

**ZBA Minutes June 16, 2009** – Collins/Casella

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

Acting Chairman Mulligan reconvened the Collins/Casella hearing.

Atty. Collins said that he walked away with a laundry list of wishes from both the Board and abutters after the last hearing, noting that he took the original map and deleted the colors to make it easier to read. He said that the existing structure has 50 feet of front setback and 20 feet of side. He said that the left single family dwelling has 180 feet of setback and the right has 125 feet, noting that his client did not want a linear development. He said that much of Townsend Road is linear and his client wanted to add articulation to the streetscape. He said that they changed the driveway so lights would not show up in the abutter's home, and pointed out Ms. Gordon's well on the plan, noting that it is about 150 feet back from the street and well away from the proposed septic systems. He said that drainage will be addressed in site plan review with the PB, noting that there is a subtle swale at the front of the site to stop sheeting runoff and directing it to a catch basin to the left of the shared driveway. He said that he brought pictures showing the site distance, which is a clear shot in both directions. He said that he pulled the assessor's records for all abutting lots, noting that four lots are on a massive stretch that is larger than two acres, three lots are 1.5 to 1.7 acres and many lots are 1 to 1.5 and with a whole string of lots that follow the street and are .9 acres. He iterated that 18,000 square feet for the duplex and one acre for each single family are in keeping with Townsend Road. He said that he looked into the wildlife issue, and the project doesn't meet either DEP or MEPA thresholds, but because the rear section of the parcel is in a part of the environmental concern that is part of the Throne, he will check if a MEPA review should be done. He said that he believes that this project meets the special permit criteria and the reason it is a good idea is because it is more than just demolishing the existing house and building one large house or a duplex. He stressed that the duplex will count toward the requirement for affordable housing and there will be minimal environmental impact and not more than for a large single family or duplex. He said that there is sufficient capacity in West Groton Water to serve the project and it will be consistent with the neighborhood. He said that when the site is finished and landscaped it will be an improvement visually to what is there.

Acting Chairman Mulligan noted that this permit is being sought under 218-27B and asked how the single family homes get addressed under this bylaw.

Atty. Collins said that if one looks at the bylaw when it was drafted, it was not dependent on any state or federal subsidy. He said that his client wants the two single family houses to subsidize the sale of the reduced rate units, noting that affordable sales or rentals only cover about 50% of construction costs. He stressed also that his client doesn't want to create an elderly or affordable ghetto but wants mixed housing that fits with the neighborhood. He mentioned other projects in town that have one or two affordable units that look identical to other dwellings.

Patty Smith, 470 Townsend Road, said that she wants to know how the Board will interpret the number of affordable units vs. sq. footage.

Acting Chairman Mulligan said that the by-law reads number of units vs. square footage, by his interpretation.

Atty. Collins said that it is clearly defined under the definitions section of the Bylaw, but suggested that the PB be approached to spell it out better, perhaps as number of bedrooms.

Bonnie Marchesani noted that she was unable to attend last week and has three concerns: traffic, access and drainage. She noted concern about 8 cars in such a small area. She said that the Town has an easement through their property to service a catch basin by their mailbox and there have been two floods. She said that she has to be super vigilant in winter to keep an ice trough from building up. She said that the garage is lower than the culvert and if the runoff is not guided, it causes flooding into their finished basement. She also noted that accessibility is an issue because traffic makes it impossible to get out onto Townsend Road at many different times of the day. She said that she is a visiting nurse who specializes in affordable 55+ housing, noting that the residents here will be challenged to get to the Townsend Harbor mall.

Atty. Collins said that his client will have to provide a traffic report for site plan review, noting that residents can get to W. Groton village.

Ms. McWade said that all residents of Groton have to deal with the traffic on Rt. 119.

Atty. Collins said that in addressing drainage, construction can't increase the level of runoff. He said that they have to have a drainage system designed to contain runoff on the site, which should improve the situation.

Ms. Marchesani asked whether there are any other larger pieces of property in town for this project.

Atty. Collins said that Mr. Casella already owns this parcel, noting that he has to do more to mitigate drainage with this project than with a single family house, so it is better.

Mrs. Duffy said that she wanted a definition of cross pavement drainage.

Atty. Collins said that this means that the project has a drain that runs across the driveway.

Mrs. Duffy suggested that the swale could fill up.

Atty. Collins said that his client has to have a system that would handle this, and would have to grade to so runoff would drain into the catch basin from the driveway.

Ms. Marchesani said that she will call the applicant when her driveway floods.

Acting Chairman Mulligan said that PB site plan review will address this and they need to comply.

Atty. Collins reiterated that he feels that this will be better.

Mrs. Duffy suggested that there could be a big problem because of the slope behind the property and the steepness of the Throne.

Atty. Collins said that the Partridgeberry Woods project ultimately fixed a problem with drainage on Jenkins Road.

Ms. Smith said she doesn't understand how the Academy Hill project got approved where it is, noting that her horse gets a stream through his paddock that flows into the wetlands.

Atty. Collins said that he has looked at the Academy Hill drainage plan and it should improve the situation in the neighborhood.

Ms. Smith said that it might improve, but she will have a huge catch basin nearby, as well as four more cars parked. She said that she does not think that there are many .9 acre lots nearby and all lots have single family homes.

Atty. Collins said that there are 12 lots between 1 and 1.5 acres and the same number of lots with .9 acres.

Ms. Smith said that she is totally opposed to the project and doesn't want it in her neighborhood.

Acting Chairman Mulligan noted that the applicant is here because he can't develop with this project by right, but it can be done under a special permit. He said that he is asking for a way to develop the parcel and benefit the Town. He said that the applicant could build many more units under different bylaws.

Ms. Smith asked whether that is a threat.

Acting Chairman Mulligan said that it is not a threat, but just what the reality is.

Ms. Smith noted that the applicant is getting around regulations by putting in two elderly affordable units. She then asked whether she could put in four units on her lot.

Discussion ensued, with the answer being yes, she could.

Ms. Smith said that the bylaw should be changed because it is ruining the town.

Mrs. Duffy noted that the town has changed a huge amount over the years with big houses, but landowners have a right to utilize their land. She said that the ZBA has to look at what is before them and this project does benefit the town by creating much needed affordable housing.

Acting Chairman Mulligan asked whether the parking could be to the rear.

Atty. Collins asked Mr. Casella whether the parking could be divided up and have some to the rear of the elderly units.

Mr. Casella said that he thought it could be done, noting that a u-shaped driveway would be ideal but it had to change because of headlights into abutters' windows.

Ms. Marchesani said that there is a dip in the road near the parcel that makes it hard to see cars coming and she is not sure how to resolve this.

Mrs. Manugian said that the drainage regulations, from an engineering point of view, restrict the flows but don't necessarily address the volume of runoff. She said that in addition to the decision, the Board could list a condition that the drainage not exceed the **thorbold**??? rate of flow, as well as other conditions that minimize impact. She also suggested sharing the driveway of the second subsidized unit with the single family homes.

Atty. Collins said that this is problematic due to the location of the septic system and would actually create more pavement. He suggested that it is better to move some parking behind.

Mrs. Manugian asked whether the septic and structures meet setback requirements.

Atty. Collins said that all setback requirements are met.

Acting Chairman Mulligan said that it is his understanding that the ZBA is only granting a use special permit and the PB will iron out all details of the project relating to drainage, layout, etc.

Atty. Collins said that the PB can deny also because certain criteria have to be met.

Mrs. Duffy asked whether a house along the road would block more runoff.

Mrs. Manugian said that the grading would have to ensure that water doesn't flow into the basement.

An abutter asked whether there is a plan to put in French drains around the houses.

Atty. Collins said not yet but it could be done, noting that French drains have to lead into something.

An abutter noted concern about the hill behind the property.

Atty. Collins said that this is why drainage, grading, etc. is important.

Ms. Marchesani asked whether PB notices will be sent to abutters.

Atty. Collins said yes, and that he is hoping to be ready mid to late July for PB site plan review, if the permit is granted.

Ms. Smith said that she wants to know the size of the two single family houses.

Atty. Collins said they would range from 1820 to 2200 sq. ft.

Ms. Smith asked whether the Board can condition the size of houses and Atty. Collins said that they could.

Ms. Marchesani said that she's addicted to realestate.com. and asked about price, noting that over 100 houses are available in the high 300,000 price range on larger lots.

Atty. Collins said that most are not new construction.

Mr. Casella said that these are not 5000 sq. ft. houses for \$700,000.

Ms. Marchesani said that she used to an empty lot.

Discussion ensued regarding the glut of houses on the market and the real estate slump in general.

Mr. Casella said that he has two years to build and wants to get his ducks in a row.

An abutter asked why these houses would sell quicker or better than the houses on Academy Hill.

Acting Chairman Mulligan said that as a board that is not really our concern.

Mr. Nance asked what percentage of affordable housing Groton has.

Discussion ensued, with the figure being about 5.6%.

Mr. Nance asked how many would count toward the affordable housing count.

Atty. Collins said two, because two units rentals and two are for sale, noting that if all were rental, all would count.

Mr. Nance asked for an outline of the lot line, which Atty. Collins described.

Mr. Nance asked about the rationale for making the affordable units on 18,000 sq. ft.

Atty. Collins said that it is geometry, but also driving is the dilapidated existing house.

Mr. Nance asked whether if they added 2,000 sq. ft. there could be more parking in back.

Mrs. Manugian suggested some lot line reconfigurations and moving of septic systems.

Mr. Casella said that the soil changes as one moves up the lot so the septic systems can't be relocated, noting that he also wants to keep the yards big.

Mrs. Manugian asked whether the two houses on one acre lots would need to come back to the ZBA for a variance.

Atty. Collins said they would not because they are part of the project.

Mrs. Duffy said that it is accomplishing what zoning should have done because some areas of town should have been zoned for smaller lots.

Atty. Collins noted that other towns have varied zoning areas.

Mr. Nance asked why the new homeowners would want to look at the dilapidated house and thinks the Board should condition an order of construction.

Mr. Casella said that he doesn't want to be dictated what he builds when, noting that this project doesn't crowd the site and is a good plan.

Acting Chairman Mulligan asked whether any other questions.

The abutters thanked the Board for listening.

Acting Chairman Mulligan said that PB site plan review is very important.

Atty. Collins asked about the location of the burning bushes, which was described.

Mrs. Maxwell noted that there are two other issues that should be conditioned.

Acting Chairman Mulligan said that he is in favor of granting a special permit with conditions and thinks the abutters will be protected at the PB level as well.

Ms. McWade said that she thinks the site meets the conditions in the bylaw and fits in with the generally specified criteria.

Mrs. Maxwell agreed that the alternatives could be worse and this will be an improvement.

A motion was made to grant a special permit for 697 Townsend Road, to Mr. Casella, with the following conditions attached: 1-mesa filing as required. 2-The two single family dwellings shall be restricted to not exceed 2200 sq. ft. 3-Both drainage volume and rate should not exceed the existing conditions. 4-The driveway on the elderly affordable unit/s be redesigned to have less impervious cover in front of the house. 5- mature trees will be retained where possible as shown on the plan presented 6/16/09, and the burning bushes shall be removed. 5- PB site plan review shall be complied with and 6- the decision shall be filed at the registry. A motion was made, seconded and passed unanimously.

A motion was made to adjourn the meeting at 8:30 pm.