

**ZBA Meeting Minutes, June 10, 2009** – Casella/Collins, Oakridge

Members Present: Chase Duffy, Cynthia Maxwell, Alison Manugian, Mark Mulligan, Harris McWade

Chairman Cadle was unable to attend and Mark Mulligan was designated Acting Chairman.

Acting Chairman Mulligan convened the meeting by reading the legal notice.

Atty. Collins, agent for Casella, noted that this is an application for affordable elderly housing under 218-27B. He said the property has an existing cape style home that is located on the left side of the plan, and the lot is 2.7 acres and slopes up gently from Townsend Road towards the Throne. He said that there is 337 feet of frontage and his client wants to add on to the left side of the existing cape to make two 780 square foot, two bedroom units that are restricted to low to moderate income and over age 55. He said that the Housing Authority will decide whether the units are rental or for purchase and those two units will count towards the Town's affordable housing requirement. He noted that the two single family homes will have three to four bedrooms with about 1800 square feet of living space, selling in the high 300s to low 400s. He said that the affordables will be priced in the mid 150 grand range, noting that the by-law allows for one unit per 5000 sq ft. that would allow up to 22 units on this site. He said that each single family is on a one acre lot and the duplex is on an 18,000 sq ft. parcel. He said that this by-law requires a full Level 2 Site Plan Review with the PB, including having a recordable engineered plan showing topography, setbacks, etc., as well as approval from the Housing Authority and the selection of residents through a lottery. He said that the Executive Office of Human Affairs (EOHA) also needs to review and approve the project. He said that he thinks this is a good idea for the site, noting that the applicant originally planned to build a large extended duplex, but this assists the town in meeting the numbers to fulfill the housing quota. He noted that Townsend Road was like the end of the world when he was a child and has developed nicely with a mix of housing types and demographics. He then described some of the development that has occurred over the years since the 60's and 70's, noting that he feels that the proposed houses are placed in a sensitive manner in relation to the site. He noted that the common driveway for the two single family homes would require a special permit from the PB and a circular drive will be serving the two units in the existing house.

An abutter pointed out that one entrance directly faces the house across street and thus the applicant said will move the driveway.

Acting Chairman Mulligan asked what trees are there and what will be planted.

Mr. Casella pointed out on plan what was staying, etc.

Acting Chairman Mulligan asked whether two houses could be built by right.

Atty. Collins said that just a large duplex or single family home could be built by right.

Acting Chairman Mulligan asked about septic and water.

Atty. Collins said that the septic system will be designed to accommodate the site and units and town water will be brought to the site.

Acting Chairman Mulligan asked about the floor plan.

Atty. Collins said that the floor plan will be duplicated/mirrored in the addition to the existing Cape, but will have the appearance of a single-family residence.

Mrs. Manugian asked about basement and attic space.

Atty. Collins said that there will be both basement and attic space but it will be limited to storage.

Joe Marchesani, 87 Townsend Rd., and Debbie Gordon, abutters, were present.

Patty Smith, abutter, said that she had a bunch of questions, primarily noting that the square footage should be equal for the elderly and market rate units. She said that she has an elderly parent that could use housing like this and she thinks the square footage should be even.

Atty. Collins said that square footage was not an issue, but that his client didn't want to create a ghetto situation for elders. He said that the market rate units subsidize the affordable units. He suggested that the PB could use input regarding how to improve the bylaw.

Ms. Smith said that 160 homes are going in on Throne Hill with access on Townsend Road, including affordable housing units. She said that traffic will be a major concern, noting that New Hampshire drivers travel fast on Townsend Road. She said that she feels this project will negatively affect the value of her property and asked about the number of bedrooms in the single family homes.

Mr. Casella said that the houses would be three or four bedroom.

Ms. Smith said that the project doesn't fit in with the neighborhood, which is just two or three bedroom homes.

Atty. Collins said this should not generate more than 2.5 trips per day, per unit.

An abutter said that this would crowd in the neighborhood.

Ms. McWade suggested a fence.

Ms. Smith said that she didn't want her property to be further closed in.

Mrs. Duffy asked about financing and subsidies for the affordable units.

Atty. Collins said that the EOCA will put a restriction on it to guarantee the affordable plus 55+ units.

Mrs. Marchesani said that she is raising her great grandchild, who is entering kindergarten, along with three other children in abutting houses. She said that she is concerned that there will be a lot of emergency vehicles because of the nature of the needs of elderly residents. She asked about the lottery.

Atty. Collins said that the Housing Authority has a lottery, in which the participants must be older than 55 and meet income requirements, with town residents and town employees being given an additional preference. He said that this project is not designed for individuals with extreme mobility issues and serious health issues.

Mrs. Marchesani noted concern about density issues, stating that when the site was cleared she thought a single family home was going in.

Acting Chairman Mulligan asked how many units could be done under Chapter 40B and Atty. Collins replied ten.

Ms. Smith asked whether it is true that 22 units could be constructed under this by-law and ten under Chapter 40B and Atty. Collins said that was the case.

An abutter asked how the septic systems would be set up, noting concern about runoff going into the wells across the street and into the river.

Mr. Casella said that the site perked very well and the soil is excellent. He said that there is a separate septic for each house and one unit for the duplex.

Acting Chairman Mulligan said that all septic systems will need Title V approval.

An abutter noted concern with the shared system for the duplex.

Atty. Collins said that it is common for two attached units to have a shared septic, noting that there would be a homeowners agreement.

Deborah Gordon said that she was concerned about her well.

Atty. Collins said that system would not follow the topography.

Mr. Casella said that are keeping tree line as shown on plan.

Acting Chairman Mulligan asked whether the existing septic will be used.

Atty. Collins said that all new septic systems will be installed and the existing shell of the house will be kept but the interior will be brought up to code. He noted that other projects have been done in a similar fashion in town.

An abutter cited concern about the impact on wildlife, noting that the site has already been cleared and she is concerned about runoff.

Atty. Collins said that there is no trigger for a state review, noting that there are no wetlands and thus there is no need to file a Notice of Intent.

The abutters as a group said that that is frightening.

Atty. Collins said that this will be a minimal increase in impact from a single family or a by right duplex.

Acting Chairman Mulligan asked for clarification whether the applicant could clear and build a single family or duplex by right, with no review at all. Atty. Collins said that that was correct.

Mr. Nance asked about the depth of the septic systems vs. the depth of the closest abutting well.

Mrs. Casella said that the systems are not that deep. Ms. Gordon noted that she was unsure of how deep her well is.

Mr. Nance asked why the ZBA was involved in this appeal.

Atty. Collins said that the by-law was written so that the ZBA is involved in some special permits, but that Academy Hill just involved permitting through the PB.

Mr. Nance asked for a history of similar projects.

Atty. Collins said that the ZBA has granted four, and described some of the projects granted in the past.

Mr. Schulman clarified that the PB is also involved in the review process.

An abutter asked for clarification whether the units are affordable or elderly housing.

Atty. Collins said that the designated units need to be both.

Discussion ensued regarding income limitations, requirements, etc.

An abutter said that HUD guidelines denote elderly as age 62.

Atty. Collins said that Groton has adopted 55+ as the standard.

An abutter noted that if the standard is 55+ then this will add to the traffic situation because that is young. She then asked about the clearing of the burning bush, which is an invasive species.

Mr. Casella said that he didn't know about this, but will dig it up.

Kathy McPartlan, abutter, noted that this density of three buildings on 2.7 acres is high. She then asked Atty. Collins if he knew how much 55+ housing is going in at Academy Hill and questioned how much the area can support.

Atty. Collins said that this will most likely be a rental property instead of for sale units like on Academy Hill, with the applicant being the landlord.

Ms. McPartlan said that there will be a higher turnover if rental.

Atty. Collins said that lottery is expensive so there is not a high turnover.

Ms. Smith said that she wants only a single-family home on the property, noting that the Town can take care of affordable housing needs with Academy Hill. She said that she is a direct abutter and she doesn't want a mess in winter. She said she moved to Groton because of the rural character and she doesn't want this project.

Atty. Collins said that if one checks the assessors' records, most houses in the neighborhood are on acre lots.

An abutter noted that there are no rentals.

Ms. Smith said that the developments going in haven't put runoff where it is supposed to be and we as residents driving down road have to pay for it.

Atty. Collins said that those are huge developments and his client can't be blamed for that. He noted that there will not be much impervious cover and certainly similar to a single-family house. He said that these are small houses by Groton standards.

Ms. Smith said that she is stuck on the 50/50 footprint of the affordable vs. market rate units.

Acting Chairman Mulligan noted that as an abutter, she needs to understand that the applicant could put in ten units as a 40B.

Ms. Smith said that the PB should have forced Academy Hill to take care of the affordable housing needs of the Town.

Ms. McWade said that this should be addressed to the PB.

Mr. Nance stated concern about the septic systems, noting that a lot of Academy Hill construction has not even started.

Discussion ensued regarding how the BOH reviews septic plans.

Atty. Collins described the BOH/Title V process.

Ms. Smith asked how long construction would take.

Mr. Casella said that it depends on the market, but a house generally takes about four months to build.

Atty. Collins said that the ZBA permit only last for two years so the project has to be completed within that time.

Mrs. Manugian asked whether the two-year window is to start construction or to finish it.

Atty. Collins said that all permits have a life to them, including building permits.

Mrs. Manugian asked about the size of abutting lots.

Atty. Collins said that there is a whole range from 1.3 to 5 acres, noting that he can get specifics if the Board wants to continue.

Acting Chairman Mulligan said that the Board could benefit from a site walk.

Mrs. Manugian asked about site distances.

Atty. Collins said that that part of Townsend Road is flat and straight.

Ms. McWade said that she wants to know the location of Ms. Gordon's well, as well as whether it is a deep artisan well.

Atty. Collins said that they can provide that information.

Mrs. Duffy asked how far the project is from shopping and other services.

An abutter said that it is one mile to Rt. 119 and approximately 1.9 miles to West Groton center.

Mrs. Manugian asked about the plans for the single family houses, which Atty. Collins submitted.

Mrs. Duffy felt that the dwellings looked big and a group of abutters agreed.

Mr. Casella said that it is better to have the garages underneath because it condenses everything.

Ms. Smith said that she feels the application is not complete.

Atty. Collins said that this is a use special permit and site plan review takes care of the engineering issues. He said that the ZBA approves the use with conditions and the PB Site Plan Review is an engineering review.

Acting Chairman Mulligan said that it is a use issue with the ZBA getting approximate figures and the PB getting exact figures.

Ms. McWade noted that the BOH has input regarding the size of the house/number of bedrooms and what works with the septic system.

Ms. McPartlan asked about the potential of 10 bedrooms on 2.7 acres.

Discussion ensued regarding the size of the 40B at the end of Townsend Road.

Atty. Collins said this project isn't overcrowding this lot.

Mr. Nance asked about the proposed West Groton sewage treatment plant.

Atty. Collins said that he doesn't know the specifics but he doesn't think sewer will go down that far down Townsend Road.

An abutter asked about driveways and how to determine the location.

Atty. Collins said that the ZBA could condition location, as well as the PB.

Anna Eliot asked about having one driveway. Discussion ensued with Atty. Collins noting that they will look into it.

Mrs. Manugian said that she wants a bigger drawing with more information.

Ms. Marchesani said that she has had water coming down the driveway for years, noting that the Town took an easement to put in a culvert. She said that it is much better but water has come down the driveway into both the garage and basement and she is concerned about runoff. She noted that she is downhill from all runoff that comes from the Throne.

Atty. Collins said that he will ask the engineer about mitigations.

Mrs. Manugian said that the criteria that the Board needs to review is under 218-27 and the impetus is on the applicant to show that there is no environmental impact.

Ms. Smith asked about notices for future meetings. Atty. Collins said that the PB will send notices out.

A site walk was scheduled at 6:00 pm, Tuesday 6/16/09. The hearing was continued to 6/16/09 at 7 PM. A motion was made to continue to 6/16/09, which was seconded and passed unanimously.

Acting Chairman Mulligan reconvened the Oakridge 40B modification request. A motion was made and seconded to continue to July 8, 2009 at 7:30 pm.

A motion was made and seconded to continue the Pineridge/Jenkins Road 40B to August 5, 2009, as requested by Atty. Deschenes. The motion passed unanimously.

A motion was made to approve minutes from 4/1/09, 4/22/09, 4/29/09 and 5/13/09. The motion was seconded and passed unanimously.

The meeting adjourned at 9:30 pm.