

ZBA Meeting Minutes 1/31/07 – Habitat, Pineridge

Members Present: Robert Cadle, Mark Mulligan, Cynthia Maxwell, Chase Duffy, Stuart Schulman, Jay Prager

Habitat hearing:

Acting Chairman Schulman convened the Habitat hearing by reading the legal notice.

Matt Goodfriend from Habitat said that the trailer is required for the duration of the project, for approximately two years.

The Board moved to grant a permit for one year.

Mrs. Collette noted that Habitat has been a conscientious company and this project has been well executed. She stated, however, that this area is sensitive environmentally and other trailers have been magnets for outdoor storage of hazard materials and maintenance of heavy equipment. She suggested conditioning the permit such that no outside storage of materials and no maintenance of equipment occur.

The Board moved that the conditions outlined by Mrs. Collette (no outdoor storage of haz. mats. and no maintenance of heavy equipment), be included and a passbook deposit of \$1500 be filed with the Town. The motion was seconded and passed unanimously.

Pineridge hearing:

Acting Chairman Schulman reconvened the Pineridge hearing and read the letter from Megan Mahony into the record.

Chairman Schulman noted that he has some housekeeping issues, first and foremost being that this is a new project with a major modification and suggested that from a procedural standpoint it might make sense to start over with a letter from the State. He then asked the applicants what they thought.

Atty. Deschenes noted that this is a substantial reduction, from 44 to 16 units, with the same sized site. He noted that the State doesn't have a problem with reduction

and those types of modifications but stressed that he has no problem with sending a new request to the State asking for a revised letter.

Atty. Talerman said that he wouldn't be looking to Mass Housing for a decree that there is a change, but just for a show of due diligence. He said that the physical elements will pass muster, noting that the change in building type is a substantial change. He said that Mass Housing should make sure that it is a marketable change, and if the Town/applicant wants to go the more cooperative route, this is the way to proceed, to make sure that all looks good to Mass Housing. He said that the only other part is to give other municipal departments the chance to comment without slowing down the process.

Mr. Prager asked whether this is proposed as parallel process.

Chairman Schulman felt that it was.

Atty. Talerman said that restarting has a benefit by allowing the Board to be reconstituted.

Chairman Schulman said that he is no longer the chairman and said that he would like Mr. Cadle, as current chair, to be able to sit on this case.

Atty. Deschenes asked how this is accomplished.

Atty. Talerman said that the Board gives renounce and republishes the legal, as well as giving a brief history of how the case got to this point. He said that that way there is no violation of the open meeting law and people are given a chance to give voice.

Mrs. Duffy said that in fairness to the town the hearing should be readvertised.

Mr. O'Donnell asked what the timeline is likely to be.

Atty. Talerman said that this will be an ongoing process for the applicant because of the cooperative nature of the changes, noting that if the town was unwilling to move an inch, then it would be a 90 to 120 day process.

Chairman Schulman stressed that that is not the case here.

Atty. Deschenes said that it wouldn't take a long time to reiterate the case at the next meeting and noted that he wants to give a small overview tonight.

Atty. Talerman said that he wants Atty. Deschenes to copy the letter he is sending to Mass Housing to the town so boards can make comments to the State.

Mr. Degen suggested submitting the project under LIP and thus it would be a "friendly" 40B.

Atty. Talerman said that a 40B can be friendly with or without using the LIP process, noting that the town can negotiate conditions up front. He said that the advantage to the client is that it is a faster channel through the State. He noted that this client could meet with the BOS to find out their likes and dislikes and these could be incorporated into the decision if the ZBA is in agreement.

Mrs. Collette said that if the applicant wants to go the LIP route, the Housing Partnership meeting is February 20 and they would be happy to meet with the client to discuss this. She noted that Teri Ragot, Peter Cunningham, Carolyn Perkins, Alethia Parthesee and herself are members.

Mr. Cadle noted that he had a procedural question regarding the LIP process and how the notice provisions would work with that. He noted that we need to give notice regarding the Board reconfiguration.

Atty. Talerman said that those aren't noticed at all, noting that the BOS, etc would give a report but there would be no formal process.

Mr. Cadle said that he doesn't want the abutters to be squeezed out.

Atty. Talerman said that the Town can let abutters know about LIP meetings through email or cable and stressed that they are public meetings.

Mrs. Duffy said that there may be other townspeople that are interested and thus re-advertising would be good.

Mr. Degen said that if a new project letter (he read from the by-law as adopted by the BOS) is requested then abutters would need to be notified by the BOS and the meeting could be shown on tv.

Atty. Deschenes introduced himself and noted that the plan is as a result of months of negotiations with the neighborhood and the town, for a total 16 units consisting of three bedroom homes, along with the preservation of the existing home on the site. He said that they are not working within the 100 foot buffer zone and noted that he has hired Brian Butler from Oxbow Associates to study the Natural Heritage zone issues.

Mr. Schulman felt that this should be done in the spring.

Atty. Deschenes said that that depends on what needs to be done, noting that Mr. Butler has identified many pools and has a good idea of the site. He said that there is no date set, but they will be meeting with Natural Heritage to get MESA permits. He stressed that Natural Heritage will ultimately define what can and can't be done and he will let the Board know when that meeting is happening. He noted that he has submitted plans to the BOH and has an on-site septic design, but is still desirous of getting sewer. He said that he has provided a list of the BOH waivers, as requested. He said that he has met with the Water Department and except for some changes, he is in agreement with them. He noted that feedback from the Fire Department is related to hydrant locations. He said that the traffic engineer has been remiss, but because the size of the project is reduced, the traffic study shouldn't be a big deal. He then submitted another plan that delineated shared areas vs. exclusive areas, noting that this will be much like a single home with a yard. He said that this project lends itself to be a nice neighborhood, with reasonable sized three bedroom homes with garages in a nicely planned development. He said that he is hoping that the redesign will allow the project to move forward, noting that Mr. Hicks wanted them to work with the Town. He said that to be honest, a formal LIP might take a lot of time but that they could have a friendly 40B within the context of working with MassHousing. He stressed that he both wants to keep the process moving and keep it friendly.

Mr. O'Donnell said that he wants comments from other Boards as much in advance as possible.

John Boardman introduced himself as a LandTech engineer.

Marilou Helpern stressed that the optimal time to study environmental issues is in the spring, noting that she has submitted much to back that up.

Atty. Deschenes said that he doesn't disagree that spring is the best time but reminded the Board that they are staying outside of the buffer zone. He also said

that they have the opportunity to do studies in March. He noted that if Natural Heritage is comfortable with the project on the site, they won't go into expensive studies. He stressed that they will do studies as Natural Heritage requires.

Atty. Talerma agreed that if the entity that has particular expertise isn't looking for a study, it would be hard to justify that study unless there is antidotal evidence to the contrary.

Chairman Schulman noted the need to move the high school site because of blue spotted salamanders.

Atty. Talerma said that there is a much more expansive scheme of atlases that cover habitat sites such as this that they have a duty to proactively seek Mass Heritage approval for. He said that he thinks this applicant is using the correct tact by not waiting for ZBA approval before going before Mass Heritage.

Ms. Helpen said that the buffer zone isn't related to Natural Heritage, but to the whole site.

Ms. Mahony noted that there is other information that has been submitted by abutters.

Atty. Deschenes said that they are saying the same thing, which is why they are going before Natural Heritage.

Atty. Talerma noted that they are also before MEPA.

Discussion ensued regarding when to schedule the next meeting, whether to have a six member board and how to go about readvertising and notifying abutters.

The Board moved to continue the hearing to March 5, 2007 at 7:30 pm. The motion was seconded and passed unanimously.

Other Business:

The Squannacook Hills discussion is postponed until the next meeting.

The meeting adjourned at 9:00 pm