

MINUTES MEETING OF MAY 25, 2005 – Pineridge Court 40B, Niemaszyk

Members Present: Stuart Schulman, Jay Prager, Cindy Maxwell, Mark Mulligan, Chase Duffy

The Chairman convened the Pineridge 40B hearing by reading the Legal Notice. He noted that there is one housekeeping item for the record regarding Megan Mahony-Wickham. He also noted that all concerns will be addressed over the course of the process, which takes more than one year in general. He said that legal, planning, traffic and financial consultants will be hired to aid in understanding the process/progress. He said that tonight is for the flavor of the project and not a huge in depth presentation and noted that the Board will schedule subsequent meetings and a site walk. He said that there is a range in topics during the process from traffic, fire, police, Con. Comm., PB, and usually last is the financial/pro forma review. He stressed that everything is iterative until solved to the Board's satisfaction. He said that he knows this process can be painful to abutters but stressed that he wants comedy and good behavior.

Mr. Mulligan went over the completeness of application:

1) The site development plan has been submitted, although not a lot of information related to the general materials used was available. He said that there is some minimal landscaping noted, and expects a more in depth plan later. He said that the plan has been stamped by an engineer and there is a report of site conditions, etc., noting that a single family dwelling is currently on the land. He said that there are no existing street elevations and said that the traffic patterns will be handled by the traffic study. He said that there is no notation of the character of open areas in the neighborhood, and noted that there are no resource districts. He said that existing wetlands areas are present and said that there is topography noted. He said that there is ledge, etc. but no vernal pools or significant environmental factors. He said that there are scaled architectural drawings but some specifics were not noted, such as the tabulation of buildings, ie type and size, # of bedrooms, etc. He said that this can be gleaned but there are no specifics.

Atty. Deschenes said that there is a chart at the very end of packet submitted.

Mr. Mulligan continued with further review of the list, noting the LLC, etc. He said that the waivers listed in Exhibit H are as requested so far. He said that he wants a list of each member of the development team but noted that otherwise the application is pretty much in order.

Atty. Deschenes said that this site is off of Jenkins Road, which lies to the south of the project, and the fairgrounds are to the west. He said that the parcel is 9.53 acres, with the wetlands comprising 2.3 acres as shown in light green. He said the wetlands have yet to be verified by the Con. Comm. He said that the buildable portion is 7.23 acres, all of which is in an R-A zone. He said that currently there is a 2 story single family home. He said that the site distances are as follows: to the west is 350-500 ft. and to the east 250 feet, both of which can be increased. He said that across the street from Jenkins Road is open space associated with Partridgeberry Woods. He said that there is much wet area to the east and the rear of project area is undeveloped. He said that there is

residential development to the west and only one dwelling is within 50 ft. of the lot line. He noted that the topography gently slopes to the east and west, and is split by a ridge. He said tha the highest is elevation of 228 is in the center of the parcel and slopes down to 220 and 222 at the edges. He said that this is about an 8 foot differential and the soils are Windsor loamy sands; the perc rates have been done and these area viable soils for septic systems. He said that his client needs to do additional tests to submit the septic design but stressed that other areas need to be more solid in the project first. He said that the 100 foot buffer line is shown in red and no work is proposed within that buffer zone, and thus the project is out of Con. Comm. jurisdiction. He said that there is no indication from DEP that any hazardous materials were ever on the site.

Atty. Deschenes noted that this is an age restricted project, where one resident has to be at least 55 years or older. He said that there are 44 units ranging in size from 1344 to 1466 square feet and containing two beds and baths. He said that there are 94 parking spaces, 48 being located under the building and accessible as shown on the plan. He said that the project is served by an elevator and noted that this is a feature almost required for salability. He said that all units are single floor living and noted that there are 46 more parking spaces in the outside parking lot, with handicapped parking and van accessible parking available. He said that there is Town water, gas, cable, etc. and an onsite subsurface septic system with a separate reserve area. He said that his client wants to start construction about 60 days from permit issuance and it will take about 18 months to complete. He said that his client will do a traffic study to address the town's concerns re: Jenkins Road viability to handle traffic, and noted that fees paid should off set water, etc. costs. He said that there is less traffic impact and noted that there may be some impact on the schools, although with 55+ it is generally less. He said that if there are 44 units without any age restriction, the project would generate 6 or 7 kids because it is not conducive to family living. He said that the figures project are less than five children with the 55+ age restriction, and stressed that it could be zero. He said that the project will require fire, ambulance, etc.

Atty. Deschenes said that this is a general overview and noted that there is some little more detail in the application. He said that he has tried to do a general review of the by-laws to detail the waivers requested so far. He stressed that a large number of waivers are not typical and specific yet, and noted that the only dimension waiver being requested is building height and a waiver for some parking lot plantings, as well as no site plan review, multi-family use and growth limitation. He said that the septic system is not totally designed yet but the plan will be done and they will ask for waivers then. He said that with Earth Removal, the only question may be where permits are gotten from. He said that there may be a waiver from local 40b requirements, and said that a complete set of electrical plans will be submitted, along with deep hole testing. He said that they have a certificate of good standing and noted that projects change and move so they don't want to have to redo testing and plans many times.

Matt Waterman from Landtech was present and Mark O'Donnell from Hicks, Inc.

Mr. Prager questioned Atty. Deschenes' statement that the building is in scale and in keeping with

the character of the community.

Atty. Deschenes said that there is an existing dwelling and no development except to the west of the project.

Mr. Prager said that it would be consistent if nothing was on the property. He asked, for the record, to understand how this project is in keeping with any project or building in Groton.

Atty. Deschenes said that it is premature to be making comments about aesthetics.

The Chairman asked about the delaying drilling of holes.

Atty. Deschenes said that he knows that a septic system can be constructed on the site but before the final system design is completed, more tests will be needed. He noted that they have good permeable soil there.

The Chairman read letters into record: 5/17- BOS

Atty. Deschenes said that at the time of the initial presentation, his client was talking about conceptual, preliminary ideas, and noted that the meeting was called prior to submitting anything formally. He said that the BOS wanted more detailed plans, noting that they did meet two other times with other Boards and Town officials. He said that the Boards spoke of different designs, and other sites to visit. He said that they looked at two projects and conveyed feelings about them to the BOS and received nothing back. He said that this was the plan submitted to the State and what they are starting with. He said that the letter from the BOS doesn't accurately reflect the number of meetings that happened before the application went to the State. He said that this design creates a real sense of community, etc., noting that the underground parking and elevators are positive.

The Chairman said that the Selectmen don't want a building of this scale.

Mrs. Collette said that she has visited both projects in other towns, as suggested by applicant.

Mrs. Western asked about parking.

The Chair noted that these issues would be discussed at the next hearing.

Mrs. Sartini asked about the height of the building and what the current regulations are.

Of note: 35 ft. is the current height regulation.

Mrs. Sartino asked how the 3.5 stories are measured.

Atty. Deschenes said that he will have to check how the building was measured but thinks it is 45 ft. from lowest to highest.

Karen Bailey asked about the units and affordability.

Atty. Deschenes said that all units are 55+ age restricted and 11 are affordable.

The Chair read two BOH memos into the record, as well as memos from the PB, Water Department and the Con. Comm.

Leslie Wickfield noted that there is no town water.

An abutter asked about the square footage of the community space, etc.

Another abutter noted having a lot of experience living next door to project site. He said that there is a presence of ponding and water streaming towards their homes, heading down stream. He said that since purchase many trees have been taken down on the MacMillan property, which has exacerbated the problem. He said that this is a sensitive water table and drainage area, noting that there have been many problems in the development of Partridgeberry Woods. He stressed that this is a hydrologically sensitive site and needs a detailed study. He said that he also has headlight issues, etc. and asked about any changes in the plan. He said that he thought that the slab for the original garage was going to be poured at a 220 elevation. He said that he thinks that the garage would need to be at least 10 to 12 feet high if built above peak grade of the property and then there would be 45 feet of building above that. He said that this is a very high structure and noted concern about the amount of fill that will be brought in.

Mrs. Perkins said that this is the first project since the housing plan was accepted and stressed that this was not in keeping with anything. She said that the Town will meet the requirement of 25 units and wonders how this project will be reviewed under those circumstances.

The Chairman said that it is a totally different review with the housing plan in place.

Mrs. Perkins said that in Partridgeberry Woods the flooding came very suddenly and was a nightmare to rectify. She said that it was a result of poor planning and a change in the plan after onset that created the issues. She said that on Jenkins Road basements are sited above ground because the water table is so high. She also noted concern regarding the weight of the building and drainage in the parking area.

Dr. Horowitz questioned whether someone coming off of a Board could do work for a project within a year, noting that Mr. Waterman just stepped down from the BOH.

Atty. Deschenes said that Mr. Waterman was on the Board of Health as of last week. He said that he didn't stamp the plans and doesn't see a conflict.

The Chairman suggested that this is a question for counsel and noted that he wants to nominate the Board's consultants.

Mr. Prager nominated Mark Bobrowski as legal counsel, JNEI for engineering, Gary Hebert for traffic and Mike Jacobs for pro forma review. The motion was seconded and passed unanimously with agreement from the applicant.

The Board moved that the next hearing is scheduled for Wednesday July 13, 2005 at 8 pm and a site walk is scheduled for 6/25/05 at 10 am.

Of note: talk to JNEI regarding both Pinecourt and Squanacook Hills.

The Chair convened the Niemaszyk hearing.

June Johnson, as agent for the applicant, noted that her client wants to build a garage structure first and have a one bedroom apartment and live there while building a five bedroom house. She said that the key elements are the presence of closets, bedroom and a stove make it a dwelling. She said that she has communicated with the BI and will restrict the occupancy permit upon removal of the stove and closet so that the garage won't be classified as a dwelling.

Mrs. Duffy asked how one prevents a future owner from converting the space over the garage into an apartment.

Mr. Prager suggested that anyone could do that with any home office.

Atty. Johnson said that her client would be in violation of the by-laws if he had a second dwelling. She said that the Board does not need a bond because there is only one use and occupancy for one dwelling unit. She said that they would have to come back for an extension of the permit if more than one year is required.

The Chair read the Building Inspector's memo into the record and discussion ensued regarding whether the decision could be granted as a variance or special permit.

The Board moved to allow the applicant to amend his application to a special permit for a temporary structure. The motion was seconded and passed unanimously.

The Board moved to allow the applicant to use the garage as a temporary dwelling provided that all conditions are met. The motion was seconded and passed unanimously.

The meeting adjourned at 10 pm.