

Minutes from Meeting of November 14, 2007 – Scarlet, Pineridge, Phoenix Construction

Members Present: Robert Cadle, Jay Prager, Chase Duffy, Alison Manugian, Cynthia Maxwell

Chairman Cadle reconvened the Scarlet hearing, noting that the applicant has requested a withdrawal. The Board moved, seconded and voted unanimously to allow the withdrawal. The motion passed unanimously.

Chairman Cadle reconvened the Jenkins Road hearing and asked to continue the discussion regarding this until after the next hearing. All of the Board and in the audience were in agreement.

Chairman Cadle convened the Phoenix Construction hearing by reading the legal notice.

Atty. Collins, agent for applicant, noted that he would be brief because this is similar to the original application that was withdrawn. He said that this project meets the requirements of section 27B of the bylaws because it allows one unit per 5000 square feet of land and is for residents over age 55 and with limited income. He noted that fewer people from the neighborhood attended this hearing than were present at the original public hearing, adding that Phoenix has incorporated an additional parcel that is on the corner of Longfellow Road and Lost Lake Drive that will contain the subsidized attached units, with the single family units located on Tavern Drive. He said that these are very sizeable lots, noting that a “quadraplex” (4-family dwelling) will be located on the Longfellow Road site, a 20,500 square foot lot. He said that this is much less dense than the one unit per 5000 sq. ft. allowed under Section 27B, and noted that the Tavern Road parcel is two lots of record. He said that the Longfellow Road site consists of two old lots of record and that this project is one unit per 17,000 sq. ft.

Mr. Prager noted concern about the non-contiguous lots.

Atty. Collins said that the bylaw doesn't address that issue.

Mr. Prager said that interpreting the bylaw to allow noncontiguous parcels would allow building elderly subsidized housing on postage sized lots throughout the Town, which did not seem a prudent interpretation of the bylaw.

Atty. Collins said that the bylaw is to address the affordable housing issue and asked to be able to continue with the presentation. He noted that the four units on the small separate parcel meet the density requirements and the other dwellings more than meet the requirements. He said that the quadraplex will be comparable in size to single family dwellings in the neighborhood and will look like a single family dwelling. He said that the other units will be entry level homes by Groton standards, although not officially by State standards. He stressed that if approved, the project will get built and Groton will have four more units to count towards the affordable unit count.

Chairman Cadle asked what the Housing Authority thinks.

Atty. Collins said that the deed restriction will go on record and at closing the units will be counted. He noted that the restriction is similar to those used in projects under chapter 40B.

Chairman Cadle asked for clarification: the applicant noted that all of one development (the multiunit building) and the quadraplex in the mixed unit project will be affordable, age restricted over 55 housing, making for a rate of 50% of the combined projects being affordable units.

Mr. Prager felt that the bylaw should be interpreted as requiring contiguous development.

Atty. Collins said that to do it as one project, the single family homes pay for the affordable units, and to split it up makes the affordable units unprofitable for the developer.

Mrs. Duffy said that a permit like this would make checkerboard development all over Town possible.

Atty. Collins said that one development he was involved with at Sandy Pond had two lots across the street from each other.

Mrs. Duffy and Mr. Prager were really uncomfortable with the lots not being even close to contiguous. Mr. Prager said that he appreciates the spirit in which this is offered but feels it is outside of ZBA authority.

Chairman Cadle said that there really is a big problem because the lots are not anywhere near to each other.

Atty. Collins said that they could put a single family house on the separate parcel and put the quad on the parcel with the other units.

Discussion ensued regarding how to configure the project to resolve the Board's concerns.

Chairman Cadle felt that each parcel should be dealt with separately.

Mr. Prager said that as a point of process the abutters should understand that changes can happen.

Mrs. Duffy said not as radical as this, though.

Mr. Prager said that he wants a personal walk of the site to see the quadraplex site.

Mrs. Manugian asked about the two existing abutting dwellings and how their lots may be altered.

Atty. Collins said the house in the big parcel is owned by Mr. Haberman and the one next to the triplex lot is getting an increase in lot size by 20 feet because it's a weird shaped lot.

Mrs. Manugian asked for the size of Lot A, which is about 15,000 square feet.

Atty. Collins noted that some abutters have family members that are looking for a place to live in the area.

Mr. Prager asked whether the quad could be more centrally located on the lot.

Atty. Collins said that it could not because of the need for a Title V septic system.

Mr. Prager asked why the cottage on the abutting was lot not shown.

Atty. Collins said that it is off locus.

Mr. Prager asked whether a site walk would show a new lot marker.

Discussion ensued regarding the location of the Lost Lake fire station.

Of Note: The Board wants the two lots to be separate applications.

Atty. Collins said that the Town has a long history of doing affordable projects on separate parcels.

The Board said that this shouldn't be done that way.

Atty. Collins agreed to amend this application and file an additional, separate application in order to eliminate the board's concerns about noncontiguous parcels.

Mr. Prager said that he wants the front wall of the quad marked out for the site walk.

An abutter asked whether the units would be for rental or sale.

Atty. Collins said that no matter what, the affordable portion of the project will be handled by the Housing Authority.

Of note: the new proposal will be for a four-unit building on the Longfellow Road site with two affordable units and two market rate units and the larger, Tavern Rd. parcel will have a three-family dwelling and single family houses.

Discussion ensued regarding how to handle federal age discrimination vs. Groton bylaws.

The Board moved to continue the hearing to 12/19 at 7:30 pm. The motion was seconded and passed unanimously.

Discussion ensued re: whether to grant a Jenkins Road continuation.

The Board moved to continue the Jenkins Road hearing to December 19, 2007 and is requesting an explanation regarding what is happening and why the need for a further continuance

Of note: in response to a letter from Mr. Collins dated December 7, 2007, the Board will send a memo to Atty. Collins with a copy to the Zoning Enforcement Officer that the Gro-Lex decision speaks for itself.

The meeting adjourned at 9:30 pm.