

Minutes Meeting of December 19, 2007 – Hicks, Phoenix
Construction

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

Chairman Cadle reconvened the Jenkins Road/Hicks 40B hearing.

Melissa Robbins, agent for applicant, presented a brief overview of the latest plan, which includes 14 units in 7 duplexes. She noted that it is much smaller than when they started and that the total will be 15 units, including the existing house. She said that the house is a split level with 5 bedrooms, which is much larger than originally thought. She said that the DMH was unhappy because of the split level design of the house and the applicant is attempting to meet DMR concerns by engaging the Corporation for Independent Living, which has suggested tearing down the existing house and building a state-of-the-art house for group home residents. She said the occupants will be special needs residents who are quite independent and have jobs but cannot live in a fully independent setting and need care, which will be provided by 24-hour help. She noted that the ranch and duplexes will be 2 floors and the Corporation for Independent Living will pay for building the new house. There will be 6 units of affordable, including two units of the duplexes being affordable. She said that DMR likes five bedrooms if there is the local need; which seems to be present in this case because there are three different houses in the area looking to relocate residents to this house. She said that DMR doesn't care who lives there as long as the house is used for handicapped individuals for 30 to 40 years and the Corp. for Independent Living will let Groton decide after that time what entity takes over management of the house. She said that all loans will be forgiven and if they go to five bedrooms in the DMR house, the project will be up to 47 or 49% affordable and with four bedrooms, 37 % affordable. She noted that CPA funds could be used for making it almost 50% affordable. She said that they are trying hard to get things moving so they can make a variance application, noting that they feel strongly that the project will be approved by the DMR and that they will get a flexible development permit from the PB.

Chairman Cadle asked whether they have met with the PB yet.

Atty. Robbins said that she wants to hear from DMR that they are going forward and then she will meet with the PB.

Chairman Cadle noted that there was some discussion regarding building a DMR house behind the existing house.

Atty. Robbins said that although it would be messy, they haven't closed that door. She noted that they would need additional ZBA permits, etc., but the Housing Partnership liked the idea of having more affordable units (not that it would count toward the State count but would provide an additional affordable unit for the Town).

Chairman Cadle noted that flexible development falls under PB jurisdiction and asked what Atty. Robbins might need from the ZBA.

Atty. Robbins said that there isn't enough area for the number of dwelling units: 11 are allowed and they are asking for 14. She said that it is a mechanical variance and the PB can't grant a waiver under their Flexible Development by-laws, noting that this is not just a Groton by-law, but a statewide law.

Chairman Cadle asked whether the applicant negotiates with DMR or a public hearing is held.

Atty. Robbins said that there is no public hearing, noting that DMR was initially "wishy-washy" but the applicant has made substantial progress addressing DMR's concerns, and further negotiations will be directly with DMR; there are no required public hearings or notices to abutters. She said that there will be a way for abutters to have input.

Chairman Cadle inquired whether abutters would need to find out about it through Town of Groton notices.

Atty. Robbins said yes and assured the board that the whole project will be well managed by DHCD to ensure that the project runs smoothly.

Chairman Cadle convened/reconvened the Phoenix Construction hearings.

Atty. Collins started with the continuation, which entailed an amendment for the lot on the corner of Longfellow Road and Lost Lake Drive, submitting an amendment separating the two projects. He said that two out of three units would be affordable and occupancy would be restricted to persons 55 years of age or older. He said that it will look like a single family house, resembling the picture previously submitted, except smaller and with three rather than the four units shown in the original submission.

Chairman Cadle read the notice that separated the two projects, such that the Tavern Road parcel is separate from the Longfellow Road project.

Atty. Collins said that the Tavern Road proposal is almost the same as the original but now has three single family homes and one triplex. He said that the access for the three units in the triplex will be through Cedar Road, which is what the difference is and will divide the traffic of the new residents between two roads. He noted that all lots are larger than existing lots with dwellings in the neighborhood. He said that there are now two separate applications and five units will be added to the affordable housing stock. He said that the State looks kindly on towns who use zoning to create affordable units.

Discussion ensued regarding how to separate the two applications and why the lots on Tavern Road haven't merged.

Chairman Cadle requested clarification regarding the number of units and how many are affordable: nine units, five affordable.

Discussion ensued regarding the difference between the applications and how it benefits the Town.

Chairman Cadle said that he wanted to go over the by-law, 218-27B.

Discussion ensued regarding how to mix the affordable units vs. the elderly housing.

Atty. Collins said that his client wants the affordable units to be 55+ and the market rates to be for families, and the project can be rental

or for sale units, as the Board likes. He noted that his client would like to keep some rentals, and all affordable units would be restricted for perpetuity. He said that DHCD writes the deed restrictions.

Atty. Collins noted that under 40B the Town can reserve a certain number of units for town residents. He said that they have always requested local preference in the lottery and the Housing Authority has complied.

Chairman Cadle said that it seems that a lot of site work will be necessary.

Atty. Collins said not really, except for the septic systems. He said that the dwellings will be tucked nicely into the topography and will have walk out basements. He noted that site is flatter on Longfellow Road than on Tavern Road.

Mr. Haberman said that he wants to save as many trees as possible.

Chairman Cadle said that the original application had a triplex with two floors.

Atty. Collins said that the Housing Authority wanted a ranch type building all on one floor.

Discussion ensued regarding how to make the units senior friendly.

Chairman Cadle asked whether they need site plan review.

Atty. Collins said that they did and Mrs. Duffy noted that that is why they are before the ZBA now.

Atty. Collins said that they need two special permits: one for six units of housing on Tavern Road, three of which will be a triplex of affordable, over 55 age restricted units and three market rate single family houses. He noted that the second permit is for a triplex on Longfellow Road that will contain two affordable units and age restricted to over 55. He said that they will need site plan review at least for the triplexes and will need to meet Housing Authority requirements.

The Board moved to grant a special permit under 218-27B for six units of housing off Cedar and Tavern roads.

Chairman Cadle said that his only concern is whether the whole project needs to be age restricted to over 55 years.

Mr. Prager said that the bylaw is poorly written but thinks it only refers to the triplexes.

Discussion ensued regarding what the bylaw meant.

Mr. Prager said that there is poor linkage between 218-27 b and affordable housing.

The Board moved to grant a special permit under 218-27B for six units of housing off Cedar and Tavern roads, with three units affordable, 55+ age restricted attached, and three detached, market rate and open to all ages. The conditions include that all affordable units shall be counted towards the Town's affordable housing inventory and a deed restriction shall be recorded such that they are guaranteed affordability as rental or for sale units, pursuant to DHCD regulations and in perpetuity, site plan review shall be completed and all affordable units shall have one floor.

The motion was seconded and passed unanimously.

The Board moved to grant a special permit for a single building of three units, two of which will be affordably priced for people over 55 and subject to the perpetual affordability restriction, DHCD regulations and PB site plan review.

Chairman Cadle asked how the units will be owned.

Atty. Collins said that his client wants a mix of rental and ownership. He said that if the Housing Authority wants for sale units, Mr. Haberman will keep one rental for himself, but he stressed that it depends on what the HA wants. He noted that if the HA keeps the project as all rentals, all units will count instead of two.

The motion was seconded and passed unanimously.

Of note: a memo will be sent to Atty. Collins indicating that any prospective tenant of the Gro-Lex site should come to the ZBA with a presentation as to what type of business is proposed.

The meeting adjourned at 9:30pm.