

Minutes Meeting of November 2, 2005 – 40B rules and Pineridge Court

-

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

The Chairman convened the 40B regs hearing and asked the audience for comments.

Mr. Cunningham, BOS, asked about an actual application document and said that he wants to look at having a form for a comprehensive permit. He said that he wants a Dunstable type of application.

Discussion ensued regarding the ramifications of having a paper Dunstable-type application. The Chairman said that he has problems with expecting a paper type application at this hearing.

Mr. Cunningham said that he thinks that developers want a form to fill out.

Mr. Prager asked about a checklist.

The Board noted that there is a check list to check the applications with.

The Chairman noted that Misters Mulligan or Cadle goes through the list to make sure the application is complete.

Mr. Dillon said that he wants a Dunstable type application. He noted that he only got a seven page document from the Town Clerk that referenced 40As and 40Bs.

Discussion ensued regarding what needs to be done to make everyone happy.

Mr. Wilson asked about Section 3 and what the consequences are if the application is incomplete.

Of note: the Board must convene the hearing within 30 days of receipt of the application, regardless of the completeness.

Mr. Wilson asked for clarification regarding Section 6.04.

Steve Webber asked about a time line about what comes in when and from where.

The BOS has 30 days to respond when it gets notification from the state, noting that there is a lot to do in 30 days.

Mr. Cunningham noted that the BOS has drafted new policies.

Mrs. Sartini asked whether the Board has 30 days to open hearing and then postpone any further action if the application is incomplete.

The Chairman said yes, noting the process averages about 18 months until a decision is made.

The Chairman noted that the Board will do an additional checklist to go with the rules at a soon to be announced date.

The Board moved and seconded to continue the rules and regs hearing to November 16th at 8:30 pm.

The Chairman reconvened the Pineridge Court hearing, noting that the Board is waiting for an updated plan.

Atty. Deschenes was present for applicant. He gave a brief history, noting that this is a 9.53 acre site with 2.3 to 2.5 acres of wetlands. He said that a 44 unit building is proposed for residents 55+, 11 of which will be affordable. He noted that they provided engineering plans, etc at the beginning of summer. He said that they are also working with Con. Comm. and have moved the building around and are preparing answers to both the JNEI comments of July and the Con. Comm. issues. He noted that they brought in a revised site plan whereby the drainage and septic plans match. He said that a request for determination of wetland lines has been filed and noted that the plan reflects the wetlands. He stressed that his client wants to keep the project outside of the wetlands to avoid needing Con. Comm. waivers and noted that there is no disturbance within the 100 foot buffer. He said that the building has been moved 8 to 10 feet to stay outside of the buffer. He said that his client is working to minimize the need for any BOH waivers and noted that a traffic study has been generated. He said that the report has provided some mitigation to both Jenkins Road and Mill St. and noted that there will be a 300 foot site line in each direction with aesthetic trimming. He stressed that excessive traffic is not expected to be generated.

Atty. Deschenes noted that he is shifting to architecture. He said that the Board has expressed concerns regarding the size of building and has expressed a desire for different designs, but noted that he hasn't had much feedback regarding what is acceptable to the town.

The Chairman noted that he saw the building in Chelmsford and it is not acceptable.

Atty. Deschenes said that he has hired an architect to soften the impact of the building in Westford and wants to incorporate these design changes into this building. He said that the changes are aesthetic in nature, to soften the impact. He noted that white banding and scalloped shingles, etc. have been reflected in the plans submitted in early October. He said that they are now focusing on drainage and the final engineering plan. He noted that the building has underground parking and the site will be graded so that the front and side will be at the first floor level and thus shows a three story view. He said that there will be a retaining wall at the back of the building so that most of the

garage is underground and noted that most parking is at least 100 to 150 feet back from Jenkins Road. He said that there will be 101 parking spots, averaging about 2.5 parking spots per unit and including 1 space per unit under the building. He noted that there will be an elevator in the building, and that they are getting septic plans, etc. in order for the BOH. He said that the pro forma will be addressed when the final engineering plans are completed. He said that there are significant changes in material costs, as well as engineering and architectural costs.

The Chairman noted that the BOS sent a letter on this subject one year ago regarding the size and scale of the building. He said that on 5/24 the PB sent a memo against the size and scale of the building and the applicant said that he was going to work on a plan with the neighbors. He then asked when the building is actually going to change.

Atty. Deschenes stressed that this is the building that his client wants to build.

The Chairman asked why he was here then.

Atty. Deschenes said that he wants a review regarding public safety issues.

The Chairman felt that there was no point in continuing the hearing under these circumstances.

Atty Deschenes said that he didn't get feedback from the town regarding the new building.

The Chairman reiterated that nothing was changed.

Mrs. Duffy said that she doesn't see this building as a part of Groton, noting that it is more fitting for Framingham.

Mr. Prager suggested looking at the pro forma.

Mrs. Perkins noted concern regarding the height of the water table, density of the project and the likelihood of flooding out the neighbors. She said that it looks like it will be raising up 30 to 40 feet.

Atty. Deschenes said that the grade will be raising 11 feet up against the building.

Mrs. Perkins said that there will be increased runoff because of more impervious cover and noted that water will pool where the building is up grade. She also expressed concern about the underground garage and the high water table, noting that it is important where the water is going. She stressed that the building is too big and noted that across the street the basements of homes are above ground because of the height of the water table.

Bill Maher, JNEI, went over his list of concerns, noting that in #27 the number is 77 instead of 32.

He stressed that more perc testing needs to be done.

Mrs. Perkins noted that as part of drainage that the height of the building could cause sheeting of water to go back into the neighbors property.

Mr. Maher said that he needs a more detailed survey of abutters' properties.

Mrs. Perkins felt that that should be recommended.

The Chairman said that he has a couple of items of concern, that drainage calculations are done and then peer reviewed by JNEI.

Mr. Slager said that the layout of the site has changed and thus the drainage calculations have changed.

The Chairman said that soil is noted as Type A and that that doesn't seem to be true.

Mr. Slager said that he won't respond to a letter he hasn't seen.

Jim Western noted that this building is the size of nine town halls. He also said that they were advised to resubmit to the Con. Comm. because of a brook on site. He asked how much materials will be needed to bring up the height 11 feet and what will be the effect of the heavy trucks bringing in the material to build up the site. He also asked about traffic mitigations, such as widening Jenkins Road through an eminent domain taking. He noted that they will need to take out many trees.

The Chairman said that this is only one of many hearings and stressed that we will find out.

Mrs. Western said that the traffic study was done in August when no one was around and noted that two school buses cannot pass on Jenkins Rd.

Chris Harvey said that there are blue spotted salamanders on the site.

The Chairman read the Con. Comm. memo into the record dated 11/2/05.

Mary Lou Helpern asked how long the age restriction is in effect.

The Chairman said for perpetuity.

Atty. Deschenes said that there is no mechanism for change from the 55+ restriction unless he comes before the Board again.

Mr. Cunningham said that he has encountered DHCD restrictions that allowed affordable units to be sold as market rate after a certain period of time. He said that wants Atty. Deschenes to go back to his client to encourage downsizing the size and scope of the project and to present a better design.

The Chairman agreed but noted that he wants to slog ahead on the traffic even though there may be a major design change.

The hearing was continued to 12/14/05 at 8:00 pm.

The Board moved and seconded to send Mr. Walker a letter regarding a hearing on the 16th of November at 7:00 pm. The motion passed unanimously.

The meeting adjourned at 9:30 pm.