



TOWN OF GROTON

173 Main Street
Groton, Massachusetts 01450-1237
Tel: (978) 448-1111
Fax: (978) 448-1115

Select Board

Rebecca H. Pine, *Chair*
Alison S. Manugian, *Vice Chair*
Peter S. Cunningham, *Clerk*
Joshua A. Degen, *Member*
John F. Reilly, *Member*

Town Manager
Mark W. Haddad

March 24, 2022

BY EMAIL

Mr. Michael Busby, Relationship Manager
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108

RE: Proposed 40B-Heritage Landing
Groton, MA
MH ID No. 1137

Dear Mr. Busby:

The Groton Select Board has reviewed the developer's February 2, 2022 revised 40-B Heritage Landing application, and has discussed the matter at a public meeting on February 14, 2022. The Board has also invited both Department Heads and the public to submit comments that we are now submitting to you for your attention and consideration.

For the record, the Select Board supports this application. Specifically, the Board believes that this proposal:

1. Will produce 10 units of deed restricted affordable housing to be added to the SHI List;
2. The 30 units of market rate housing of moderate size (1,700 square feet) will provide housing at a price point lower than other new construction in Groton.
3. All units will have a first-floor bedroom which provides a degree of accessibility for seniors and others who have difficulty negotiating stairs;
4. The development will have 10 units that are handicapped accessible;
5. Future residents of this development may benefit from proximity to the recreational offerings of the nearby Cow Pond Brook Road ball fields.

The Select Board believes this property is a marginal location for family housing. The Select Board further expects that the Developer will pay all fees in full and all legal septic requirements will be met.

In addition, the Board has concerns over the following issues:

1. The site was previously a commercially graveled operation. The extent to which the gravel operation dug was so deep that it intercepted ground water. Locating housing that may be vulnerable to flooding is not in the interest of first-time moderate-income homebuyers who can least afford to address this issue if and when it arises.
2. The development will be located in immediate proximity to the Groton Police Department's active outdoor shooting range.
3. The Town of Groton has entered into a long-term lease with a commercial composting facility. This facility abuts the proposed development thus the traffic and smell from the operation may potentially impact the daily lives of the residents.
4. The Town's DPW Facility and Transfer Station also abuts this property. Daily truck trips by our fleet will occur with high frequency. 24/7 truck operations will occur throughout the snow season even in the middle of the night. In addition, the Transfer Station generates hundreds of car and truck trips past the entrance to the proposed site.
5. The former Town Landfill also is in immediate proximity to the proposed development. It is now covered with hundreds of large scale commercial solar panels creating an attractive nuisance.
6. The location of this proposed development is at the end of a very long dead end road. It is located along the Town border of both Tyngsborough and Westford. This is the furthest point from our Police, Fire and EMS should an emergency arise.
7. There are no services within miles of this location. Nor is there any private or public transportation available to service those without personal vehicles.

Finally, the attached comments are organized into categories by the source of the feedback. The attachments are grouped into sections for comments by Town departments, then Town committees and then the general public:

Town Departments

1. Robert T. Delaney, Jr., DPW Director for the Department of Public Works,
2. Thomas D. Orcutt, Water Superintendent for the Water Department,
3. Chief Steele McCurdy, Fire Chief for the Groton Fire Department,
4. Ira Grossman, Sanitarian and Agent for the Groton Board of Health,
5. Robert Garside, C.B.O., Building Commissioner and Zoning Enforcement Officer
6. February 14, 2022 notes from Select Board's discussion of the project with department heads

Town Committees/Boards

1. Housing Partnership
2. Affordable Housing Trust

General Public

1. February 9, 2022 comments by Jeff Wallens,
2. February 14, 2022 comments by Michelle and Timothy H. Smith, Valarie Boucher and Nancy Sarlan, and Justin and Kelley Frazier,
3. February 24, 2022 comments by Linda Bicknell,
4. MIT Haystack Observatory, and
5. Amateur Telescope Makers of Boston.

Thank you for your attention to this matter.

Sincerely,



Rebecca H. Pine, Chair
Groton Select Board

RHP/fs

cc: Zoning Board of Appeals
enclosures



TOWN OF GROTON

173 Main Street
Groton, Massachusetts 01450-1237
Tel: (978) 448-1162
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Department of Public Works

Robert T. Delaney Jr.
DPW Director
tdelaney@townofgroton.org
Jean Hommel
DPW Administrative Assistant
jhommel@townofgroton.org

Selectboard Members
173 Main Street
Groton

RE Heritage 40B

Dear Members

Comments were requested by our department regarding the proposed construction. I am not sure how much of the original agreement is in effect, but the conditions contained in there were negotiated, and I believe, they would benefit the Town and our department. This project has the potential to create great hardship for our complex, as it will be an attraction for so many children in the area. There is potential for injury of non-authorized people as well as vandalism of Town assets. We have had minor problems with vandalism over the years but with a concentration of homes right next to us, it has given me cause for concern.

Comments/Requests

Water line installed and connected to the DPW facility. The connection would only need to go to the area of the Dog Pound, as there is a connection for all buildings there. This was in the original agreement. Also, along with this, is the repaving of the road along the excavation route. This is in our road opening permit. Upon completion of the project, the limits of the paving can be determined, but at a minimum, the length of the excavation within the right of way.

Access control and monitoring needs to be a component here. There needs to be a fence and gates around our entire complex to limit activity on the property. Fortunately, the solar field has created a partial barrier between the project and the DPW facility, but would need to be continued and possibly improved to eliminate potential from intrusion, especially into the solar field. Remote gates as well as enhanced security systems would also protect the town and its assets. The gates would assist the police and fire when they make their fuel runs in the middle of the night, as this is the Towns fuel depot.

A visual barrier or screening was in the original agreement, this also would be key to eliminate complaints about our winter operations. We are noisy and loud in the winter and it is going to be a problem if not addressed in the beginning.

We have issues with speed and traffic on weekends with sports, as well as the transfer station. Ideas and solutions implemented on traffic calming and mitigation should also be incorporated into this plan with the addition of so many children.

End of comments at this time

I understand the need for affordable housing and support it. I am also responsible for the operations of the DPW complex and its functionality and the protection of this Town asset and that will be my focus during this process.

Please let me know if you have any questions.

Thank you

Robert "Tom" Delaney
DPW Director

AGREEMENT

This agreement by and between James M. Patierno, Trustee, Missic Realty Trust, under a Declaration of Trust dated 30 April 2001 and duly recorded with the Middlesex North District Registry of Deeds in Book 11670 at Page 220 (hereinafter referred to as "Patierno") and the Town of Groton, a municipality duly organized and existing under the laws of the Commonwealth of Massachusetts and situated in Middlesex County, acting by and through its Board of Selectmen (hereinafter referred to as "Groton").

WHEREAS Patierno is desirous of developing a certain parcel of land in said Groton which is shown as Parcel 42 on the Groton Assessor's Map 248 (hereinafter referred to as the "Site") with a development proposal which is to be submitted under Section 218-27B of the Groton Zoning By-law; and

WHEREAS Groton is the principal abutter to the Site proposed for development by Patierno, and has certain concerns relative to how the Site should be developed so as to serve the best interests of the Town and surrounding communities.

NOW THEREFORE in consideration of one (\$1.00) dollar and the mutual covenants and promises made herein, Patierno and Groton Agree as follows:

1. Patierno agrees to seek the necessary approvals for a development proposed for the Site under Section 218-27B, said development proposal to incorporate a mixture of sale and rental units in a combination of detached, semi detached and attached units. The number of units is not to exceed 48, which represents 25% of the density allowed under 218-27B. At least two thirds (2/3) of the units shall be rental units administered under the Local Initiative Program or other comparable program created or administered by the Massachusetts Department of Housing and Community Development whereby all of the rental units are counted as affordable units under Chapter 40B of the General Laws.
2. Prior to 1 May 2004 Patierno agrees to correct any dangerous slopes on the Site temporarily prior to construction and shall consult with the Earth Removal Inspector regarding whether such correction is needed, and to what extent.
3. Patierno agrees to provide as part of the development envisioned in Section 1 above certain off-site infrastructure improvements as follows:
 - a.) The extension of the municipal water main now on Cow Pond Brook Road, to service the Site, and the municipal uses adjacent to the Site, with service connections to the Highway Department Garage, Municipal Dog Pound, and Landfill Office. A stub (without a service connection) is to be provided for the municipal playing fields on the opposite side of Cow Pond Brook Road. Main and service sizes are to be determined by the Water Department, and this installation is to be in compliance with all applicable state and local regulations, laws, and standards.

Service connection fees for the Highway Department, dog Pound, and Landfill connection services are to be paid by Patierno.

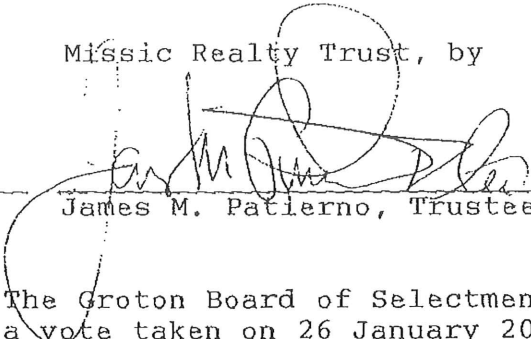
- b.) The payment by Patierno to the Groton Highway Department a sum not to exceed \$40,000.00 for the repaving of Cow Pond Brook Road from its intersection with Lowell Road to the northernmost entrance to the Transfer Station. Patierno may, in the alternative and at his option, repave this road to specifications determined by the Highway Surveyor. The contractor who performs this work is to be approved by the Highway Surveyor and Board of Selectmen. In either event this payment or work, as the case may be, would be in lieu of, and not in addition to any road opening permit fees, which Groton agrees to waive.
4. Patierno agrees that the development shall be designed so as to maintain a minimum offset of five hundred (500') feet from a cell tower now proposed to be sited on the adjacent municipal property* to any dwelling units. Should the site for this tower be such that development of the Site becomes impossible, Groton shall negotiate with Patierno to effectuate a land-swap to alleviate the resulting constraint, with both Groton and Patierno acknowledging that any such action would ultimately require a vote of the Town Meeting.
5. Patierno agrees to incorporate landscaping, topographic changes, signage and fencing into the design for the site to create a visual buffer and sound barrier between the proposed development and the adjacent municipal uses and to attend to security concerns. Since this may entail the use of some of the adjacent municipal property to create a natural appearance to this buffer, Patierno agrees to devise such a design and submit it to the Board of Selectmen for its approval. Should such approval be granted, Groton shall provide a temporary license to Patierno to accomplish this work.
6. The parties acknowledge that the proposed development will require the approval of a Special Permit by the Zoning Board of Appeals, Site Plan Review by the Planning Board, and such other municipal and state approvals as may be required. Nothing in this agreement shall be construed as eliminating the necessity of any such approval or impeding the discretion of any Board or individual who will subsequently be asked to review and approve Patierno's development proposal. Performance by both Patierno and Groton of any and all of the terms of this agreement is further contingent upon Patierno successfully obtaining the necessary approvals for the development of the site as envisioned in Section 1 herein with not less than 44 units nor more than 48 and without conditions imposed which would make the development economically unviable. Should a different proposal be

be pursued by Patierno or any other party for this Site, Groton shall not be bound by anything set forth herein, and may seek to impose conditions or infrastructure improvements different from or in addition to those set forth herein.

In Witness Whereof the parties have hereunto set their Hands and Seals on the dates indicated


Missic Realty Trust, by

Dated: 2/5/04


James M. Patierno, Trustee

The Groton Board of Selectmen, pursuant to a vote taken on 26 January 2004, by

Dated: 2/23/04


Thomas D. Hartnett, Chairman



TOWN OF GROTON
Water Department
173 Main Street, Town Hall
Groton, Massachusetts 01450

Office: 978-448-1122
Fax: 978-448-1123

Superintendent:
Thomas D. Orcutt

Business Manager:
Lauren E. Crory

Commissioners:
John J. McCaffrey
Greg R. Fishbone
James L. Gmeiner

February 10, 2022

Ms. Rebecca Pine, Chair
Select Board
Town of Groton
173 Main Street
Groton MA 01450

Re: Heritage Landing at Cow Pond Brook
MH ID No. 1137

Dear Ms. Pine,

Please accept the following comments on behalf of the Groton Water Department with respect to the proposed 40B Project – Heritage Landing at Cow Pond Brook. The Board of Water Commissioners shall approve the proposed water main extension on Cow Pond Brook Road to the project site. A Hydraulic Analysis prepared by the Water Department's engineering consultant is required for the project in order to review the water supply demands for fire protection and domestic needs and shall be paid for by the proponent. All System Development fees shall be paid for by the Developer as Building Permits are obtained from the Town (there are no waivers for these fees). The Groton Water Department shall provide full time inspection of all water main installation work conducted by the developer's contractor at the developer's expense. The Developer shall abide by the Rules and Regulations of the Groton Water Department contained within Chapter 407 of the Town Code.

If you have any questions, please do not hesitate to contact me at your convenience

Respectfully,

Thomas D. Orcutt
Water Superintendent



Groton Fire Department

Fire ~ EMS ~ Rescue

"Together We Serve the Community"

45 Farmers Row
Groton, Massachusetts 01450
Tel: (978) 448-6333
Fax: (978) 448-1116



To: Fran Stanley

From: Steele McCurdy

February 15, 2022

Re: Cow Pond Brook Rd 40B development

In response to the proposed 40B (parcel 248-42) I have compiled a few items for consideration. A majority of the concerns provided are based on the fact that the project is 6.3 miles from the Groton Fire Department Headquarters. While the Lost Lake Fire Station is closer, it is not staffed and is unlikely to provide better coverage than the Headquarters station.

- Based on the number of units, and the remote location from the station I do have concerns about the fire protection of the buildings. With a response time of 12+ minutes, a fire will have ample to time burn unchecked potentially resulting in total building loss or even loss of life. Additionally, given the proximity of the buildings to one another, this unchecked fire has a distinct possibility of spreading to other buildings very quickly overwhelming resources. Although not required by building code, the installation of residential sprinklers would be the best and most economical way to combat this issue resulting in a much lower risk of injuries while also conserving property.
- For the same reasons above, the response of EMS units to this location would be delayed due to the long travel required to provide service. The only way to combat this would be by reducing the number of units thereby reducing population/threat or staffing the Lost Lake Fire station.
- Any roadways designed and built for the project will require a minimum of 20-foot width and an inner turn radius of no less than 43 feet for the main road, cul-de-sacs and/or T turn arounds.

As further details become available in design phases, the Groton Fire Department may have added recommendations or concerns.

Fran Stanley

From: Fran Stanley
Sent: Thursday, January 27, 2022 5:19 PM
To: 'MBusby@masshousing.com'; 'Edward O'Neil'
Cc: Mark Haddad; Dawn Dunbar
Subject: Heritage Landing (Groton): feedback from Board of Health Agent on septic plans

Dear Mike and Ed:

Good afternoon. Mike, I look forward to meeting you at Tuesday's site walk. I am writing to pass along feedback that the Town received from its Board of Health Agent Ira Grossman. Ira Grossman provided his comments on the septic plans for Heritage Landing. Please look below for a copy of that email regarding Title 5 requirements.

Thank you for your attention to this matter.

Best wishes,
-Fran

Fran Stanley
Housing Coordinator
Land Use Department
Town of Groton
173 Main Street
Groton, MA 01450
fstanley@grotonma.gov
work 978.732.1913 cell 978-394-5619
fax 978.448.1113

Please note that the Massachusetts Attorney General has determined that emails are a public record. Privacy should not be expected.

From: Ira Grossman <igrossman@nashoba.org>
Date: January 27, 2022 at 3:28:11 PM EST
To: Sammie Kul <skul@grotonma.gov>
Cc: Mark Haddad <mhaddad@grotonma.gov>, Bob Garside <bgarside@grotonma.gov>, Michelle Collette <mcollette@grotonma.gov>
Subject: RE: Heritage Landing/Cow Pond Brook 40B development

Hi,

I took a look at the site plan information and if I am reading this the right way the project is 40 units with 3 bedrooms in all, located on one condominium development. The proposal is to have multiple "septic areas" however; Title 5 dictates that this would one facility and the total wastewater flow form all the units would be applicable for the site and not divided up to individual leaching systems.

What I am saying is that 40 units x 3 bedrooms is a septic design for 120 bedrooms @ 110 gallons per day (gpd) /bedroom or 13,200 gpd .

13,200 gpd requires a wastewater treatment plant and a ground water discharge permit from DEP, not individual septic system permits issued by the Local Approving Authority.

Ira

Facility - Any real property (including any abutting real property) and any buildings thereon, which is served, is proposed to be served, or could in the future be served, by a system or systems, where:

- (a) legal title is held or controlled by the same owner or owners; or
- (b) the local Approving Authority or the Department otherwise determines such real property is in single ownership or control pursuant to 310 CMR 15.011 (aggregation).

(2) The approval of any system, including the issuance of Disposal System Construction Permits, Local Upgrade Approvals, and Certificates of Compliance, shall be by the Local Approving Authority, except that the Department shall be the Approving Authority for systems owned or operated by an agency of the Commonwealth or of the federal government, for systems serving a facility with a design flow of 10,000 gallons per day or greater, and for variances granted in accordance with 310 CMR 15.416. Unless otherwise specified herein, the following systems or circumstances are approved by the Department only:

- (a) alternative systems which are proposed in compliance with 310 CMR 15.280 through 15.289;
- (b) upgrade or expansion of systems with a design flow of 10,000 gpd or greater but less than 15,000 gpd, or continued use of systems subject to 310 CMR 15.304(2); and
- (c) any system or proposed system which the Department determines requires its review for the purposes of protection of public health, safety, welfare and the environment, or determining consistency with 310 CMR 15.000.



TOWN OF GROTON

173 Main Street
Groton, Massachusetts 01450-1237
Tel: (978) 448-1109
Fax: (978) 448-1113

Office of:
Building Commissioner
Zoning Enforcement Officer

February 9, 2022

SELECTBOARD
TOWN MANAGER

RE: HERITAGE LANDING/COW POND BROOK 40B APPLICATION

After review of the application provided by Defcon 1, LLC to Mass Housing, there appears to be some question regarding the costs of the Building Permits for the development.

As there is no specific line item for Building Permits contained in their estimate, the Building Dept wants to ensure the Developer has indeed carried the Building Permit costs for these units and at the correct rates.

Therefore, I have attached a copy of the Town of Groton Fee Schedule that was adopted 1/1/2021. The developer (and their subcontractors) will be responsible for all Building, Electrical, Gas, Plumbing, Sheet Metal and Trench permit fees for each unit in the development and separate permits will need to be obtained for each unit as construction progresses.

Please note the above permit costs are exclusive to the Building Dept and do not reflect any other Departments which may assess fees (Water, Fire, Board of Health etc)

We respectfully request this letter and attachments be forwarded to Mass Housing as per their request for comments.

Please contact this office at 978-448-1109 with any questions or concerns.

Sincerely,

Robert Garside, C.B.O.
Building Official/Zoning Enforcement Officer



TOWN OF GROTON
 BUILDING DEPARTMENT
 TOWN HALL- 2ND FLOOR
 173 Main Street
 Groton, Massachusetts 01450-1237

Tel: 978-448-1109
 Fax: 978-448-1113
 e-mail:
 building@townofgroton.org

Effective 1/1/2021

BUILDING PERMIT FEE SCHEDULE

Residential:

		Min amounts
New Buildings/Additions	\$12.00 per \$1,000	\$150.00
Interior finishes	\$12.00 per \$1,000	\$80.00
Garages	\$12.00 per \$1,000	\$100.00
Sunrooms/decks/porches/ cabanas etc.	\$12.00 per \$1,000	\$100.00
Barns	\$12.00 per \$1,000	\$100.00
Renovations	\$12.00 per \$1,000	\$100.00
Handicap Ramp	\$30.00	
Mobile Home- temp use	\$150.00	
Permit Card	\$30.00	
Pellet and wood stoves	\$60.00	
Temp structures	\$80.00	
Demo Dwelling	\$200.00	
Demo Accessory Structure	\$60.00	
Pools- above ground	\$100.00	
Pools Inground	\$200.00	
Sheds above 200 SF	\$12.00 per \$1,000	\$80.00
Chimney Roof/sheet metal/siding/windows etc.	\$12.00 per \$1,000	\$80.00

COMMERCIAL/NON PROFIT:

New Buildings/Additions	\$12.00 per \$1000	\$600.00
Occupancy permit	\$100.00	
Change of Use	\$200.00	
Demolition	\$5.00 per \$1,000	\$150.00
Renovations	\$10.00 per \$1,000	\$300.00
Roof/siding/ windows	\$12.00 per \$1000	\$150.00
Sprinklers	\$12.00 per \$1000	\$100.00
Tenant Fit ups	\$12.00 per \$1000	\$200.00
Antennae/Tower	4\$ Per FT	
Equipment Co Location	\$200.00	
Associated Ground Structure	\$12.00 per \$1,000	\$250.00
Construction Trailer	\$100.00	
Farm Labor	\$60.00	
Annual Public Safety	\$40.00	
Sheet Metal	\$12.00 per \$1,000	\$150.00
Temporary Structures (tents)	\$80.00	

PLEASE NOTE: any work started without a permit will result in a TRIPLE permit fee.

1. Fees will not be waived for any non-governmental agency.
2. Fees are non-refundable.
3. Fees are not subject to negotiation.
4. Re-Inspection fee, if/when specified by the Building Commissioner: \$50.00.
5. Code violations will require a re-inspection.
6. Any fees not specified will be determined by the Building Commissioner.
7. The permit fee will be based on the proposed valuation of work versus the ICC Building Valuation Table, amended bi- annually, whichever is greater.
 - The valuation of work shall include all material and labor (foundation work, structural and non-structural, building components, electrical, plumbing, mechanical, and interior/exterior finishes) and cost to implement (equipment overhead).
 - The Building Department reserves the right to request from the applicant a detailed substantiation of the valuation of work.

PLEASE NOTE: ALL PERMITS issued within the Land Use Departments, will be charged a 6% administrative fee.



TOWN OF GROTON
BUILDING DEPARTMENT
 TOWN HALL- 2ND FLOOR
 173 Main Street
 Groton, Massachusetts 01450-1237

Tel: 978-448-1109
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 e-mail:
 building@townofgroton.org

Effective 1/1/2021

Electrical Permit Fee Schedule

Residential:

Minimum Permit charge		\$80.00
Sub Panel		\$80.00
Temporary Service		\$80.00
Service Change:	100 amp	\$80.00
	200 amp and higher (each service)	\$100.00
New Single-Family Dwelling:	100 amp	\$200.00
	200 amp	\$300.00
	400 amp	\$400.00
Generator Excluded		
New 2 Family and Higher Dwelling Unit:	100-amp service	\$200/unit
	200-amp service	\$300/unit
Additions and Remodel:	1-20 Outlets, Switches, Receptacles	\$100 Based on 2 Inspections
" "	20-50 Outlets, Switches and Receptacles	\$100 Based on 2 Inspections
" "	Over 50 Outlets, Switches and Receptacles	\$100 Based on 2 Inspections
Residential Barn, Garage, Pool Cabana, Storage Building (Detached, Single Story)		\$125.00
Ejector/Septic/Sewer Pump, Generator, Hot tub/ Jacuzzi, Hot Water heater, Oil Burner, Sauna, Welding Equipment, etc..		\$80.00
BA/FA- Combo		\$100.00
Burglar Alarm		\$80.00
Cable-Data-Telephone (low Voltage)		\$80.00
Carbon Monoxide Detectors		\$80.00

Fire Alarm	\$80.00
Central Air Conditioning/Mini Split	\$80.00
Above Ground Pools (1 Inspection)	\$80.00
In-Ground Pools/Outdoor Hot Tub/Saunas (2 Inspections)	\$150.00
Additional Inspection Fee	\$60.00
Re-Inspection Fee	\$75.00
Car Chargers	\$150.00
Solar Panels/ Power Packs	
1 Inspection	\$150.00
2 or 3 inspections	At Inspectors Discretion
<u>Commercial:/Non-Profit</u>	
New Construction/Additions (of Electrical cost value)	1%
Minor Renovations/tenant fit-up:	
1-10 Outlets, Fixtures, Receptacles	\$75 per Inspection
11-25 Outlets, Fixtures, Receptacles	\$75 per Inspection
25-50 Outlets, Fixtures, Receptacles	\$75 per Inspection
Over 50 Outlets, Fixtures, Receptacles	\$75 per Inspection
Service:	
100 Amp	\$200.00
200 Amp	\$300.00
400 Amp	\$400.00
600 Amp +Higher	\$500.00
BA/PA Combos	\$80 Per Inspection
Burglar Alarm	\$80 Per Inspection
Cable-Data-Telephone (low-Voltage)	\$80 Per Inspection
Fire Alarm	\$80 Per Inspection
Free Standing Lighting	Minimum Fee
Security Call Box/Station	Minimum Fee
Motor/Generator/Transformer	Minimum Fee
Solar Panels	1% of Electrical Cost
Additional Inspection Fee	\$80.00
Minimum Permit Charge	\$100.00
Re-Inspection Fee	\$100.00
Yearly Maintenance Permit	\$200.00

Please note:

1. A separate permit must be filed for each dwelling unit or tenant space. In the case of a condominium development or multi-family dwelling, each unit shall be considered a dwelling unit.
2. Individuals that perform electrical work in the Commonwealth of Massachusetts must be licensed. The permit application must be completed by the electrician or a representative of the company.
3. New services, changes to existing service equipment, car chargers, powerpacks, and solar systems require a utility authorization number issued by the Groton Electric Light Department (978-448-1150) prior to application of this permit.
4. Any work performed more than 5 days prior to the application of the permit will result in a double permit fee.
5. All underground work must be inspected prior to back-fill.
6. The building must be tight to the weather prior to the installation of any electric wiring.
7. The rough inspection required all wires to be run, all device boxes and lighting outlets (except old work) to be installed and all grounds and splices to be made-up prior to concealment by insulation, wallboard, sheathing, etc.
8. Electrical permits are NOT transferable.
9. The permit fee will be based on the proposed valuation of work and shall include all material and labor
10. Fees will not be waived for any non-governmental agency.
11. Fees are non-refundable.
12. Fees are not subject to negotiation

PLEASE NOTE: ALL PERMITS issued within the Land Use Departments, will be charged a 6% administrative fee.



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BUILDING DEPARTMENT
 TOWN HALL- 2ND FLOOR
 173 Main Street
 Groton, Massachusetts 01450-1237

Tel: 978-448-1109
 Fax: 978-448-1113
 e-mail:
 building@townofgroton.org

Effective 1/1/2021

GAS/ PLUMBING PERMIT FEE SCHEDULE

Residential

First Fixture:	\$65.00
Add Fixtures- each	\$15.00
Dishwasher Only	\$40.00
Additional Inspection Fee:	\$50.00
Re-inspection Fee:	\$60.00
*Gas Conversion" and/or *Gas/Plumbing Combination items:	
Boiler-	\$60.00
Dryer-	\$60.00
Hi-Lo Regulator-	\$60.00
Hot Water Heater-	\$60.00
Range-	\$60.00

Work performed without a permit shall be charged double

All code violations shall require a reinspection

Gas / Plumbing permits are not transferable.

Commercial/ Non-Profit

First Fixture-	\$100.00
Additional Fixtures-Each-	\$20.00
Additional Inspection Fee-	\$75.00
Re-Inspection Fee-	\$80.00

Technologies / Gray Water toilets: Board of Health approval / permit needed.

1. The permit fee will be based on the proposed valuation of work and shall include all material and labor
2. Fees will not be waived for any non-governmental agency.
3. Fees are non-refundable.
4. Fees are not subject to negotiation

ALL PERMITS issued within the LAND USE DEPARTMENTS, will be charged a 6% administrative fee.

February 14, 2022 Notes from Select Board's Discussion of Heritage Landing with Department Heads

The Select Board met on February 14, 2022 to discuss the proposed MGL 40B development Heritage Landing which will be sited on parcel 248-42, which has frontage on the Easterly side of Cow Pond Brook Road. This site borders Town owned land to the North, Massachusetts Institute of Technology owned land to the East (part of the 1,300-acre MIT/Haystack Observatory campus) and a privately owned residential house lot to the South. The Affordable Housing Trust and the Housing Partnership were also in attendance for this public meeting.

Tom Delaney, DPW Director, shared his concern about safety at the transfer station. He submitted a letter to the Select Board (see February 14, 2022 letter) summarizing his concerns. Tom Delaney noted that the Town had a 2004 agreement with Missic Realty Trust, the prior owner of this site. Per that agreement (attached in comments), the owner of parcel 248-42 agreed to extend municipal water to the highway garage, dog pound and landfill office and pay associated connection fees. A stub without service connection was also to be provided to the Cow Pond ball fields. Other promises by the site owner included contributions for repaving Cow Pond Brook Road and cell tower setbacks. The Select Board discussed whether the 2004 agreement would be binding on DefCon 1, LLC, the present owner of the site.

Bob Garside, Building Commissioner and Zoning Enforcement Officer, said that his letter includes attachments containing all the building department fee schedules. Bob Garside said that the developer should expect to pay all fees with no expectation of fee waivers.

Tom Orcutt, Water Superintendent, explained that he had submitted a comment letter on behalf of the Water Department. Tom Orcutt said that he had had discussions with the developer who intends to extend municipal water to the site. Tom Orcutt said that the developer should not have an expectation of waivers for fees associated with the extension of municipal water.

Police Chief Michael Luth stated that the Heritage Landing site is adjacent to the police qualification range. The concept plan for the development shows that a couple of duplexes will be closed to the shared border between Heritage Landing and the shooting range. Presently, the Town's shooting range is surrounded by a chain link fence. Chief Luth requested fencing all the way down the property line from Cow Pond Brook Road to the MIT owned site close to the Westford border. Select Board chair Becky Pine asked about a prior written agreement that details the usage of the gun range. Chief Luth will look for that document which may have been created prior to his tenure as police chief. Chief Luth said that, presently, he posts the shooting range schedule on social media to provide notice. The group discussed the fact that the Town of Norfolk was said to have had a shooting range in proximity to a 40B project.

Fire Chief Steele McCurdy said that there are technical pieces related to the construction that the Fire Department will review when the development reaches the appropriate phase. Apart from construction, the site is 6.3 miles away from the Center Fire Station which leads to a longer than expected response time in an emergency. Chief McCurdy said that he recommended installation of sprinklers due to the density of the development but that he cannot require sprinklers under state law.

Nikolis Gualco, the Conservation Agent for the Town, stated that at this point there are few Conservation concerns as very little grading is in the buffer zone. Nikolis Gualco cautioned that should the developer pull houses away from the North side of the site – perhaps to accommodate the shooting range – then there may be more Conservation issues.

Takashi Tada, the Land Use Director for the Town, noted that the topography of the site, which will call for grading and managing the grading, as well as the shooting range are two main issues. Takashi Tada stated that the endangered species habitat affects the buildable area of the site. Select Board member Alison Manugian asked about two roads in and out versus a single point of egress. Alison Manugian asked about conditions that would make this a requirement. Takashi Tada replied that this matter can be addressed at the Zoning Board of Appeals permitting stage and that it is unclear whether two roads would be a request or a requirement. Chief McCurdy commented that engineers will work on this at the road design phase of the process.

February 14, 2022 Notes from Select Board's Discussion of Heritage Landing with Department Heads

Michelle Collette, who is a member of the Board of Health, referenced the Title 5 septic requirements. Septic must be sited in natural soil – not backfilled replacement materials. Michelle Collette noted that Board of Health Agent Ira Grossman had calculated the daily wastewater flow at 13,200 gallons which is over the 10,000 gallon per day threshold. This means that the developer would need to adjust accordingly whether that would be to reduce the number of bedrooms or install a waste water treatment plant. The question arose about whether there would be a request for an irrigation well. Regarding fill that may be needed for the development, Michelle Collette stated that the fill should be tested for quality with respect to permeability and contaminants.

Anna Eliot, speaking as a member of the Housing Partnership, asked the group to consider the possibility of using MGL 40R. Also, Anna Eliot stated that she is interested (and this possibility was raised at the February 8, 2022 site walk) to negotiate the use of the hill across the road for fill for the site. The benefit of this idea for the Town is that it would allow for more parking for the Cow Pond Brook Road ball fields. The discussion of the group noted that Natural Heritage would likely need to be involved due to the fact that there is a certified vernal pool on the South side of that area.

Phil Francisco, a member of the Affordable Housing Trust, commented that it is possible that the developer might pay to relocate the range. Another commenter noted that it might be costly to relocate the range. Tom Delaney said that moving the range to the Northeast corner of the Town's land beyond the transfer station will not be feasible because that area is too wet. Crossing the bridge (beyond gated end of Cow Pond Brook Road) lacks the necessary infrastructure. Tom Delaney added that he is concerned about the attractive nuisance issue.

Joshua Degen, a Select Board member, asked about environmental impacts. Nikolis Gualco said that there will be a MESA review through Natural Heritage. Joshua Degen asked who would address the composting facility which has issues of drift and smell. Joshua Degen stated that the site had been mined for sand and gravel in the past and asked whether the water table was intercepted. He asked how the developer will account for seasonal flows of water.

Peter Cunningham, a Select Board member and chair of the Housing Partnership, said that there is a capped landfill nearby so we probably do not want a nearby well that might draw from the area that has filtered through the landfill material. There are safety concerns with the range and solar panels.

Becky Pine, the Select Board chair and the chair of the Affordable Housing Trust, said that the Town is in need of affordable housing. This housing would be next to recreation, other housing and conservation land. Becky Pine added that both homeownership affordable units and the market rate units are good for the Town.

Alison Manugian said that density to be closer to the center of Town is preferable for life and safety issues but she otherwise endorses Becky Pine's comments.

John Sopka, a resident and member of the Groton Housing Authority, asked if this site would be prone to flooding. John Sopka said that he does not want to see a repeat of the Olivia Way experience.

Justin Frazier, a resident and abutter, said that there is absolutely no public transportation on Cow Pond Brook Road. Justin Frazier said that he has traffic concerns. Justin Frazier added that the hill on the site might be blocking some of the odors from the compost facility's operations and that altogether he is opposed to this project.

The Select Board members agreed by consensus to request an extension for the comments period from MassHousing. Comments can be sent to selectboard@grotonma.gov. Resident Nancy Sarlan asked how comments will get to MassHousing. Fran Stanley, the Housing Coordinator, will compile comments topped with a letter from the Select Board. Fran Stanley said that written comments are best as such comments can be passed along directly without interpretation. Alison Manugian asked for the comments to be ordered so as to distinguish the comment source.



TOWN OF GROTON

173 Main Street
Groton, Massachusetts 01450-1237
Tel: (978) 448-1111
Fax: (978) 448-1115

HOUSING PARTNERSHIP

Peter Cunningham, Chair
Anna Eliot
Richard Perini
Carolyn Perkins

March 15, 2022

Via email to mbusby@masshousing.com

Michael Busby
Relationship Manager
Massachusetts Housing Finance Agency ("MassHousing")
One Beacon Street
Boston, MA 02108

RE: Proposed 40B-Heritage Landing
Groton, MA
MH ID No. 1137

Dear Mr. Busby:

Good day. I am writing on behalf of the Housing Partnership. As you may know, part of the Housing Partnership's charge is to consider the housing needs of the Town of Groton and to encourage the production and creation of affordable housing.

The Housing Partnership has reviewed the developer's February 2, 2022 revised application. Also, our committee met with developer representatives to discuss the proposal on February 22, 2022. Based on this review, the Housing Partnership is pleased to offer its support for this development for the following reasons:

1. Heritage Landing will produce 10 units of deed restricted affordable housing;
2. Heritage Landing's 30 units of market rate housing is expected to provide a needed portion of moderately priced market rate units;
3. All Heritage Landing units will have a first floor bedroom which is a helpful feature for people with accessibility needs including seniors;
4. Heritage Landing and Groton's Park Commission will explore cooperation on a plan to use fill material from a nearby town owned land for the site. If feasible, such cooperation could benefit the project by providing free fill to the site, could benefit the Park Commission by leveling an area to increase access and parking safety for nearby ball fields, and could benefit neighbors by reducing frequency of dump truck trips during the construction phase.

The Housing Partnership notes that the proposal faces challenges in the following areas:

1. Heritage Landing will need to address safety, noise and attractive nuisance concerns related to the active shooting range and solar panel array located on adjacent parcel 248-41.
2. Heritage Landing will need to address drainage considering both high groundwater and the fact that the site lies in a depression between two hills which may increase drainage requirements.
3. Heritage Landing is adjacent to the MIT Haystack Observatory (<https://www.haystack.mit.edu/>) and the developer is advised to cooperate with MIT Haystack Observatory as a good neighbor to ensure that the site does not produce light pollution or radio frequency interference (RFI) that would impair research activities.

March 15, 2022

Groton Housing Partnership

Despite such challenges, our committee hopes that the developer will be able to address these issues, resulting in a development that meets all legal requirements and creates much needed affordable housing.

Thank you for your attention to this matter.

Best wishes,

A handwritten signature in cursive script that reads "Peter Cunningham". The signature is written in black ink and is positioned above the printed name.

Peter Cunningham
Chair



TOWN OF GROTON
Affordable Housing Trust



Becky Pine, *Chair*
Carolyn Perkins, *Vice Chair*
Phil Francisco, *Member*
Richard Perini, *Member*

March 3, 2022

[Via email to mbusby@masshousing.com](mailto:mbusby@masshousing.com)

Michael Busby
Relationship Manager
Massachusetts Housing Finance Agency ("MassHousing")
One Beacon Street
Boston, MA 02108

RE: Proposed 40B-Heritage Landing
Groton, MA
MH ID No. 1137

Dear Mr. Busby:

Good day. I am writing on behalf of the Affordable Housing Trust. The Affordable Housing Trust has reviewed the developer's February 2, 2022 revised application. Also, our committee has discussed this matter at several open meetings. Based on this review, the Affordable Housing Trust would like to offer its support for this development for the following reasons:

1. Heritage Landing will produce 10 units of deed restricted in perpetuity affordable housing;
2. Heritage Landing's 30 units of market rate housing of moderate size (1,700 square feet) will produce a segment of new construction moderately priced market rate units that is seldom seen;
3. All Heritage Landing units will have a first floor bedroom which provides a degree of accessibility for seniors and others who have difficulty negotiating stairs;
4. Heritage Landing will have 10 units that are handicapped accessible;
5. Future residents of Heritage Landing may benefit from proximity to the recreational offerings of the nearby Cow Pond Brook Road ball fields;

The Affordable Housing Trust notes that the proposal faces challenges in the following areas:

1. Heritage Landing will need to address safety, noise and attractive nuisance concerns related to the active shooting range and solar panel array located on adjacent parcel 248-41. Trust members suggest that a combination of mechanical fencing and landscaping (i.e., shrubbery) could assist by providing not only a physical screen but also a visual screen and sound mitigation. We urge that native plantings be used.

2. Heritage Landing developer representatives have estimated that approximately 10,000 cubic feet of fill will be needed as well as loam. Accordingly, care should be taken to apply all applicable legal standards to ensure that fill material is clean, free of contaminants and suited for its intended purpose.
3. Heritage Landing is adjacent to the MIT Haystack Observatory (<https://www.haystack.mit.edu/>) and the developer is encouraged to cooperate with MIT Haystack Observatory as a good neighbor to ensure that the site does not produce light pollution or radio frequency interference (RFI) that would impair research activities.

Despite such challenges, the Affordable Housing Trust hopes that the developer will be able to address these issues, resulting in a development that meets all legal requirements and creates much needed affordable housing and other benefits for the Town of Groton.

Thank you for your attention to this matter.

Best wishes,



Becky Pine
Chair

RHP/fs

cc: Zoning Board of Appeals

Mark Haddad

From: Jeff Wallens <kb1atg@gmail.com>
Sent: Wednesday, February 9, 2022 12:32 PM
To: Select Board
Subject: Cow Pond Brook development

TO: Housing Partnership

Peter;

Without getting into the particulars of the proposal on Cow Pond Brook Road, I believe that this development is a poor use of a Comprehensive Permit.

If you look at the 40-unit development being proposed with 10 affordable units, the net gain of affordable units against the 10 % is 6 – not 10. This is the problem that we had in the 1980s with the original Homeowners Opportunity Program, the one that bought down mortgages and was used to develop the condos on Labbe Road.

I went on-line and looked at the statistics that I could find, which were from 2010. These are not current but will illustrate my point.

Total Housing Units: 3930

10% goal: 393

Affordable Units: 224

Unit Deficit: 169 (393-224)

Percent Affordable: 5.7

To get to 10% we would need to build the next 169 units as affordable.

However, if we use this proposal as a model

Unit Deficit + 25% of New Units = 10% of Existing Units plus 10% of New Units

169 + .25 New Units = 393 + .1 New Units

.15 New Units = 169

1,127 New Units need to reach quota

I would much prefer us to use comprehensive permits to build a few hundred low-income rental units. I do think we also need to provide homeownership opportunities for middle income folks. That would be better accomplished by allowing zoning with far greater density (maybe ½ acre lots), by right - provided that the houses built are small- maybe 1000 square feet. This was the size of the post WW2 housing that many of us grew up with and was the foundation of generational wealth.

To help with your negotiations, I would like to suggest a tool that we had back in the 1980s. We had a Housing Needs Assessment. I think we may have gotten a state grant for it. We were able to use the assessment to get the development behind the Baptist Church designated for families, rather than elderly (we had 2 spots for elderly already). I strongly suspect that this study will show an unmet need for rental housing.

February 14, 2022

To Select Board Members and Town Manager, Mark Haddad -

As residents of Groton, and more specifically Cow Pond Brook Road, we are writing to voice our collective concerns about the proposed Heritage Landing development project and the developer, George Defelice.

MassHousing Application

Section 2: Existing Conditions/Site Information

We ask for a more thorough review of the "Buildable Calculations" figure. It is our understanding that 5.91 acres of the proposed site are **endangered wildlife certified**. As referenced in the *Town of Groton (2019-2026) Open Space & Recreation Plan*, "the East side of Groton [the proposed location of the Heritage Landing development] consists of significant portions of terrestrial habitat designated by the Commonwealth's BioMap2 project as "core Habitat", representing the highest priority for biodiversity conservation and protection."

We respectfully submit that the notation of 0.00 acres associated with **Endangered Species Habitat** line item be revisited. If this number is 5.91 and not the reported 0.00, the total buildable area must be recalculated.

Surrounding Land Use/Amenities

Noticeably absent from this list is the commercial composting business, Black Earth Composting (BEC), that recently set up operations adjacent to the Town's maintenance and public works facilities. This new addition to Cow Pond Brook Road has contributed a significant increase in road traffic mostly consisting of trucks and tractor trailers operating seven days a week, multiple in and out trips daily with no limits to their hours of operation. We already deal with foul odors from the composting plant and are very concerned that the proposed septic plans for the Heritage Landing development are not adequate and would lead to future problems. [See additional remarks related to septic system below.]

The second omission from this list is the shooting range adjacent to the proposed development site. To our knowledge and experience, this shooting range remains active.

Also worth noting is that the former adjacent landfill remains unsealed.

We are concerned that responses to questions listed under, **Site Characteristics and Development Characteristics**, may be inaccurate. Does the applicant have documentation from the Town or State of Massachusetts that validate the following?

- Is there any evidence of hazardous, flammable or explosive material on the site? No
- Is the site, or any portion thereof, located within a designated flood hazard area? No
- Are there documented state-designated wetlands on the site? No

The applicant's response from this section of the application (captured below) appears to be missing.

Public transportation near the Site, including type of transportation and distance from site:

MassHousing Application

Section 3: Project Information

One of the regulations in Groton that contributed to our decision to move here was the requirement that each house have a minimum two-acre lot. We all take pride in our property and spend a lot of time caring for and enjoying them. We do not feel that this development or any other should violate this rule or result in rezoning considerations. With a proposed 15.5-acre lot there should only be 7 homes on this site.

We respectfully petition the Town to view this proposed site development in the same light as the development of single-family housing and recommend adjusting the Heritage Landing proposal to seven (7) homes. We hope the Town shares our desire to maintain the 'look and feel' of the **destination** designation that Groton is striving to achieve.

Added Traffic and Congestion

Cow Pond Brook Road is a dead-end street that requires everyone traveling to the northerly end to visit or conduct business at the Town waste site, BEC business, maintenance and recreational facilities to exit the same way they entered. This resulting 'high traffic volume' business currently experienced by residents on Cow Pond Brook Road is primarily a safety concern.

Cow Pond Brook Road is a haven for pedestrians, runners, dog walkers and cyclists who use the street every day and every season which in the current state is dangerous. We can't imagine how much more traffic – vehicle or pedestrian – can safely travel this narrow and congested roadway. The proposed 40-unit Heritage Landing development being considered for the street with its likelihood to add approximately 80 more vehicles will strain an already untenable situation.

If this development project were to proceed, we strongly request that the Town's various Boards require the developer to widen the road and/or install a sidewalk on at least one side of Cow Pond Brook Road. The recent addition of posted speed limit signs and sporadic police presence have helped curb some of the speed issues on the street, however, speed remains an issue on this heavily trafficked roadway. As we are all aware, Saturdays on Cow Pond Brook Road see an incredibly high volume of traffic due to Transfer site visits and game days at the soccer, lacrosse and baseball fields. Traffic related to these recreational activities is not necessarily limited to weekends only.

Construction Period & Water Line

We are also very concerned about the construction process which would take a year or more. Is the Town requesting the developer to provide their construction timeline for this project? What safeguards will be in place if the developer doesn't meet the project commitments? We implore the Town to put limits or restrictions on the days and hours during which construction can take place.

Referring to the town water line that is proposed, will the current homeowners be required to connect to the line, and if so, at whose cost? Additionally, having to run a water line down the street, which is already marginally paved and patched, would be extremely disruptive. Will there be a guarantee from the developer to **fully reconstruct and pave** the road per set forth standards when the development work is complete?

Strain on Planed Septic

What steps or questions is the Town asking the developer regarding the proposed septic plans for this housing development? There are significant concerns that the lot cannot handle the septic needs for a 40-unit subdivision of three-bedroom homes. Given that this proposed development would be within an

area of “critical environmental concern,” (per the aforementioned *Town of Groton Open Space & Recreation Plan*), we feel that the septic plans must receive more comprehensive scrutiny before this application proceeds as is.

Section 6: Sustainable Development Criteria Scorecard

There are a number of responses in this section that we don’t believe are beneficial to our community. Though we are in favor of increasing affordable housing in Groton, we don’t believe that this applicant makes a strong enough case that the proposed development will contribute to the revitalization of our neighborhood just because it requires the running of a water line that we do not want or need (method 1). Additionally, we don’t feel the six criteria that the applicant state they meet are significant enough to pass the application (method 2).

METHOD 2: CONSISTENCY WITH SUSTAINABLE DEVELOPMENT PRINCIPALS

1. Concentrate Development and Mix Uses

In responding **YES** to the following four statements, their explanation is that the project will reuse a former earth removal location, and employs some multifamily units and higher density than the otherwise permitted 1 unit per 2-acre requirement. We feel that violating the 1 unit per 2-acre rule is unacceptable.

1. Higher Density than Surrounding Area
2. Includes Multi-family Housing
3. Compact and/or Clustered so as to Preserve Undeveloped Land
4. Reuse existing sites, structured or infrastructure

2. Advance Equity & Make Efficient Decisions

In responding **YES** to the following statements, they fail to provide the required explanation(s)—the “how” that their proposed development will achieve these things.

1. Streamlined permitting process such as 40B or 40R
2. Creates affordable housing in middle to upper income area and/or meets regional need
3. Promotes diversity and social equity and improves the neighborhood

3. Protect Land and Ecosystems

They responded **YES** to “Environmental Remediation or Clean Up” but failed to provide an explanation as required by the application.

We see in the updated application that 5.91 acres will be left untouched to satisfy the habitat requirements for the threatened Blandings Turtle species, but this has not been approved yet by NHESP. If approved, isn’t the total buildable area then reduced by 5.91 acres?

4. Use Natural Resources Wisely

They said **YES** to “Uses Low Impact Development (LID) for other Innovative Techniques” but again failed to provide the required explanation on the application.

5. Expand Housing Opportunities

They said **YES** to “Includes Homeownership Units, including for low/mod Households” and “Expands the Term of Affordability” but no explanation is given as required in the application.

8. Promote Clean Energy

They answer **YES** to “Energy Star or Equivalent” but offer no explanation as required in the application.

Developer's Reputation

We implore the Town to investigate the past development projects led by or which involved George Defelice in any capacity. Of significant concern to us are the following findings:

2010 Hyde Park (Boston, Massachusetts)

While working in an unmarked spot on a development project in Hyde Park, Mr. Defelice and his crew were determined to be responsible for the ensuing explosion and fire that destroyed a single-family home at 17 Danny Road, and badly damaged other nearby residences. The state's Department of Public Utilities (DPU) concluded a lengthy review process and ruled the Dracut company [Defelice Corporation] did not take proper safety precautions. The DPU also found that the company was digging somewhere they weren't supposed to.

DeFELICE CORPORATION vs. DEPARTMENT OF PUBLIC UTILITIES

Additionally, Defelice has been cited three times for Dig Safe violations since 2005 at work sites in Arlington, North Adams and Haverhill.

Whether you put much stock in online reviews or not, these can reveal much about a business or service provider's handling of concerns and complaints. We believe that a comprehensive look at online reviews, in addition to other background research that we are confident the Town will conduct about this developer, should be considered. The following list is not intended to be inclusive of all online reviews, just a sample.

Facebook (DeFelice Corporation) - <https://www.facebook.com/pages/category/Sewer-Service/DeFelice-Corporation-146237818823529/>

Yelp - https://www.yelp.ca/biz/defelice-corporation-dracut?hrid=WrzLiyi-3RHahTmlvhE30g&utm_campaign=yelp_feed&utm_medium=feed_v2&utm_source=mapquest

Google

https://www.google.com/search?q=goggle+reviews+of+defelice+dracut+ma&rlz=1C1GCEU_enUS915US915&sxsrf=APq-WBuySXqQwU4AYtL9uPe1QspuGPx9RQ%3A1644774005420&ei=dUIJYuuQGdKdptQP9u2P6AU&ved=0ahUKewirn9DSnP31AhXSjokEHfb2A10Q4dUDCA4&uact=5&oq=goggle+reviews+of+defelice+dracut+ma&gs_lcp=Cgdnd3Mtd2l6EAM6BwgjELADECC6BwgjELACECdKBAhBGAFKBAhGGABQxB5YgSZg9yhoAnAAeACAAasBiAH5BpIBaZuN5gBAKABAcgBACABAQ&scient=gws-wiz#lrd=0x89e3a898f916f8c1:0xc9c4d158bb2f1711,1

We appreciate the opportunity to provide our comments and share our issues and concerns with the Project Eligibility application for construction of approximately 40 housing units on Cow Pond Brook (Parcel 248-42). If requested, all residents whose names appear below are available to discuss the concerns we have raised.

Sincerely,

Michelle M. and Timothy H. Smith
314 Cow Pond Brook Road
Groton, MA 01450

Valarie Boucher and Nancy Sarlan
302 Cow Pond Brook Road
Groton, MA 01450

Justin and Kelley Frazier
326 Cow Pond Brook Road
Groton, MA 01450

February 24, 2022

Select Board Members
Town of Groton
173 Main Street
Groton, MA 01450

Dear Select Board Members,

Following are some questions and concerns I have regarding the proposal to build a 40B development (Heritage Landing) on Cow Pond Brook Road.

1. The original application showed 0 for land certified for endangered species but the revised application showed that 5.91 acres was unbuildable due to endangered species so why was the number of units not reduced when the number of buildable acres was reduced?
2. This development will house septic systems for these homes. A lot of septic for a small area. What happens if they fail, pollute groundwater, etc? Is the town of Groton responsible if the contamination affects other towns (Dunstable and Tyngsboro) due to the direction of water flow? This dense development would be better built where public sewer is an option.
3. The land in question was never restored after earth removal operations ceased. Who will be responsible for making sure the land is restored to the appropriate level? The athletic fields flood at times during the different seasons. The land in question is also very wet. Will this cause flooding in these homes and the surrounding area?
4. How will the current residents be protected from the impact of truck traffic, dirt, noise, speeding, etc from this operation. Who will set operating hours and who will enforce them?
5. Cow Pond Brook Road is a dead end for all practical purposes and is located far from emergency services. How will emergencies be handled for such a dense development?
6. This development is not visible like others such as Mill Run, Rt 40 development, Boynton Meadows etc. This is a secluded and isolated area. Who will be responsible for paying for measures that will be necessary to secure town property/assets as well as the business (BEC) that leases town property? Who will pay for security systems, barriers, additional police patrols, etc. if needed to monitor such a secluded area? Who will pay for damage should it occur? Are these expenses going to affect Groton taxpayers?
7. The HOA fee for this development is stated as \$500/month. Can a person buying an affordable unit pay an additional \$500 every month for HOA fees? What happens if the units do not sell?

8. What town boards will be responsible for overseeing this project and making sure that rules are adhered to? What is the town liable for and has town counsel been consulted on this?
9. There is a police firing range within close proximity to this development. How is this being handled? The noise from that shooting range travels as we all know, so how can houses be built so close to it? Is this development within 500 ft of the shooting range?
10. What will happen if at any point the developer abandons this project? Is Groton responsible for fixing and finishing the project?
11. Cow Pond Brook Road has a lot of problems with speeding cars and stop sign violations. Even though the police do patrol it on a daily basis, the behavior has not stopped. It is a safety issue for walkers, joggers, bikers, kids, etc. Adding another 80 cars on this side road could make this a very dangerous situation. Also, during sports season, the fields are heavily used. Cow Pond Brook Road has cars back- to-back in long lines during sport practices and events. Adding more cars especially on Saturdays when the transfer station is open could lead to a very dangerous situation on a small side road.
12. The corner of Hoyts Wharf and Cow Pond is a school bus stop. The school bus comes from Rt 40 and turns onto Hoyts Wharf Road. This development could potentially have a large number of children residing in these homes. The school bus currently does not go past the intersection of HWR and CPB. Children from this development will possibly have to walk or be driven to the corner of CPB and HWR. This could potentially put a large group of kids standing in the street at a corner where drivers are speeding and jumping the stop sign. You also have tractor trailers, DPW trucks, trash trucks, cars, transfer station traffic etc. passing through this intersection. It is not safe to have children standing here waiting for a school bus. And if they are driven to the corner by their parents, you could potentially have an excess amount of cars parked at this intersection which could pose other problems.

These are just some of the questions and concerns I have regarding this project. I think everyone is in agreement that there is a need for affordable housing but it needs to be in an appropriate location. A location which could provide the necessary septic needs, transportation, visibility, safety measures, etc. that such a dense development needs.

Respectfully

Linda Bicknell

MASSACHUSETTS INSTITUTE OF TECHNOLOGY
HAYSTACK OBSERVATORY
WALLACE ASTROPHYSICAL OBSERVATORY
MIT LINCOLN LABORATORY SPACE SURVEILLANCE COMPLEX
Westford, Massachusetts 01886

March 23, 2022

Rebecca Pine, Chair
Select Board
Town Hall
173 Main Street
Groton, MA 01450

and

Michael Busby
Relationship Manager
Massachusetts Housing Finance Agency (“MassHousing”)
One Beacon Street
Boston, MA 02108

RE: Proposed 40B-Heritage Landing
Groton, MA
MH ID No. 1137

Dear Chair Pine and Mr. Busby:

We are writing on behalf of the Massachusetts Institute of Technology (“MIT”) and its research facilities, the Haystack Observatory, the Wallace Astrophysical Observatory and the MIT Lincoln Laboratory Space Surveillance Complex (the “Facilities”). MIT has reviewed the February 2, 2022 revised application (the “Application”) of George Defelice (the “Developer”) for the proposed Heritage Landing development (the “Project”) on Cow Pond Brook Road in Groton, Massachusetts (the “Project Site”). Based on this review, and the Select Board’s request for comments, MIT has several concerns with the proposed Project as set forth below.

MIT is a direct abutter to the Project. MIT’s Facilities and access thereto are generally located in Westford, Massachusetts, but MIT’s property extends into Groton and Tyngsborough as well (the “Facilities Site”). The Facilities are well known for their radio astronomical and radar studies, but at the same time there is a very significant complement of optical observational programs on the Facilities Site, including both astronomy, optical aeronomy, and the Firepond optical site operated by MIT Lincoln Laboratory. The Project Site lies approximately 500 meters from the Facilities’ nearest sensors, approximately 600 meters from a major radar installation, and approximately 600 to 700 meters from high-power atmospheric radars, one of which is in clear, open line of sight to the Project Site.

Rebecca Pine
Michael Busby
March 23, 2022
Page 2

The Facilities Site is used for fundamental scientific research along with education and outreach. The programs at the Facilities Site observe and study a wide range of scientific and technical subjects that are essential to modern society and to our knowledge of the universe. These include frontier astronomy studies on the structure of black holes and the development of the early universe, space weather that poses a significant hazard to human communication and navigation systems, and climate change within Earth's atmosphere. The radars at the Facilities Site are used to track satellites and to develop new techniques and procedures for ensuring safety of flight in space. The telescopes at the Facilities Site are involved in research and development of optical methods and techniques for observing objects in Earth orbit, including manmade spacecraft and naturally occurring space objects such as asteroids, as well as studying the current state and evolution of the atmosphere around Pluto and other distant worlds in our solar system. By taking advantage of the Facilities Site's dark skies, MIT researchers and students play a critical role in characterizing the composition and trajectories of potentially-hazardous asteroids, as well as the discovery of exoplanets.

MIT understands that MassHousing will determine, among other things, (i) whether the Project Site is generally appropriate for residential development and (ii) whether the conceptual design of the Project is generally appropriate for the Project Site. In making such determination, and as more fully set forth in the Application, the Developer must provide information indicating that the Project will be consistent with sustainable development designs and green building practices using either Method 1 or Method 2, as described in the Application.

With respect to new construction using Method 1, the Application indicates the Project, which is near the end of a dead end street, will contribute to revitalization of a town center or neighborhood. As the Application indicates, the Project Site is at least 4 miles from the town center and there are no sidewalks or public transportation options serving the Project Site. The surrounding land uses are a solar farm, DPW trash transfer facility, conservation land, recreational facilities and single family residential housing. Missing from the Application is any reference to MIT's Facilities on land abutting the Project Site, the existence of an active shooting range which appears to abut the Project Site and the Project's proposed duplex residential structures thereon, and a capped landfill under parts of the solar arrays. It is not clear that the proposed extension of a municipal water line will contribute to the "revitalization of the neighborhood" consistent with sustainable development designs or green building practices and Method 1. The property uses surrounding the Project Site (i.e., solar arrays, active shooting range, capped landfill, trash transfer station, research facilities, conservation land, recreational facilities and residential uses) either already have a water supply or do not require municipal water (e.g., conservation land and recreational facilities). Accordingly, the Project Site does not appear to satisfy the requirements of Method 1.

Under Method 2, absent strong municipal support which the Application lacks, the Project must meet five (5) of the nine (9) Sustainable Development Principles set forth in the Application. The Application form requires an Explanation for each of the Sustainable Development Principles, but the Application fails to include the required Explanations for 8 of the 9 Sustainable Development Principles. The first Principle is entitled "Concentrate Development and Mixed Uses" and the Application does include an Explanation for this Principle. The Principle, however, encourages

mixed uses, which the Project lacks, and discourages new construction in undeveloped areas. The Application indicates that the Project both preserves undeveloped land and reuses a former earth removal operation. The Application does not provide material information required by the Application so it is difficult to evaluate the Project's compliance with the other 8 Sustainable Development Principles without the required Explanations.

If MassHousing determines that the Project Site is generally appropriate for residential development, MIT has the following general concerns.

1. Light Pollution. A significant part of the research at the Facilities depends on dark skies. The Facilities Site is moderately dark due in part to its rural nature, as well as a successful history of working with the surrounding communities to maintain outdoor lighting at a reasonable level. The Project, however, has the potential to be the most concentrated source of light pollution as compared to all of the other residential areas surrounding the Facilities Site. This potential risk may be mitigated by adhering to best practices including, without limitation: (a) the use of so-called "dark sky" exterior fixtures, which are fully shielded, low color temperature with a maximum of 2700 K, no brighter than necessary; and (b) no additional streetlights or other elevated lighting is added to the Project Site.
2. Radio Frequency Interference. An increase in radio frequency interference can be expected from the Project's expected increase in population of 100 to 150 residents at the Project Site. Such interference may come from consumer devices which potentially compromise sensitive measurements at the Facilities. There is also a potential risk that radar transmissions from the Facilities will interfere with residents' devices such as garage door openers and remote electronic car keys, despite the Facilities' strict compliance with all federal, state, and local regulations.
3. Use of Trails. MIT's property abutting the Project Site includes many trails which are used by the public. Additionally, MIT's property is in places steeply sloped and without access roads suitable for emergency vehicles. With an increase in population from the Project Site, the potential for misuse of the trails increases as well as the public safety of trail users, including young children.
4. Traffic. In addition to studying traffic on Cow Pond Brook Road, including the intersection thereof with the Project Site access road, the intersections of Lowell Road (Route 40), Millstone Road and Cow Pond Brook Road should be studied and appropriate mitigation measures should be taken.

While the foregoing concerns of MIT may be considered by the Town of Groton Zoning Board of Appeals ("ZBA") and other appropriate Town of Groton boards upon the filing of an application for a comprehensive permit pursuant to Chapter 40B, the foregoing concerns may also be of assistance to MassHousing in determining whether to grant Site Approval as set forth in the Application and applicable regulations.

Rebecca Pine
Michael Busby
March 23, 2022
Page 4

Sincerely,



Joe Higgins
Vice President for Campus Services and Stewardship



Colin Lonsdale
Director, MIT Haystack Observatory



Jeff Dominick
Millstone Hill Field Site Manager, MIT Lincoln Laboratory



Michael Person
Director, MIT Wallace Astrophysical Observatory

23 March 2022

Rebecca Pine and Select Board of Groton, MA:

As President of the Amateur Telescope Makers of Boston, I am writing on behalf of the club membership regarding the proposed development on Parcel 42 located on Cow Pond Brook Road, Groton, MA.

The Amateur Telescope Makers of Boston is an 88-year-old organization that provides observing opportunities and telescope making facilities to its 430 members. Our location is on the grounds of MIT's Haystack Observatory. The club owns and operates four telescopes ranging in aperture from 10- to 25-inches which are used for visual observing. Also, several members store their personal telescopes on the site. Observing sessions are typically held every Friday and Saturday evenings but are dependent on weather and moon phase. Members often use the site on other evenings. The club also owns and maintains two telescopes dedicated to imaging. Our newest imaging system is capable of remote operation and, when fully online, will be accessible not only to our members but individuals and groups worldwide to conduct astronomical research.

The club is involved in outreach and provides support to organizations and schools running evening astronomy programs. Many of our outreach events have been held in Groton and Westford. The club is also involved in providing telescopes to libraries interested in the Library Telescope Loaner Program. To date we have provided 15 telescopes to libraries across eastern Massachusetts.

As one would expect, our members are sensitive to and concerned about the worsening sky conditions due to light pollution. Several of our members are involved with the Massachusetts chapter of the International Dark Sky Association, an organization dedicated to the preservation of dark skies through community awareness. As such, the Amateur Telescope Makers of Boston would request that outdoor lighting at the proposed development on Parcel 42 and all new commercial and housing developments be restricted to full cut-off shielding with no up-lighting and the use of 2200K - 2700K LED bulbs. Ideally any lighting system would have the capability to be dimmed or turned off during non-essential hours of darkness.

It is our hope that the selectmen of Groton will work with the developer of this project to insure the installation and use of environmentally responsible outdoor lighting.

I have attached this letter as a pdf. Please forward it along with your correspondence to Michael Busby, Relationship Manager, Massachusetts Housing Finance Agency.

Sincerely,

Richard P. Nugent
President, Amateur Telescope Makers of Boston, Inc.
nugentrp@gmail.com
508-935-8158