

Minutes 1/11/05 – Oak Ridge Draft Decision Review

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

Atty. Bobrowski noted that erosion control and water are done.

Agenda for today: BOH, Con. Comm. and PB.

Atty. Bobrowski said that there will be a discussion as to which waivers the board is willing to grant when boards are asking that no waivers be granted.

The PB memo was discussed.

Discussion ensued regarding whether the Board needs to get additional drainage review from JNEI.

The Chairman said that he wants some sort of well testing.

Atty. Deschenes said that as part of the State building code there needs to be a pre-test done house to house.

Atty. Bobrowski said that well testing is not required and would be additional if the Board conditions it.

Discussion ensued regarding the scope of testing and further engineering review.

Atty. Deschenes noted that this has been under review for almost two years and said that the final plans won't look that different from what is in most recent plan submitted. He said that they want review only for consistency and completeness and not for redesign.

Atty. Bobrowski said that he can't prevent unreasonable recommendations from coming and noted that the ZBA has final say.

Mrs. Collette suggested that the final plan has what was required under 218-5.3 submissions and the applicant should already have that.

Atty. Deschenes said that it feels like starting over.

Atty. Bobrowski said that there is a difference between preliminary plans and definitive plans and said that in some areas the Board needs more definitive plans.

Atty. Deschenes asked why issues regarding the throat in the road and driveway cuts weren't mentioned before.

The PB said that they had submitted a memo regarding this issue on 7/28/04.

Discussion ensued regarding what Mr. Hebert needs to clarify vs. JNEI.

Atty. Deschenes asked whether a condition regarding parking could be enforced by the town.

Atty. Bobrowski said that it could at least be enforced by the Zoning Enforcement Officer.

Atty. Deschenes said that the single access issue is really semantics because the road is only a single access for 600 feet before it splits. He said that residents have either side of the circle (loop) to get to a single road that is well below the 1000-foot requirement.

Atty. Bobrowski said that a single way in and the same single way out is how, under case law, a dead end is measured.

Mr. Sullivan said that he would rather give up some wetlands and have a boulevard entrance.

Mr. Mulligan said that he lives on a dead end.

The PB noted that Watson's Way only has 12 structures.

Atty. Deschenes said that this is only one lot, technically, and that is what the PB rule states.

Ms. Eliot said that by definition it means # of units and not # of lots.

Atty. Deschenes said that the project has sprinklers and a master control box that is not required and costs \$50,000, at the request of Fire Chief.

Discussion ensued regarding the priority of saving wetlands and the Con. Comm. request that no waivers be granted.

The Chairman asked what would happen with the construction of a boulevard and potential impact on the wetlands.

Atty. Deschenes said that they would need to redesign the entire entrance and this would affect drainage. He said that the detention basin would probably double in size and would this move the road further toward the wetlands.

Mrs. Duffy recalled that if the road is moved and widened, Sandy Brock said that could cause the detention basin to overflow onto the highway.

Discussion ensued regarding the age restricted (55+) conditions.

Atty. Deschenes said that all units require a single unit owner of at least 55+. He said that he feels that people with young kids aren't going to want to live there.

Discussion ensued regarding #15, the net increase in runoff, which is a volume rating.

Atty. Bobrowski said that he asked Mike Jacobs about figures for 36 total units and 12 affordable. He said that Mike's computer crashed and is still waiting for answers.

Atty. Deschenes said that he wanted clarification regarding earth removal specifications, and noted that he wants 10,11,12 looked at and redrafted.

Atty. Bobrowski said that #10 is fine.

Mrs. Collette said that the BOS grant the exemption from earth removal. She noted that the applicant represented that it is a balanced site.

Atty. Deschenes said that the engineer thinks that it is balanced site but noted that they won't be sure until the calculations are done. He said that he doesn't want to have to go to other boards when asking for a Comp. Permit, but only to the ZBA.

Atty. Bobrowski said that he will work on #11.

Atty. Deschenes said that he wants #12 worked too and suggested inserting applicable permits.

Mrs. Collette suggested asking for review by the BOS and Earth Removal under #11.

Atty. Deschenes said that they want 3 years to complete the project.

Atty. Bobrowski said that under the HAC rule they have 3 years to commence the project.

Atty. Deschenes said that they will complete the project in 3 years.

Mrs. Collette said that the 3 year requirement is related to erosion control rather than earth removal. She said that erosion controls need to stay in effect until the project complete.

Atty. Deschenes said that that is reasonable.

Atty. Bobrowski asked about the ramifications if the project is not done 2 years from the pulling of the building permit.

Mrs. Collette suggested a site alteration condition.

Chief Bosselait said that certain permits need to be obtained from the fire department and shouldn't be circumvented through the ZBA.

Atty. Deschenes agreed.

Chief Bosselait said that he has some concern regarding the single access and a low salt area.

Atty. Bobrowski said that any low salt program would be reviewed by JNEI.

Chief Bosselait said that they carry chain saws if a tree falls and noted that a 22-foot roadway plus sidewalk gives some area to get around.

Mr. Tierney said that most trees on the site are coming down.

Atty. Deschenes said that they have sprinklers and a master control box.

Chief Bosselait asked about traffic interceptors on trucks to help ease traffic for access of public safety vehicles, and about the Littleton access.

Atty. Deschenes said that it is all okayed with Littleton officials.

Chief Bosselait said that Littleton would respond if Groton called them. He said that the cost for the interceptors is about \$10,000 to \$15,000.

Discussion ensued regarding profit margins, etc.

The Chairman asked what can happen regarding site activity before a building permit is issued.

Atty. Deschenes said that at least 3/4 of the site is protected by the Wetlands Protection Act.

The Chairman noted concern regarding what happened at 4 Corners, with all the trees being cut down.

Atty. Bobrowski said that before there is any site disturbance the applicant must provide a limit of clearing and protective measure plan.

Atty. Deschenes said that no site work will be done until an erosion control plan, etc. is okayed.

Mrs. Collette said that the limit of disturbance is very important on an erosion control plan.

Atty. Deschenes said that his client gives the Board an extension until the 28th of January.

A meeting was scheduled for 1/21/05 at 8:30 am.

Atty. Deschenes noted that there are four areas that infringe on the 100-foot buffer.

Atty. Bobrowski said that the Board needs a clean plan for the Con. Comm., as well as other waivers.

Atty. Deschenes said that there are septic issues, such as proximity to the neighbors as a key concern. He said that engineers have worked the area and found a couple of bad perc tests. He said that they could not move the septic site down because of failed perc tests. He said that even if the main area is moved over, they could not move the detention basin. He said that the site could be moved with the elimination of four units so that all local BOH requirements will be met but the reserve system.

Discussion ensued regarding the viability of 36 units.

Atty. Deschenes said that the Board can only remove four units and noted that the Littleton land is not a viable option. He said that they have done no testing and any work would require cutting off the top of a hill and cutting a lot trees there as a buffer. He said that this would require a substantial redesign of the project.

Atty. Bobrowski said that he feels that the road could be shortened with eight fewer units and thus the reserve system could be moved.

Atty. Deschenes said that they could reduce the square footage of affordable units and keep the number at 12 units out of 40.

Discussion ensued regarding whether it would be okay to have the affordables look different.

Atty. Bobrowski said that Mass Housing cares about the look from the street. He said that they could negotiate the percentage of affordables.

Dr. Horowitz said that she doesn't want the reserve in Littleton, but wants the whole system in Littleton. She said that if the applicant removes eight units all the BOH requirements could be met with the system in the same spot.

Mr. Sullivan felt that if they could not remove 8 units and meet the BOH regs. than the Board would be remiss not to require them to look at the Littleton land. He said that a septic system not like getting all the housing close by.

Of note: The applicant would need to go through the 40B process and/or Title V in Littleton if the septic system is moved.

Mr. Mulligan asked whether our consultants could review having the reserve and regular system right next to each other.

Atty. Bobrowski said that typically towns have used Title V regulations and the local regulations are stricter and a different review.

The Chairman said that he wants to have all local regulations met if possible.

The meeting adjourned at 6:30 pm.