

## **Minutes of Meeting 9/4/02 – Higgins, Logue**

Members Present: Shaun Sullivan, Stuart Schulman, Robert Cadle, David Gandle, Chase Duffy

The Chairman convened the Higgins notice by reading the Legal Notice.

Richard Higgins, applicant, said that he has a small landscaping company and wants to be able to continue to store equipment at his residence. He said that he was unaware of the need for a special permit until the Zoning Enforcement Officer notified him of the violation. He said that the property is owned by his step-mother and that he rents an apartment on the site.

Mrs. Duffy asked how much equipment is stored on-site.

Mr. Higgins submitted an inventory list.

Mrs. Duffy asked about screening.

Mr. Higgins said that the driveway is open and thus virtually impossible to screen any more than what is presently there.

Mr. Higgins, Sr. said that the property is screened on three sides. He said that technically there are two lots: the rear lot is undeveloped. He said that a stockade fence was removed and that the only direct abutter has no problem with the operation. He said that there is no excess noise or traffic, and stressed that there have been no complaints.

Mr. Higgins, Jr. said that he has no idea how the Zoning Enforcement Officer found out about the operation, since the business has been in operation since January of 2001.

Mr. Higgins, Sr., said that the legal business address is in Westford.

Discussion ensued regarding how to grant a permit for just the storage of vehicles.

Mr. Higgins, Sr. said that they were requesting a special permit under section 218-(16)(B).4 , as a temporary permit for their joint father/son business.

Joyce Kilridges said that her puppy was hit and killed by one of the trucks and was distressed that the driver did not stop. She said that neighbors have been complaining about the noise of large trucks traveling on an 11-foot wide road. She then submitted a letter into the record.

Discussion ensued regarding the size of Cedar Road and Longfellow Roads, as well as the size of the dump trucks traveling on these roads.

Mr. Higgins, Sr., said that the only access to the rear lot is via Cedar Road.

A second letter was submitted into the record by abutters.

Mr. Higgins said that the largest truck is 8.5 feet.

The Chairman suggested a site walk.

Mr. Higgins, Sr. said that the Building Inspector never mentioned a home occupation permit as being necessary.

The Board requested a site walk and discussion ensued regarding how this permit would or could fit into the home occupation permit by-law.

The applicant argued that because there are two separate lots, four vehicles could be parked by-right.

The hearing was continued to 10/02/02 at 8:00 pm.

Of note: trucks are out in the am and in only in the pm.

A site walk was scheduled for 9/7/02 at 8:00 pm.

The motion to continue was seconded and passed unanimously.

The Chairman convened the Logue hearing by reading the Legal Notice.

Atty. David Keeler was agent for the applicant. He submitted an order of conditions from the DEP. He said that the applicant is requesting a 27-foot relief from front setback, as well as a special permit to allow for a year-round use conversation.

Discussion ensued regarding where the house is located.

Mr. McCarthy, abutter, noted that the house is 17 feet from the paved street and 20 feet from the paved right-of-way.

The Board suggested a site walk.

Discussion ensued regarding whether a variance is required.

Atty. Keeler said that the Title V and wetland issues have already been dealt with. He said that a Title V tight tank system has been installed by the existing owner. He reiterated that DEP order of conditions has been obtained. He said that the current owner has obtained a Conservation

Commission Order of Conditions.

Mr. McCarthy expressed concern about the addition and the deck. He said that parking is terrible and the streets are tight.

Atty. Keebler said that this plan will provide off-street parking.

Mr. McCarthy said that he moved to Groton to avoid parking issues and he said that the neighborhood is too crowded the way it is. He questioned how construction trucks could access the site.

Atty. Keebler said that the existing structure does not have two means of egress and has no interior staircase. He said that the new structure will be much safer and noted that his client does not want to make the new dwelling too big. He said that going off to the side is more pleasing aesthetically, and noted that the new dwelling is not much bigger than the existing (1100 square feet total).

Mr. Logue stressed that it is still a small house.

Atty. Keebler said that affordable housing is being created in town.

Mr. Sullivan noted that a much larger addition could be constructed.

A site walk was scheduled for 9/7/02 at 9:30 am.

The hearing was continued to 10/02/02 at 8:30 pm.

The Board requested a scale drawing of the proposal.

The Board moved, seconded and voted unanimously to continue the hearing.

The meeting was adjourned at 9:45 pm.