mr. Collins said that the plan will be reviewed by the BOS, BOH, PB, and said that there are some issues with the Con. Comm. He said that he wants to note that this is the first application under this section of the by-law.

The Chairman read a letter to the BOS from neighbors into the record and then asked for comments from the audience.

An abutter asked about the location of the shooting range.

Mr. Collins said that he is not sure but believes it to be about 1500 to 2000 ft. away.

An abutter asked about wells.

Mr. Collins said that they are bringing town water in.

Tom Pistorino, Hoyts Wharf Rd., would like an accurate site map showing the shooting range, etc.

Loyola Davenport asked for a noise level study of the shooting range. She said that she can hear shooting from the ranges in Westford and Groton and chanting. She said that this could be a concern because it is coming from both ends.

A Site walk is scheduled for 9:30 am on 10/23/04.

The hearing is continued to 12/01/04 at 7:30 pm.