



## **OFFICE OF THE BOARD OF APPEALS**

Littleton, Massachusetts 01460

### **Document Control List**

#### **Citizens Comments**

**15 Great Road – amended application 2-16-12**

**Updated January 17, 2013**

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.
4. Letter dated July 9, 2012 from Carol Pikcilingis, Acton Barn Cooperative
5. Email dated September 7, 2012 from Bobbys Ranch to Senators Eldridge and Arciero
6. Email dated January 10, 2013 from Nancy Levine Grist Mill Road resident
7. Letter dated January 17, 2013 from resident Marc LaVigne

**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

3/9/12

## Client:

Robert Haigh  
6 Durkee Lane  
Westford, MA 01886

Report Date: 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. Knowlton  
Laboratory Director

Page 1 of 1

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to ENVIA - persists

## MANGANESE

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water. Rusts like IRON.  
Essential to iron and  
steel production

one of the most abundant  
metal in soils. can be  
found everywhere.

Necessary for humans to  
survive but also toxic  
too high concentrations  
effect respiratory and  
brains.

Human Daily intake 5mg

The MEL + MANG ARE  
Specs for human drinking  
water

IRON AND MANGANESE  
may be considered high

He wouldn't drink it.  
Animals shouldn't

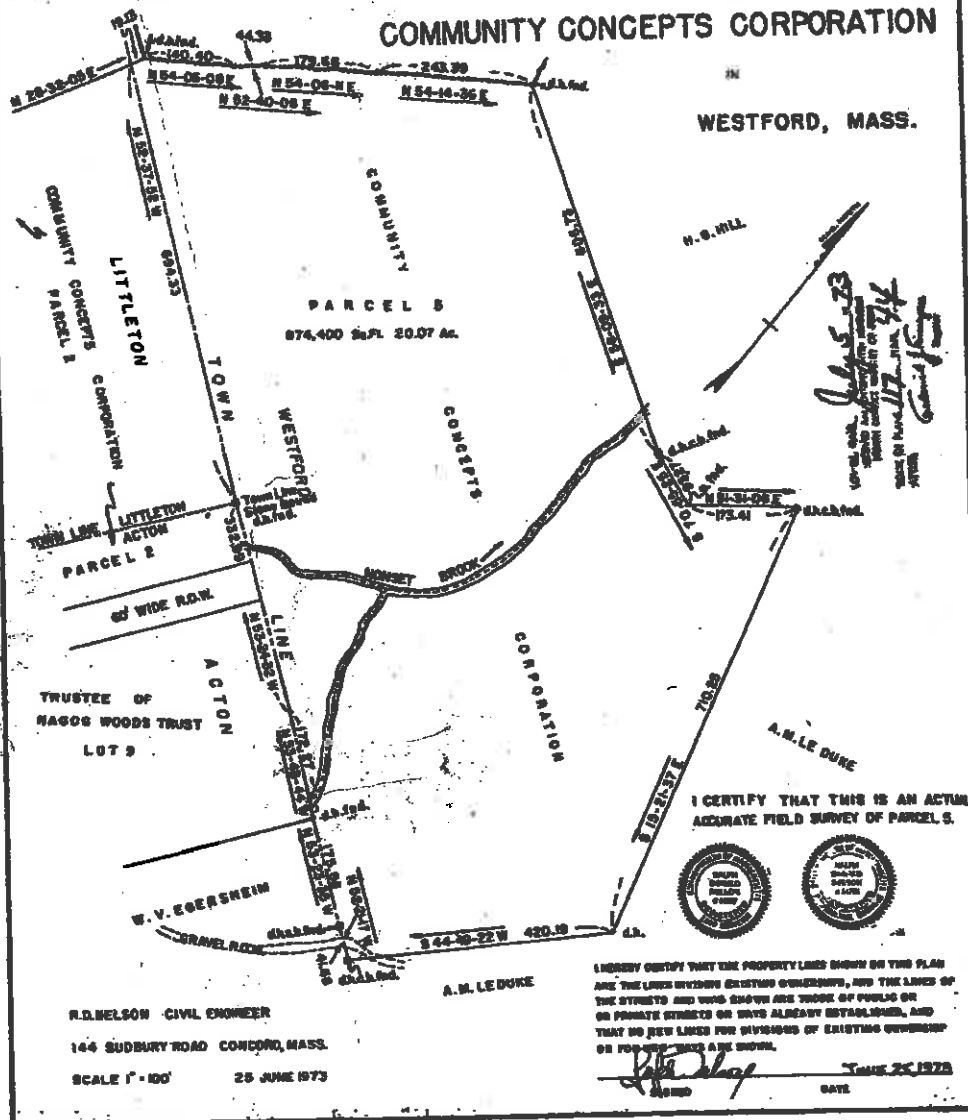
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INDUSTRIAL LAND

COMMUNITY CONCEPTS CORPORATION

WESTFORD, MASS.



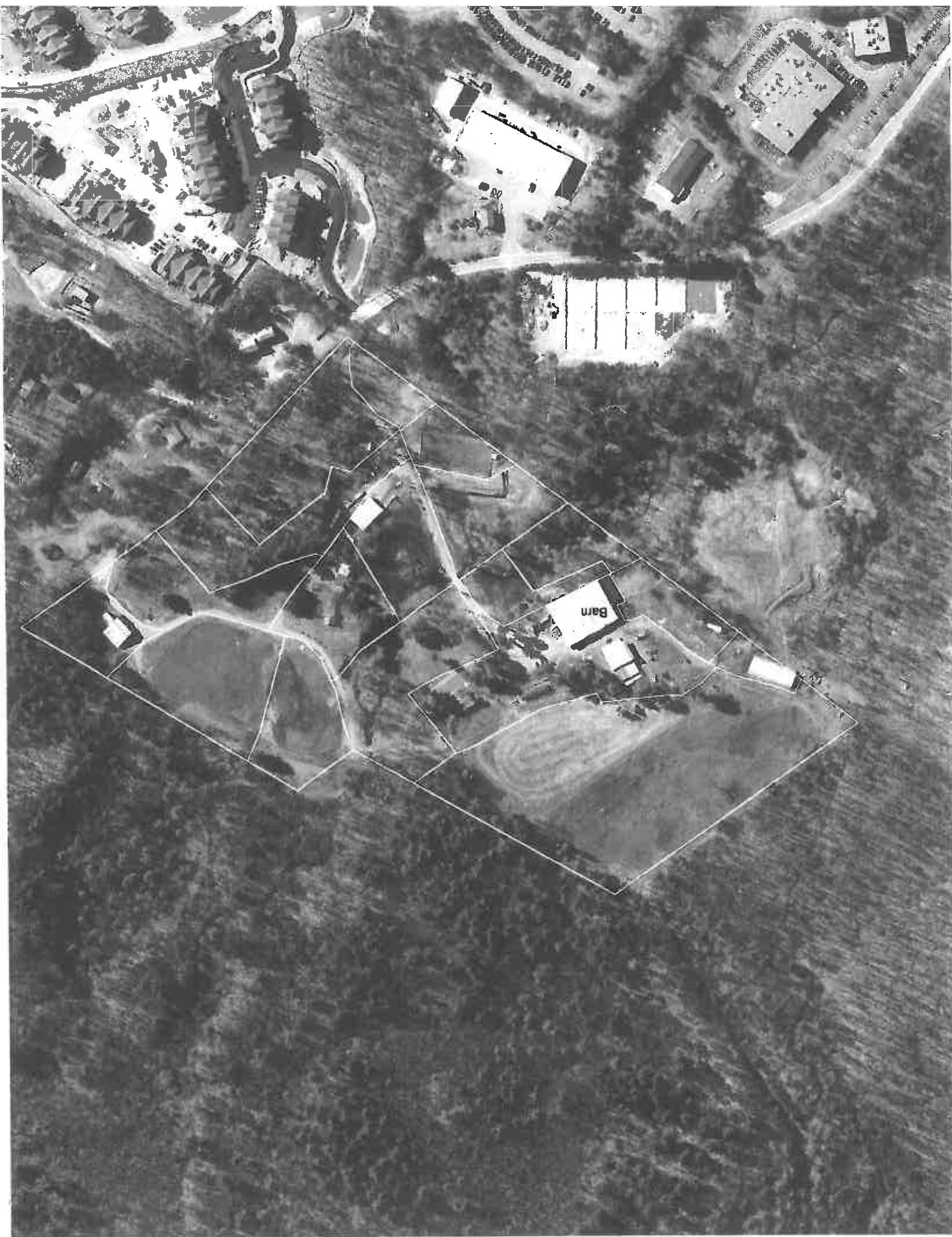
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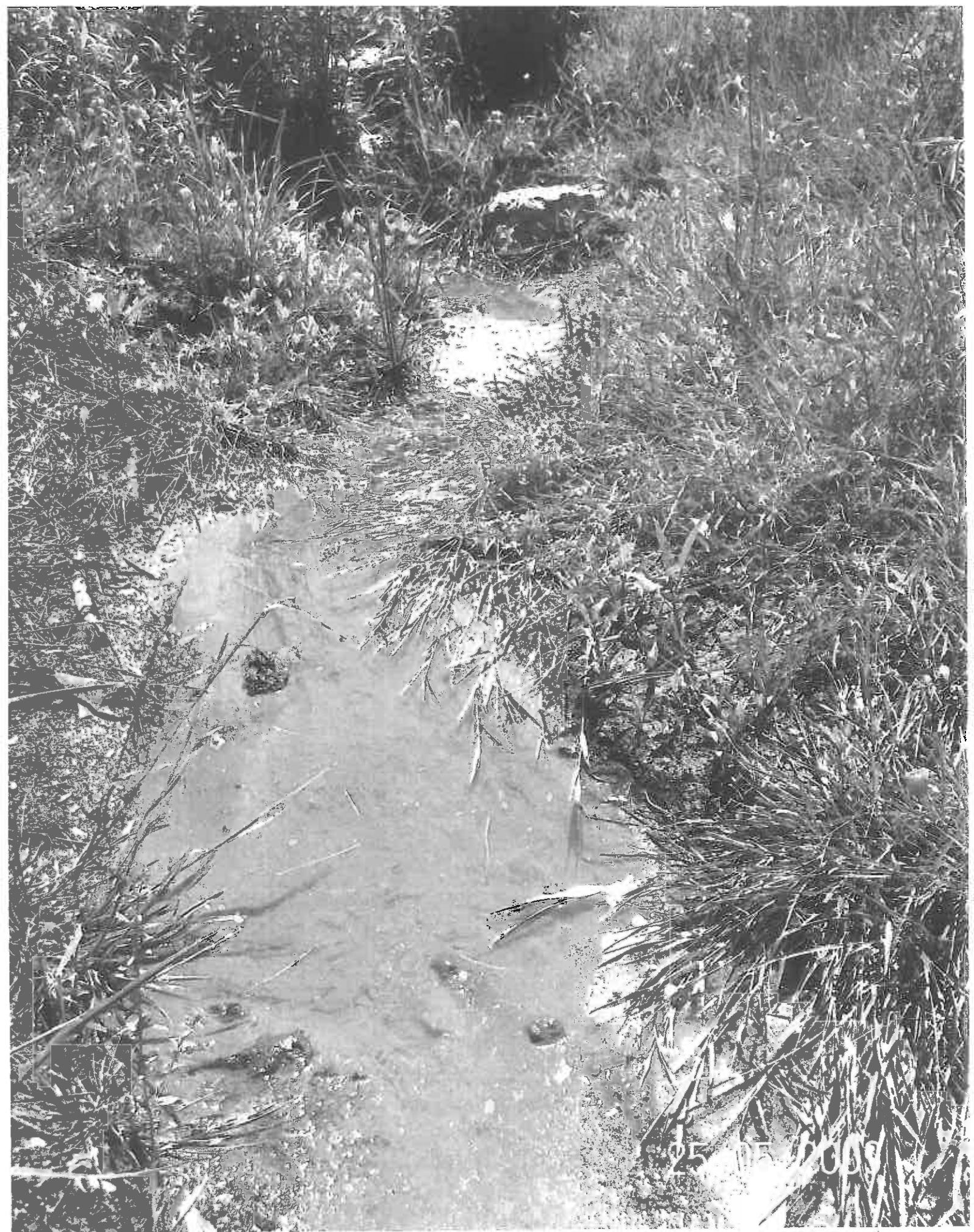






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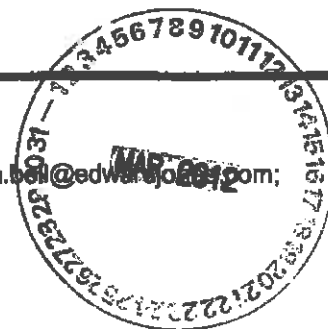
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**Michelle Cobleigh**

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**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 miniscule percentage of its overall development costs and its overall project profit.

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

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Daniel C. Hill, Esq.





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

Carol Pikcilingis  
Acton Barn  
Nagog Park  
Littleton, MA 01460

July 9, 2012

Sherrill Gould, Chairman  
Zoning Board of Appeals  
Littleton, MA 01460

Dear Chairman and Board Members:

I am writing today to provide input on the residential project that is currently being considered for the property adjacent to the Acton Barn child care center. We have been in communication with Omni Properties and have been assured that they will take every precaution to ensure the ongoing health and safety of our children, families, and staff. These precautions include:

- Scheduled (daily or weekly as needed) communication between project management and Acton Barn during the construction.
- Phone numbers and contact information to reach onsite superintendent and any of the Omni Properties partners or management at any time that Acton Barn determines that there is an issue.

We have seen the current site plan and the landscape plan and are confident that it addresses our major concerns. Again, we have been assured that the health and safety of the Acton Barn children, families and staff is of the utmost importance to Omni and believe that this will remain a priority throughout the project.

Sincerely,



Carol Pikcilingis

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**Subject:** Littleton housing project @ 15 Great rd.  
**From:** Shelia Black (bobbys.ranch@yahoo.com)  
**To:** james.eldridge@masenate.gov;  
**Cc:** james.arciero@mahouse.gov;  
**Date:** Friday, September 7, 2012 3:35 PM

To: Jamie Eldridge  
Jim Arciero

First of all, I want to thank you both for your interest in this project! I, Robert Haigh, owner of Bobby's Ranch Inc. and an abutter to this project am very concerned about the density question. I already have Nagog Park, an industrial area, Village of Nagog woods, a 120 family complex very nearby with a sewerage treatment plant very close. Avalon bay, a 400 unit 40b project next door with a sewerage treatment plant. Both were started by the same developer (omni) then sold to Avalon.

Now we have another 100 proposed units, omni, a little further away with a proposed sewerage treatment plant very near Lake Nagog (concord reservoir). Bobby's Ranch has rented this land for 20-30 years for pasture. I am very familiar with the slopes of this property. We already have two brooks running through our property. With this added water being discharged into the earth in the same areas, how much can it hold? The water table is and always has been high, especially in the area for the proposed sewerage treatment plant, very close to the concord water supply. There is already a pipe from this area draining directly into Lake Nagog.

My property abuts this project but I have only been informed of one meeting, 2-16-2012. The plans show several storm water management areas! Wetlands?? Mosquito breeding grounds? Triple EEE? West Nile disease? Children??

The traffic impact of all of this is tremendous.

Bobby's Ranch, a riding stable, is open to the public and would welcome either of you or both to do a walk thru previous to the next meeting, 9-13-2012. Any questions [bobbys.ranch@yahoo.com](mailto:bobbys.ranch@yahoo.com) or feel free to call me at (978)263-7165.

Sincerely, Robert Haigh

Thank you,

Sheila @ Bobby's Ranch  
6 Durkee Ln  
Westford, Mass 01886  
<http://www.bobbysranch.com/>  
978.263.7165

**Subject:** Automatic reply: Littleton housing project @ 15 Great rd.  
**From:** Arciero, James (HOU) (james.arciero@state.ma.us)  
**To:** bobbys.ranch@yahoo.com;  
**Date:** Friday, September 7, 2012 3:36 PM

Thank you for your email. Your questions and concerns are very important to me.

I will respond to your message as quickly as possible. However, due to the large volume of emails that I receive daily, I can only respond to constituents from my district. Please make sure to include your name, address and telephone number in your email. If you need immediate assistance, I would ask you to please contact my State House office at 617-722-2320.

Thank you for contacting me.

Sincerely,

James Arciero

State Representative

Chelmsford-Littleton-Westford

**Michelle Cobleigh**

**From:** PNLGMR@aol.com  
**Sent:** Thursday, January 10, 2013 5:18 PM  
**To:** Michelle Cobleigh  
**Subject:** Omni/Zoning Board of Appeals



**Please share my email with members of the Zoning Board of Appeals.**

**Thank you...**

**Nancy Leinve**

**Dear Sherrill Gould, Chairman, and members of the Zoning Board of Appeals. I am sending you this email in regards to Omni and their many phases of development in the areas off of Rts. 2A/119, Grist Mill and Surrey Roads.**

**I'm was hoping to make this somewhat short, but that's very difficult. Omni continues to make demands on the Town, that are just NOT FOR GOOD OF OUR TOWN. However they may be very beneficial to Omni.**

**I don't want to bore you, but I need to share a little background. In 1996, hearings started for the Apple D'or development. Mr. DiCarlo and others, were involved at that time. Some of you might have been at these hearings. I was there. I'm still here for this fiasco with Omni.**

**Omni Developers have approval from the State for a 40B project. This alone, boggles one's mind. Avalon apartments are barley half-full and Omni is adding more apartments that also won't be filled. The two locations for both these apartment complexes are about one and a half miles apart. Now let's proceed.**

**I'm attempting to summarize Omni's plans. Omni first approached the Town with the development of a 40B project. Then Omni asked for a sub-division, next door to the 40B, and part of which is involves some of Grist Mill Rd. Let's continue.....Then Omni decides that they also want to build houses in the areas Surrey Rd./Grist Mill Rd. If you recall in the past, these Apple D'or lots were deemed not buildable by the Town, because of the ledge/rocks and perking problems.**

**OK then! So now, Omni wants to blast these lots and connect them to the 40B septic treatment plant. Excuse me!!! What benefit would this be to the Town? I can't see any. I can only see disaster in the making. I don't have to list the potential problems that blasting can have. You already know.**

**Shared sewage systems is unprecedented in our TOWN. What would happen in the future if this was allowed? I don't even want to think about it.**

**How does the Town of Concord view this? This blasting would be less than half a mile from their reservoir. Who will pay if something goes wrong? Who will take the responsibility? We're talking about a very precious commodity here, WATER!**

**Then we have the offer of " \$\$\$\$ " to the town if ALL OF OMNI'S projects are approved and completed. Monies offered for today will not be NEAR enough for what might unfold in the future. If they made an offer for many times this amount, it still won't be enough. However, some Board members might be looking at this as a way to help our Town out of some fiscal wows. Good thoughts but please think this through. Don't let this happen! THIS WILL ONLY ADD TO OUR FUTURE BURDENS IN A VERY FEW SHORT YEARS. If it's too good to be true, it's not!!!! What's to say that this money offered will even be there in the end. Hm-m-m!**

**Please, you must look at the bigger picture, as to what might happen if this project has problems down the road. Look at the Town's past experiences with such dealings. It's not always wonderful and at many times, very costly to the Town.**

**Omni is never satisfied and is always asking for more. When will this stop? You can stop it. The Zoning Board of Appeals and other Boards do have this authority. Omni asked for 40B and the State approved their plans. The Town does not have to approve their other requests. Think not only of today but TOMORROW!!! Please, don't give them approval.**

**I will also be sending this email to the Planning Board, Board of Health, Selectmen, and the Town of Concord.**



**Most sincerely,**

**Nancy Levine  
49 Grist Mill Rd.**

#7

Ms. Sherrill Gould, Chair  
Zoning Board of Appeals  
Littleton Town Offices, Room 302  
37 Shattuck Street,  
P.O. Box 1305,  
Littleton, MA 014



1/17/2013

Dear Ms Gould,

I would appreciate it if you would share my concerns with the board this evening. I believe that Omni is pulling out all the stops including agreements with abutters that amount to nothing more than a gag order and threats of legal action against town boards to reach beyond the scope of the 40B under the purview of the 40B.

In your deliberation on the 15 Great Road comprehensive permit it is essential to this town that you address only the 40B project on lot 1 and not give Omni an opportunity, at a later date, to use your agreement to usurp the Planning Board decision, HCA decision or town meeting decision.

The adjacent lot 2, 40A subdivision project needs to be addressed solely by the Planning Board as the project is not now and will not be affordable housing.

**These are two separate projects and should be treated as such by the appropriate town authority.**

Regarding the HCA, It is not a good deal for the town. The mitigation payment, in the general scheme of things, is far less than the town will ultimately expend on additional Police, Fire and Education in future years as a result of this project. The HCA is drafted in favor of Omni and it should be the responsibility of our boards not to get what we can but get what we need.

**It would be a smart decision to let the HCA go to the voters at town meeting which would relieve you from any recourse from Omni. Let us decide.**

A handwritten signature in black ink that reads "Marc LaVigne".

Sincerely,  
Marc LaVigne  
66 Hartwell Avenue  
Littleton, MA