

Minutes Meeting of December 14, 2005 – May, Wright, Smith, Water, Pineridge

Members Present: Stuart, Jay Prager, Bob Cadle, Mark Mulligan, Chase Duffy

The Chairman reconvened the May hearing and asked for a recap of the site walk.

Atty. Lyons presented a plan of the height elevation and showed some pictures of the site.

Discussion ensued regarding the additions related to the photos.

The Board noted that the proposal is not detrimental to the neighborhood.

Atty. Lyons noted that they are asking for two variances and one special permit, the special permit being for height and the variances are from front and rear setbacks.

The Board moved to grant the request for a special permit to increase the non-conformity of height and variances from front and rear setbacks to provide additions to the side of the house and as shown on the plans dated 7/15/05 and 12/14/05 to Mr. May, 55 Wenuchas Trail.

Of note: A Con. Comm. order of conditions has been received.

The motion was seconded and passed unanimously.

The Chairman convened the Wright hearing by reading the legal notice.

Ms. Wright here was present, noting that she wants to turn a shed into a studio. She said that she needs to raise the back wall two feet and put in windows to improve light, noting that footprint is not changing.

The Board went over the special permit criteria, noting that there will be no negative impact.

The Board moved to grant a special permit to allow raising the roof to create a studio. The motion was seconded and passed unanimously.

The Smith hearing needed to be continued due to an advertising error on the part of the Groton Herald, so the hearing was scheduled to 1/4/05 at 7:30 pm.

The motion to continue was seconded and passed unanimously.

The Chairman convened the Water Dept. hearing for a temporary office trailer.

Mr. Orcott, Superintendent, said that they are underway for the last phase of the water tower

construction, noting that he wants the permit for one year.

The Board moved to grant the Water Department a permit for a temporary office trailer for a period not to exceed one year.

The motion was seconded and passed unanimously.

The Chairman reconvened the Pineridge hearing and read the Megan Mahony letter into the record.

Mr. O'Donnell, comptroller for Hicks, was present, noting that he has listened to everyone's concerns regarding the one big building. He said that Mr. Hicks and Atty. Deschenes met with the BOS and some other department heads to come to some agreement regarding smaller buildings, etc. He also noted that there will be different types of roadwork.

Ms. Mahony said that this plan is different than what presented at the department head meeting, which was talking about duplexes.

Mr. O'Donnell said that this is more cost effective than all duplexes and is not the final plan. He said that he wants feedback from boards and said that sewer is necessary for this project.

The Chairman asked why sewer is necessary for 36 units when it wasn't for 44 units.

Mr. O'Donnell said that although there are fewer units they take up more space and this is why there isn't room for the leaching fields, particularly separated leach fields.

The Chairman noted that it is a brand new plan and hasn't been reviewed by any Boards, etc.

Carolyn Perkins, PB, said that she has one comment, noting that the discussion at the last meeting was for 28 units as duplexes. She said that she was told that triplexes were necessary to make room for a septic system and now the applicant is talking about 36 units as triplexes and still needing sewer.

Atty. Deschenes noted that they committed to changing the project and they have done that. He said that they met with different boards and committees and the neighborhood. He stressed that it was a very productive meeting and good ideas were exchanged. He noted that this plan is very conceptual. He said that he wants to address the view along Jenkins Road by using farmers porches along the units abutting the street. He said that the garages are moved to the back of the units and noted that the front elevations are only rough guess because they are for quadriplexes and not triplexes. He noted that the Westford project has porches on the two buildings that face the road and garages around back. He said that the Board should not look at the project overall but just that part. He said that there will be a one boulevard access and the front units are 50 to 70 feet back and thus much of the trees can be left as a buffer. He stressed that from Jenkins Road they would all

look like two story buildings and noted that no waivers from height are being requested at this point. He said that everything is outside of the Con. Comm. buffer zone and stressed that this is a far different project. He said that there has been no final engineering and drainage done yet.

Mrs. Maxwell asked for clarification regarding the location of the existing house and driveway, etc.

Atty. Deschenes said that the site design has some problems, ie there is no area for a septic system, which is why he wants a connection to town sewer to be a reality. He said that they can't guarantee this design without sewer and noted that he has a commitment that the Sewer Commission will take a hard look as to whether sewer is a viable option. He said that if the town doesn't have the capacity, it can't be created, but he wants to make it feasible if possible. He stressed that his client is trying to make it work. He said that with the Board's okay, he wants to move along speedily. He said that the existing traffic work is applicable.

Mr. O'Donnell said that they originally filed with the State for an age restriction for the big building. He noted that this project will not be age restricted because it is not as conducive to 55+.

Mrs. Duffy asked about a kid play area.

Atty. Deschenes said that there is not yet but it will be addressed.

The Chairman noted that he appreciates the new plan and stressed that it is a much better plan. He said that he wants to do due diligence to make the project work faster, if possible.

Mr. O'Donnell suggested that the ZBA can empower the sewer connection.

Atty. Bobrowski said that we need to find out if there is capacity before the other questions are answered.

Mr. Prager said that with fewer units seems it would seem that less space for the septic system would be required.

Atty. Deschenes said that they need to deal with some of these issues and suggested that at the next meeting some of them should be addressed.

Mr. O'Donnell said that he wants to hear from neighbors as to what is preferred.

Discussion ensued and Atty. Deschenes said that this plan is slightly more advanced than what was presented at the neighborhood meeting.

Mr. O'Donnell said that larger buildings need to be sprinkled and thus are more expensive.

Ms. Mahony asked why the project is not for 28 units, particularly where sewer capacity is in question. She said that if capacity can't be gotten for 28 units than certainly it can't be gotten for 36, and if no sewer is available than this plan is off the table and it's a 44 unit building again.

Mr. O'Donnell said that the money lost with less units and the loss of the existing house revenue needs to be made up somehow.

Atty. Deschenes said that it is a question of economics and the project needs to be feasible. He stressed that he doesn't want to go back to the original project unless absolutely necessary and noted that they may leave the house and integrate it into the project.

Mr. Prager suggested that Mr. Hicks can do an analysis as to what works with sewer and without.

Atty. Deschenes said that they are trying to make the town happy.

Mr. Prager said that the answer must be known regarding the economics of a non-sewer development.

Atty. Deschenes said that this project doesn't work without sewer.

Discussion ensued regarding how far to proceed until the sewer question is answered.

The Chairman asked when the sewer capacity can be resolved.

Atty. Deschenes said that he wanted to let the Town know the next phase of the project.

Atty. Bobrowski suggested that the next meeting be sewer.

Mrs. Perkins said that the 28 unit duplexes caused some reluctant commitment to look at because of reduced density but now 36 units are being proposed and this wasn't the consideration at the other meeting. She said that the Sewer Commission said that capacity for maybe five units could be made available and the rest be septic. She stressed that this is a big increase from the last meeting and although she appreciates them working with the town 36 units is too dense.

Discussion ensued regarding how to keep the house, etc. and keep the project viable.

An abutter noted that he wants the fewest units possible and single family homes on a higher end level to be constructed.

Atty. Deschenes noted that the affordable units will be priced at about 160 thousand dollars.

An abutter said that he doesn't understand why they are not going to high end units.

Mr. Western noted that he was unaware of a meeting for abutters.

Mary Lou Helpern, abutter, suggested changing the rear buildings to allow for a septic system. She said that by keeping the triplexes toward the front and letting the rear buildings be larger could allow for more septic area.

Atty. Deschenes said that that is something to analysis after the sewer determination is made.

Mr. O'Donnell noted that the State has Title V regulations and Groton has regulations that are much more strict, and that if they only use the State the project could work.

The Chairman said that it is not fair to say that BOH regulations can't be met right now.

Mrs. Duffy noted that she welcomes the break up of the big building.

Atty. Bobrowski asked why the workshop focused on 28 duplexes and now there are 36 units in triplexes.

Atty. Deschenes said that that was the plan of the day.

Atty. Bobrowski said that when a number is put on the table it is difficult to take it back.

Atty. Deschenes said that he will raise this question with Mr. Hicks.

Atty. Bobrowski said that it would be useful to see a 28 unit plan with sewer and with septic.

Mrs. Wickfield, abutter, said that she didn't know about the meeting that took place last week and noted that the preliminary traffic study was done in August when there were no school buses and no snow. She said that 72 cars will be added with 36 units, on a narrow road with no sidewalks. She felt that three families would bear the cost of running a sewer pipe down the street.

Of note: sewer hookup costs could be mitigated by the applicant.

Mrs. Sartini asked why the proposal is not 55+ now.

Atty. Deschenes said that town house units aren't conducive to older residents but because they are still proposing two bedroom units, there are likely to be less kids.

Discussion ensued regarding traffic and how to proceed with the study.

Mrs. Western noted that Jenkins Road is not very wide and that she wants as few triplexes as possible.

Discussion ensued regarding workshops.

Ms. Halpern asked about affordability and how long it takes to sell the units.

Atty. Bobrowski said that even in the wealthiest communities there are more than the number of affordable units for families that are at least moderate if not below, in terms of income. He said that the units will stay affordable.

Mrs. Martin said that if a unit doesn't sell after 120 days it becomes market rate.

Atty. Bobrowski said that the Board has right of first refusal to find a buyer.

Mrs. Martin said that after a set period of time and if no one is watching then the unit can go onto the market as market rate.

Atty. Bobrowski said that the likelihood of that happening is less than one percent.

Mrs. Perkins felt that the monitoring agency should be the Housing Authority rather than CHAPA.

Atty. Bobrowski said that CHAPA is okay for the first round and the Housing Authority for the second round of sale.

Discussion ensued regarding the various levels of market rate sales vs. affordability levels and how it gets turned back to the town.

Mrs. Sartini asked whether the town can extend the 120 day period to six months or so to find a qualified buyer.

Atty. Bobrowski said that there is no standard but noted that four months is probably a reasonable time frame with good monitoring. He stressed that the town doesn't want to burden a recipient of an affordable unit with an unfair waiting period.

Jamie Kulwayz, reporter, asked how many 40b projects Hicks has been involved in.

Mr. O'Donnell said that he has done projects in Ayer, Westford and some other surrounding towns.

Mrs. Duffy said that if there are 36 units instead of 28, more should be affordable.

Ms. Halpern asked if there is any possibility of single family homes.

Atty. Deschenes said possibly but unlikely.

The meeting adjourned at 9:45 pm.