

## **ZBA Minutes May 7, 2008** – Squannacook Hills, Jenkins Road

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

### **Squannacook Hills**

Chairman Cadle began the Squannacook Hills meeting with a request for a continuation to May 14, 2008 to allow the applicant to review the engineering letter from Bill Maher, Nietsch Engineering.

Discussion ensued regarding how Landtech will handle letting the Board know how the drainage issues have been addressed.

Chairman Cadle said that he wants the issues raised by Nitsch Engineering put into a final plan.

The Board moved to continue to 5/14/08 at 8:00 pm. The motion was seconded and passed unanimously.

### **Hicks/Jenkins Road**

Chairman Cadle read the Hicks/Jenkins Legal Notice to convene the public hearing.

Melissa Robbins, agent for the Jenkins Rd. project, noted that this has been before the ZBA for a long time. She said that project went down from a 44 unit single building to the current plan containing seven duplexes and a new five bedroom house. She said that there have been many issues with wetlands, height of the site and sewer, and thus the developer decided to work with the Town to create a flexible development. She said that they had to get town meeting approval for sewer for these units and a few houses down the street. She noted that the developer is paying for sewer and nubs for the individual homes for possible connection and also increasing the flow with the Partridgeberry Woods system to get the necessary flow for Jenkins Road. The existing home will be controlled by DMR and each bedroom counts as an affordable unit. She said that they also had to go to Natural Heritage and that although there are no “critters” on site, there is a vernal pool on an abutting site. She noted that one neighboring property found a blue spotted salamander, which was “probably just visiting” but caused

Natural Heritage to restrict the significantly the portion of the site available for development. She said that two of the fourteen duplex and each of the five bedrooms in the DMR home will count towards Groton's DHCD affordabable housing inventory and thus the overall project is almost 50% affordable. She said that this is very different than what was first applied for. She noted that they can't meet the basic maximum number of dwelling units under §218-26(G) and thus they are here for a variance. She said that the PB can give density bonuses and she can't guess what the PB might do, but thinks that they would only get seven or eight units. She said that they are here to get 15 units with a variance under 218-26(G), noting that the PB can't make a waiver of the basic number. She said that it would be a substantial detriment to both the applicant and the town if they don't get this variance. She noted that there are unique circumstances surrounding the soil conditions, wetlands, the location of a vernal pool and the finding of a single salamander. She said that it is very tightly fit into the area allowed for development outside of the wetlands delineation. She said that when she leaves here she has to have a plan for the PB and noted that the 40B application will be withdrawn about six to eight months from now, pending PB approval.

Discussion ensued regarding how the count for affordable units is made. Mr. Prager said that he wants to figure out how many units actually need a variance.

Chairman Cadle noted concern that the ZBA grants a variance for 15 units and then the applicant goes to the PB and says that the affordables don't count and thus wants a density bonus to construct more units.

Atty. Robbins said that there would not be more than 15 units in total.

Chairman Cadle asked about the size of the duplexes.

Atty. Robbins said that they are currently at three bedrooms but senses that they will be going to two bedroom units. She said that she does not know how this will work with the BOH and as to what is considered a bedroom. She said that originally they wanted DRM to find a provider but DMR wouldn't look at until 2011. They then found a provider in Pepperell where a dwelling burnt down and the residents are living in a Radisson hotel. She said that the existing home will be demolished and replaced with a new state-of-the-art residence. She noted that neither the Hicks Company, nor

the town of Groton was in a position to build the home so she is glad that there is an independent provider to replace the dwelling.

Chairman Cadle said that he wanted assurances that DMR has approved the project.

Atty. Robbins noted that there are five homeless DMR clients who are relying on this proposal and the project can't go forward without this home being constructed.

Mr. Prager asked whether the DMR home will be built along with the rest of the development.

Atty. Robbins said that DMR will likely begin construction prior to the other part of the project. She said that they did a project in Westford that is very similar and can provide language if the board is stuck.

The Board suggested a motion to allow for 14 dwelling units in a multiple dwelling configuration, subject to PB review and approval and including two affordable units plus one structure comprised of five bedrooms, approved by DMR and included (along with the two units in the other part of the project) through DHCD in Groton's affordable housing count, for a total of seven affordable units.

Ms. Eliot, of the PB, stressed that she wants to make sure the affordable units are such for perpetuity.

OF note: add to the decision that all affordable units are for perpetuity.

Colleen Snyderman, abutter, said that this is by far the best project, noting that she, too has salamanders and that she has to give credit for a very creative project. She said that building of the new DMR home will help the neighborhood aesthetically and although she would prefer single family homes, this is the best seen yet. She said that she wants clarification regarding what's happening with the sewer for abutters.

Atty. Robbins said that there are four connections that the houses can go to but she is not sure how exactly that will work. She said that the houses will pay from their house to the connections provided by Hicks, Co. and pay the hookup fee.

Discussion ensued regarding which houses will have hookup possibilities (Lots 217-81, 82, 83, 84 may be included).

The Board moved to allow for 14 dwelling units in a multiple dwelling configuration, subject to PB review and approval and including two affordable units plus one structure comprised of five bedrooms approved by DMR and included (along with two units in the other part of the project), through DHCD in Groton's affordable housing count, for a total of seven affordable units and 15 unites overall.

Of note: reference the development agreement in the list of documents and in representations of the applicant.

The motion was seconded and passed unanimously.

Chairman Cadle noted that the Hicks 40B needs another continuation.

Atty. Robbins said that she would like a six month continuation to November 2008. A motion was made, seconded and passed unanimously.

The meeting adjourned at 8:45 pm.