



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

September 21, 2011 – Squannacook 40B Modification

Present

Mark Mulligan, Chairman

Robert Cadle, Member

Carol Quinn, Associate Member (not sitting on Squannacook Hills Modification)

Alison Manugian, Member

Bruce Easom, Associate Member

Megan Mahoney, Associate Member

Not Present

Cynthia Maxwell, Member

Jay Prager, Member

A quorum was attained. The meeting was called to order at 7:35 pm.

Meeting Minutes

Squannacook Hill 40B modification

Chairman Mulligan convened the hearing by reading the Legal Notice.

Atty. Robbins, agent for Groton West Realty, said the issue here is that the comprehensive permit had an attachment, Exhibit A, which contained an earth removal standard condition that construction be completed within 2 years. She said the project is currently under construction and her client either wants an additional two years, or that the board could remove the condition and require a status update in 12 months or so. She noted that a comprehensive permit would not typically expire once a building permit has been pulled and a shovel has been put in the ground. She said if the board wants her to return in two years, she wants guidelines as to how complete the project needs to be. She noted that previously, the project was delayed due to regulatory agreement negotiations. She said that the project should be completed in no more than 36 months.

Tom Sommer, abutter at 142 Townsend Rd., said he is asking for an exact timeline, because he first heard two years and then three for project completion. He said he is not clear what is the applicant is asking for.

Chairman Mulligan said they are asking for a 24-month extension.

Atty. Robbins said she has asked for a longer extension in the past and the board has wanted a 24-month cap. She said she was just giving the outside time for completion of 36 months.

Mr. Sommers said he lives next door and is living with dust and an unsightly eyesore. He said there is no privacy hedge, as promised, noting that he thinks the board should give them six months and no more.

Mr. Cadle said he remembers two concerns of abutters from the original hearing process: how the project looks and protection of the water table. He said he was also of the understanding that large plantings would be made to shield the site.

Paul Harris, 15 Windmill Hill Rd., said he lives directly above the site and has open foundations very close to him and has construction debris on his property. He said there are puddles in the foundations and they have had water in them for the past four months. He said there is no construction fence, etc. and that there are sewer tanks, open foundations, pipes coming out of the ground, loud dump trucks and excavators going six days a week. He said he doesn't want three more years of beeping and banging.

Ms. Mahony said she wants to know who is accountable for making sure the permit conditions are met before issuing an extension.

Atty. Robbins said Dennis Paige, the project developer, works well with abutters and will schedule a meeting with abutters to address these issues.

Ms. Mahony asked about screening/fencing around the property.

Atty. Robbins said that a fence around the property would be impossible given the site but there are construction safeguards in place, noting that she will follow up with the BI.

Mr. Harris said that even with paving, a good chunk of the driveway washed into Townsend Road a few weeks ago. He said the foundations have been there since last winter.

Keith Hooper said his parents own 178 Townsend Road and he abuts the site to the left. He said that during the initial approval process, fences were discussed, noting that they own an agricultural business on their property and are concerned about it being a temptation to kids. He said that they were brushed off by Msrs. Paige and Deschenes, and Mr. Trahan said he would put some extra trees by their property if there are any available, but no fence. He said he finally got Mr. Paige to agree to a fence but was told it wouldn't happen until the project was completed. He said there is not even a buffer on their side and is concerned if some of the units are occupied.

Mrs. Hooper said the foundations were filled up with two to three feet of water for extended periods of time.

Mr. Hooper said water pours out of the hill and the engineers didn't really understand that, noting that the drainage system runs constantly.

Att. Robbins said that condition #8 addresses the daily hours of construction, noting that she will deal with any of the construction issues presented tonight with Mr. Paige.

Chairman Mulligan suggested conditioning the extension with a meeting with abutters.

Atty. Robbins said the Board could also extend the permit for less than two years such that a report can be obtained about issues.

Mrs. Manugian said she had a question re: condition #20 and asked about the status of the utilities, etc.

Atty. Robbins said she is not sure about everything but noted that the septic and some of the utilities are in. She said she is not sure whether any certificates of occupancy have been issued.

Mrs. Manugian said she feels there are a lot of issues outstanding that haven't been complied with. She said she could work with a six-month extension with meetings so the board could get reports that issues have been resolved.

Chairman Mulligan asked whether some of the delay in beginning construction was financial due to the recession.

Atty. Robbins said a good part of the delay was regarding ironing out the regulatory agreement, noting that her client didn't get financing until 2009. She said he had to have the regulatory agreement in place to meet the conditions of the comp. permit and thus couldn't get financing.

Mr. Cadle said he went by the site and only one building with five units is closed in. He asked how this will be marketed and how many units are affordable in this building.

Atty. Robbins said one unit in this building is affordable, per state guidelines, noting that one in four during construction will be affordable. She said they would start the lottery for the affordable units, noting that the Groton Housing Authority is the monitoring agent and Groton residents get first priority.

Chairman Mulligan stated concern that six months would not be enough time to get anything significant done.

Ms. Mahony said she understands that but doesn't want to give them another way to stall.

Mr. Easom asked about the construction phasing.

Ms. Mahony said she could understand that.

Mr. Easom said he wants to get a handle on how much the delays/extensions have affected abutters and suggested a short-term extension with conditions. He said he wants to hear from abutters about what those conditions should be.

Atty. Robbins said she wanted the Chairman to clarify what needs to be resolved at the end of six months since construction will continue since foundations are poured. She said she would also have Mr. Paige here to discuss the financing portion of the project. She suggested a 6-month extension pursuant to Condition 14 of Exhibit A, Earth Removal, with the condition that they meet with abutters regarding issues such as erosion control and safety.

Mr. Easom said he wants something specific rather than a promise of a discussion with abutters.

Atty. Robbins said she would meet regarding erosion control, construction noise and debris, fencing, etc.

Mr. Cadle said he wants the screening issue addressed in this meeting.

Mr. Harris said safety is a huge concern.

Mr. Cadle said he wants a condition that construction guidelines be followed as conditioned in the comprehensive permit.

Chairman Mulligan suggested a specific time for meeting with abutters.

Ms. Mahoney asked what happens if they don't comply.

Atty. Robbins said no further inspections will be done, no permits issued and they could be fined \$300/day.

Mrs. Manugian read further into #20, which states that no occupancy permit shall granted until the board notifies, in writing, the BI, that the common areas, etc. are completed.

Mr. Easom asked whether all abutter concerns have been covered.

Mr. Hooper said for the most part yes, but he said their biggest issue is the screening to keep kids out and from getting hurt. He said he also doesn't want to share the sidewalk with construction equipment and supplies.

Discussion ensued regarding what the town told abutters.

Mr. Harris said the BI told him to deal directly with the developer.

Mr. Easom said that doesn't seem like the right answer. He said he thinks the BI should speak directly with the developer, noting that the town has leverage and the abutters do not.

Ms. Mahony said she wants condition #26 addressed before the six-month extension lapses.
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Mrs. Manugian suggested less than six months because these issues could be addressed in one or two months.

Chairman Mulligan asked about securing the site during the winter months.

Atty. Robbins said they are planning on working throughout the winter.

Mr. Harris said dirt was brought in and there is a huge mound piled by his driveway. He said everything on his property got peppered with rocks, etc.

Mr. Sommer noted another safety concern that the project is across the street from Cutler Field, which is busy this time of year. He said the standing water needs to be addressed.

Atty. Robbins said she will contact the BI tomorrow and will schedule a meeting very soon with abutters. She said she could either report in person or send reports to the assistant, depending on what the board wants.

Chairman Mulligan said all these conditions already exist.

Ms. Mahony said she wants to bring to the attention of the BI that there has been some slippage regarding these construction containment conditions.

Discussion ensued regarding how many Building Inspectors the town has had recently and how things could slip through the cracks.

Mrs. Manugian said she would be willing to attend the meeting with abutters.

Discussion ensued regarding how long the extension should be. Mr. Easom suggested six weeks.

Atty. Robbins said the board is looking for a plan so six weeks is agreeable.

Mr. Easom said the board is not looking for a plan but looking for actual improvements.

Atty. Robbins said six weeks would be acceptable.

Mrs. Manugian made a motion to grant a six-week extension of Comprehensive Permit #20-04, with the following the condition that all pre- construction and construction conditions are reviewed and met and a meeting with abutters is scheduled and takes place to address and mitigate their concerns. Mr. Easom seconded and the motion passed unanimously. Of note: the permit expires on the 2nd of November.

The next meeting was scheduled for the 26th of October.

Other business

Discussion ensued regarding how to keep the Building Inspector in the loop of ongoing construction projects and the conditions of said.

Discussion ensued regarding Mattbob's violation of the Comprehensive Permit renewal condition, that a report be sent to the Administrative Assistant by May 2011 outlining what is being done to obtain financing for the Oakridge project. It was determined that a letter outlining this violation be sent via certified mail.

Ms. Quinn presented information from the Lost Lake Sewer Committee. The board will attend the meeting on Tuesday the 27th; this meeting will be posted.

Discussion ensued regarding the Lost Lake sewer project and whether/how the ZBA should endorse the issue at town meeting.

Minutes and Bills

A Squannacook Hills 593 account Nitsch Engineering bill was approved.

Chairman Mulligan moved to approve the 8/3/11 minutes. Mr. Easom seconded and the motion passed with four yeas and two abstentions.

Chairman Mulligan moved to approve the 7/13/11 minutes. Mr. Easom seconded and the motion passed with four yeas and two abstentions.

Mr. Easom made a motion to adjourn at 9:30 pm. Mrs. Manugian seconded and the motion passed unanimously.

Minutes approved 1/25/12.