

OFFICE OF THE BOARD OF APPEALS

Littleton, Massachusetts 01460

Document Control List Citizens Comments

15 Great Road – amended application 2-16-12
Updated July 12, 2012

1. Email dated March 9, 2012 from Maren Toohil re: Bobby's Ranch drainage concerns
2. Email from Daniel Hill re: 15 Great Rd Civil Engineering Peer Review
3. Letter dated March 29, 2012 from Carol Pikcilingis, Acton Barn Cooperative Nursery School.



March 29, 2012

Dear Sherill Gould,

I am writing to you to express my concerns as an abutter, regarding the proposed project at 15 Great Road in Littleton, Massachusetts. I am the Director of a preschool and the Trustee for our condominium Association, located at 32 Nagog Park. The Acton Barn Cooperative Nursery School (The Barn) is a non-profit (5013C) early educational organization in Acton and Littleton Massachusetts. Our school provides a warm, safe, creative learning experience for preschoolers. The cooperative model promotes collaboration between families and professional educators and celebrates the unique journey of every child.

Our program began in 1972 and has been at this location for 20 years, opening at this address in 1992. After many successful years leasing the property in the Littleton community, we purchased the building and adjacent playground as a condominium in 2007. We are a 5013C and applied for and were granted tax exempt status in 2008 from the town of Littleton.

As a Massachusetts preschool we must meet State licensing requirements which include all aspects of care for children. We are required to provide a healthy, accessible, outdoor space with a minimum of 75 square feet for each enrolled child by the Massachusetts Department of Early Education and Care (EEC). We are also required to provide a specified amount of outside play time each day, weather permitting. To provide a developmentally appropriate experience for children and families and to comply with these State regulations the educational experience at the school includes the extension of the classroom to our carefully planned outdoor play space. The control over a dedicated, designated space which meets state requirements is so important to our program that the outdoor space was included in our purchase of the condominium. Although we are considered a commercial space, our unique requirement for use of the property is impacted differently than other businesses and a change of our outdoor experience which would definitely occur under the most recently proposed plan for 15 Great Road would be detrimental to what we have worked to achieve for the past 20 years at this location.

We are aware that there have been major changes to the initial proposal for the property at 15 Great Road which was presented at the March 5, 2012 meeting. The buildings are now a mix of townhouses and apartments. In the new plan, the 3-4 story buildings loom over our property, and will impact our privacy. Potential impact of noise from construction and the open decks which will face our playground and classroom windows will significantly change the ability for us to enjoy a natural setting which

we now provide for our children and families. We worked as a community to become a Certified National Wildlife Playground, by providing nesting opportunities for birds, water and food for animals, we use only natural materials and no pesticides on our property and have integrated composting and respect for the natural environment into our curriculum. The size and scale of this project proposed to be built so close to our property line will impact our program negatively.

We are very concerned about the shift in this project to the adjacent field with particular concern about building W. We would ask you to address the following concerns at this time:

- A- Size and height of buildings are higher than any other buildings in Littleton and the structures are not appropriate scale for a rural setting and in comparison to abutting properties. (We are a one story building).
- B- Under the newest proposal the large apartment buildings are very close to the property line. We ask for a review of adequate visual screening of all buildings and parking lots. The building, in its present proposed placement, is looming over our playground and classroom, blocking light, natural air movement, and our view of anything but the back of a building. Concerns over food odors, cigarette smoke, loud music, general conversations from tenants on the decks, vehicle traffic noise , and the loss of privacy in general impact the quality of life for our preschoolers and our ability to meet our program goals. Because we are licensed by the State and must meet requirements, the importance of our playground increases our concerns about this project, as we are required to have the children outside several times daily. We have worked very hard to provide a natural space so that our program affords the children educational opportunities both inside and outside of the building. Our Program has different needs and requirements than most businesses and we ask that this be taken into consideration.
- C- Septic placement is again immediately adjacent to our property. With such a large parcel, we are proposing that it be placed as far away from all abutters as possible.
- D- General safety concerns

We are planning to attend the April 12 meeting to be held regarding the newest proposal for 15 Great Road to express our concerns, but wanted to bring these points to your Board members before the meeting.

Thank you for the work you do to provide the best quality of life for residents and business owners in Littleton. I appreciate this opportunity to have our concerns heard.

Best regards,



Carol Pikcilingis

Director

Acton Barn Cooperative Nursery School

32 Nagog Park

Michelle Cobleigh

From: Daniel Hill [dhill@danhilllaw.com]
Sent: Friday, March 09, 2012 9:41 AM
To: Michelle Cobleigh; Sherrill Gould; Cheryl Cowley Hollinger; Alan.bell@edwardjones.com; Edward Marchant
Cc: Keith Bergman; tom@miyares-harrington.com
Subject: RE: Civil Engineering Peer Review Proposals



Dear Michelle:

I would like to offer the following comments on the proposals submitted to the Zoning Board on the 15 Great Road civil peer review assignment. The firms that in my opinion would be acceptable for this project are, in order of preference:

- (1) Beals and Thomas. As I mentioned before, I have worked closely with Gerry Preble and Rich Kosian on several 40B projects in my capacity as attorney for a municipal zoning board (Wrentham, Carlisle) and as counsel for interested parties (Berlin). I have a very high degree of confidence that this firm would manage this assignment appropriately and diligently.
- (2) Professional Services Corporation. As noted before, I have worked with Tom Houston on several 40B projects as ZBA counsel in Norfolk and Lunenburg, and have worked with him on other non-40B matters as well. He most likely has more 40B civil peer review experience than any other engineer in the state, and certainly the most HAC expert testimony of any peer review engineer. His analytical and presentation skills are impeccable.
- (3) Graves Engineering. I have worked with Graves as a ZBA civil peer review engineer on four 40B projects in the Town of Grafton, where I have been special counsel. This firm does not have the breadth of experience as the first two firms, but I have found Jeff Walsh's skills comparable in every manner. His work is extremely professional.
- (4) VHB. I have not personally worked with VHB, but have the same reservations I stated with respect to their traffic proposal – this firm works primarily for developers, not municipalities, and therefore I question their ability to be completely objective and impose the required level of professional skepticism to the developer's plans and reports. That being said, I was generally pleased with the traffic peer review work they did on this project.

I have no experience with the other firms that submitted proposals, and I would have strong concerns with the Board selecting Green International, which has limited peer review and especially 40B experience. I understand BSC Group to be a reputable firm, but note that they do a fair amount of work for the development community.

I would like to make a suggestion that the Board consider the experience, qualifications, and hourly rate of the engineer as the most important factors. In my opinion, any overall price stated in these proposals is of little value to your consideration. Any firm will be billing the Board by the hour, and will be doing as much, or as little work as you ask them to. A firm that agrees to a "not to exceed" price is either cheating itself, or more likely will cheat the Board once they realize that they underbid the work – the amount of effort put in by the firm will most likely suffer. More importantly, you get what you pay for, and for a project of this size and importance to the Town, there is no excuse to pinch pennies. The peer review costs to this applicant is a minuscule percentage of its overall development costs and its overall project profit.

Thank you for the opportunity to comment on this important matter.

Daniel C. Hill, Esq.

(1)

Maren Toohill

From: Maren Toohill
Sent: Friday, March 09, 2012 12:17 PM
To: Michelle Cobleigh
Subject: Bobby's Ranch Comments on 15 Great Road 40B Project

Bob Haigh of Bobby's Ranch stopped in the office to express concerns with the proposed 40B development and "downstream" impacts to his property.

Information Mr. Haigh provided includes:

1. Plot plan.
2. Water quality analysis of stream crossing his property; this stream carries runoff from the "stump dump" area, also shown as the "Open Space" area on the 40B plans.
3. Color photos of the stream crossing his property.

Mr. Haigh expressed concern with impacts to his property from the proposed 40B development at 15 Great Road. His concerns are two-fold. He indicated that his property is downstream of the proposed 40B development, and downstream of the possible future subdivision. One concern is that the drainage design and subsequent peer review must assure that runoff to his property is not increased. Another concern is that any increase in flow in the stream across his property would exacerbate the existing water quality issues shown in the water quality analysis and color photos.

Mr. Haigh anticipates that he will keep attending the Appeals Board public hearings to assure that his concerns are addressed. I recommend that the Appeals Board highlight these issues to the peer review engineer for their detailed input. He asked that the Appeals Board conduct a site visit of the rear portion of the subject property, specifically the "stump dump", and stream that flows out of this area and across his property.

Mr. Haigh left his phone number as well: 978/263-7165.

Mr. Haigh has also asked the Conservation Commission to review the information he provided; I will provide copies of this information to Heather,

Thanks,

Maren

Maren Toohill
Planning Administrator/Permit Coordinator
Town of Littleton

Heather - please see if
the Commission will review
this information.

Thanks,

Maren

Client:

Robert Haigh

6 Durkee Lane

Westford, MA 01886

ReportDate: 5/28/2010

Certificate of Analysis**6 Durkee Lane, Westford, MA**

Parameter	Method	Result	MCL	MRL	Date of Analysis	Analyst
- Stream						
Sampled: 5/20/2010 1:45:00 PM by Client						
Calcium, MG/L	EPA 200.7	10.4	Not Spec	1	5/27/2010	M-MA1118
Copper, MG/L	EPA 200.7	0.02	1.3	0.01	5/27/2010	M-MA1118
Iron, MG/L	EPA 200.7	# 11.3	0.3	0.01	5/27/2010	M-MA1118
Magnesium, MG/L	EPA 200.7	3.2	Not Spec	1	5/27/2010	M-MA1118
Manganese, MG/L	EPA 200.7	# 1.11	0.05	0.005	5/27/2010	M-MA1118
Sodium, MG/L	EPA 200.7	2.4	See Note	1	5/27/2010	M-MA1118
Hardness, Total, MG/L	SM 2340B	39	Not Spec	2	5/27/2010	M-MA1118
pH, PH AT 25C	SM 4500-H-B	# 6.2	6.5 - 8.5		5/20/2010	M-MA1118

MCL=Maximum Contaminant Level (EPA Limit), MRL = Minimum Reporting Level

Sodium Guidelines- Mass 20, EPA 250, # = Result Exceeds Limit or Guideline

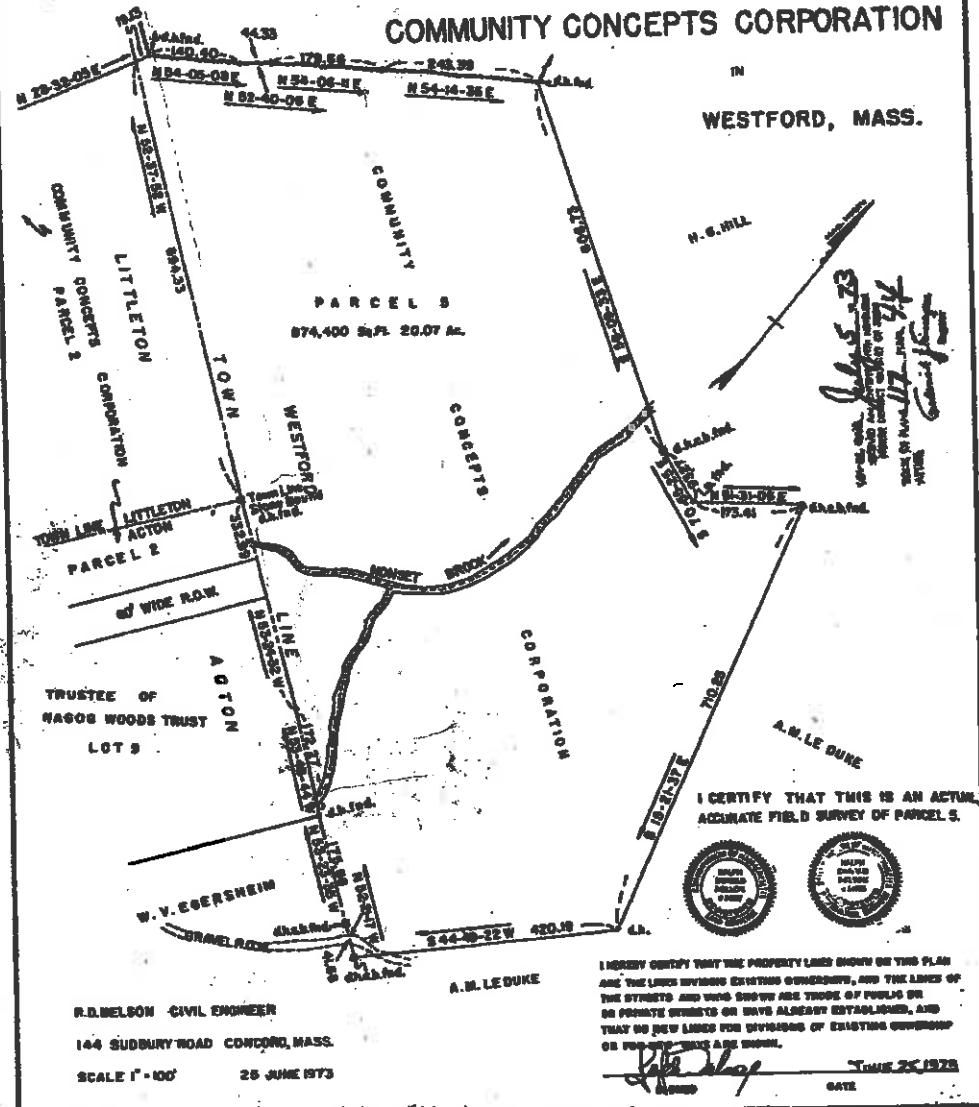
ND = None Detected (<MRL), * = Background Bacteria Noted

Massachusetts Certified
Laboratory #MA1118
David L. KnowltonDavid L. Knowlton
Laboratory Director

INDUSTRIAL LAND

COMMUNITY CONCEPTS CORPORATION

WESTFORD, MASS.



I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN
ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF
THE STREETS AND VADS SHOWN ARE THOSE OF PUBLIC USE
OR PRIVATE STREETS OR VADS ALREADY ESTABLISHED, AND
THAT NO NEW LINES FOR DIVISIONS OF EXISTING OWNERSHIPS
OR FOR NEW STREETS OR VADS ARE SHOWN.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES BEING EXISTING OWNERSHIP, AND THE LINES OF THE STREETS AND VADS SHOWN ARE THOSE OF PUBLIC OR
OR PRIVATE BENEFITS OR HAVE ALREADY ESTABLISHED, AND
THAT NO NEW LINES FOR DIVISIONS OF EXISTING OWNERSHIP
OR FUD-STRIPS ARE BEING SHOWN.

R.D.NELSON CIVIL ENGINEER
144 SUDBURY ROAD CONCORD, MASS.
SCALE 1" = 100' 25 JUNE 1972

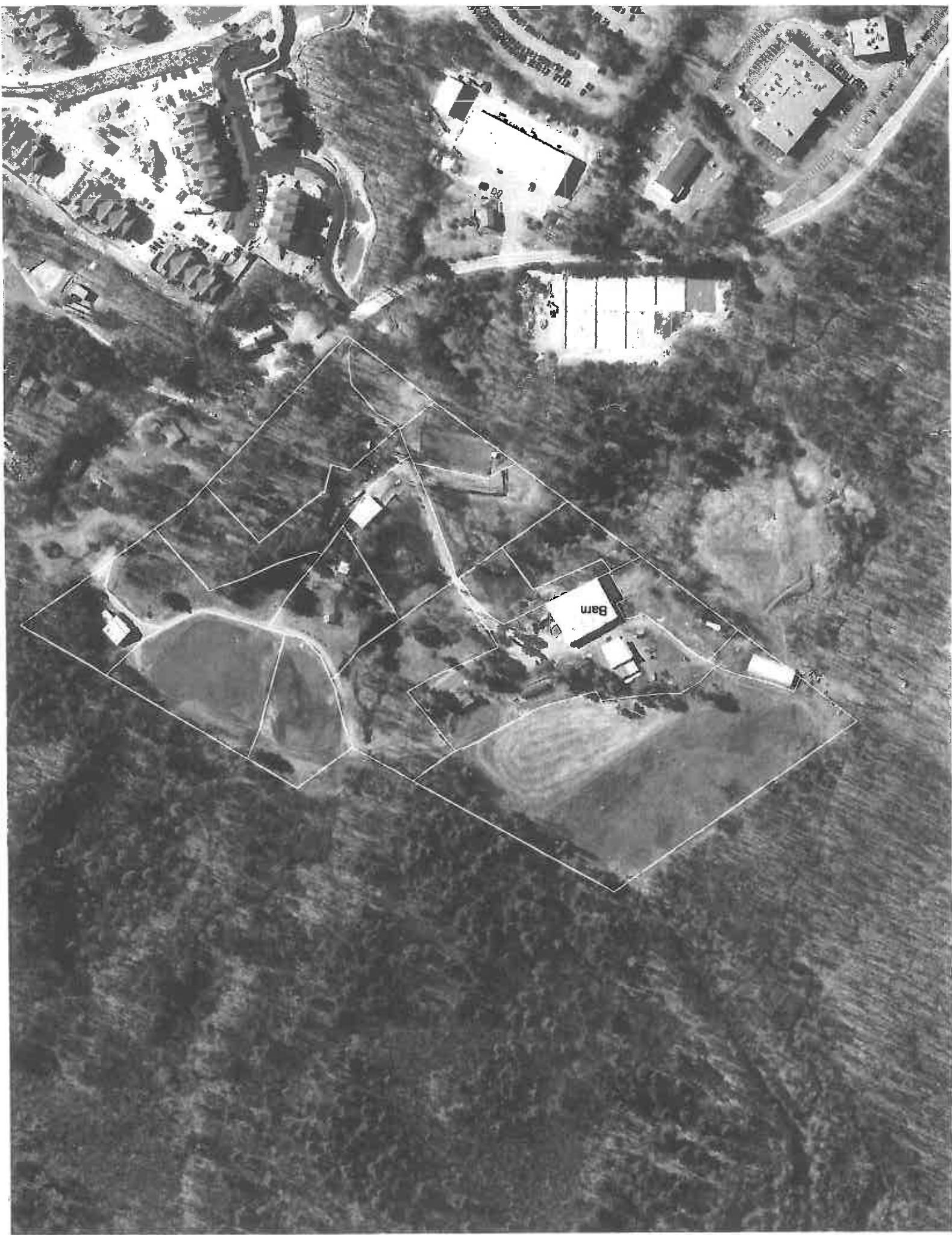


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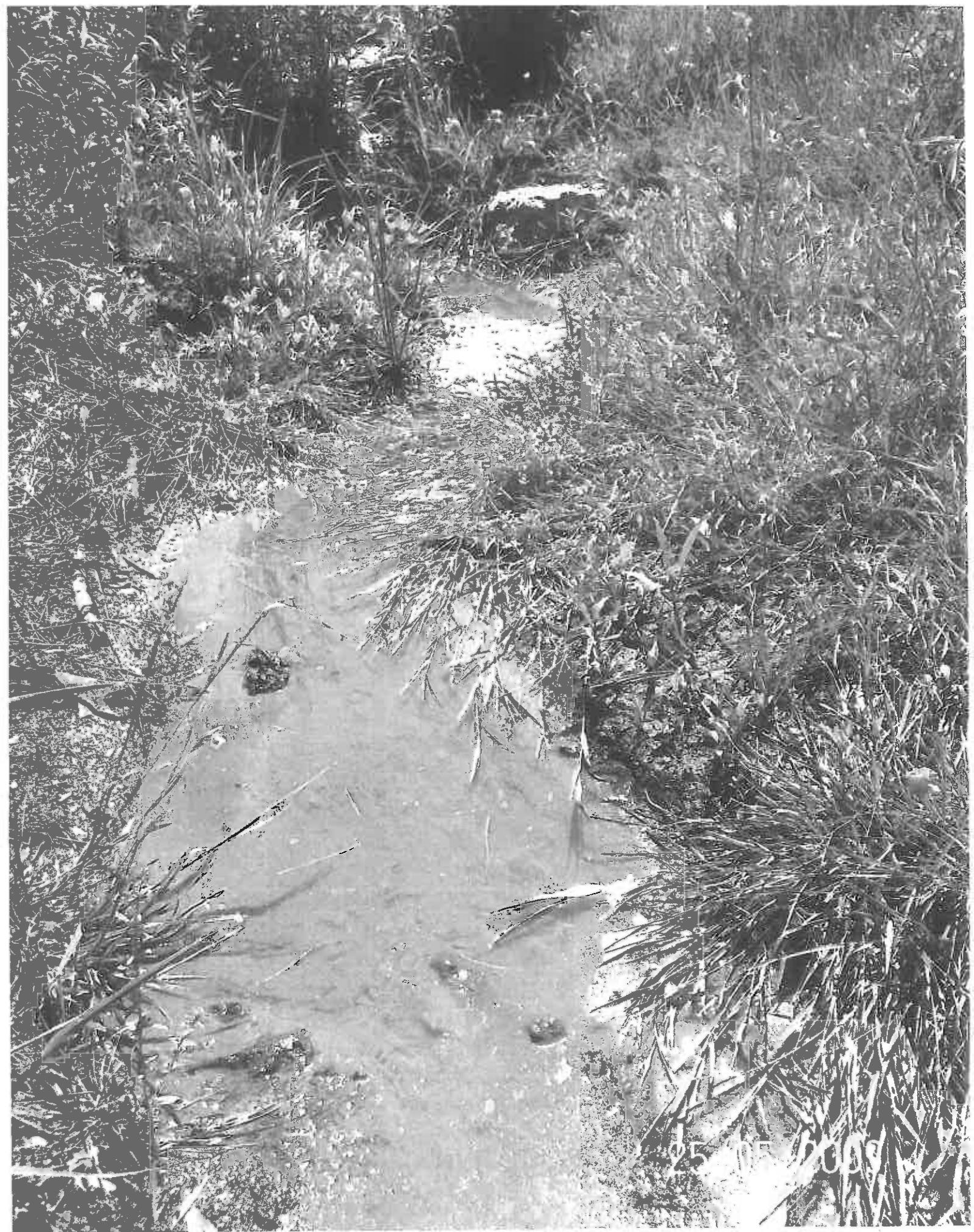
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06/05/2009





Human Rights Violations

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