

ZBA- Minutes Meeting of September 5, 2007 – Grinnell, Scarlet, Phoenix

Members Present: Robert Cadle, Alison Manugian, Cynthia Maxwell,
Chase Duffy, Jay Prager

Grinnell

Chairman Cadle convened the Grinnell hearing by reading the legal notice.

Charles Grinnell told the Board that he started a robotics company with three partners from iRobot. He said that during the initial formative months of the new company they are working from his house, which is big and has plenty of space to do what they need to do. He said that he was advised to make this application and that the new company focuses on product design and development engineering.

Mr. Prager asked whether there only four people there.

Mr. Grinnell said that he has hired a couple of consultants, but they are very part time and work primarily at their own establishments and then come to give a report. He said that there are normally only three cars there aside from his.

Mr. Prager asked about hazardous materials. Mr. Grinnell said that there would be no hazardous materials in use. Mr. Grinnell said that they are focusing on agricultural robots and that the work comprises electronic and electromechanical prototype construction.

Mrs. Duffy asked about product development. Mr. Grinnell said that it takes a long time to develop a product.

Mr. Prager asked whether the applicant is okay with a time limit.

Chairman Cadle said that this operation is in the center of town and typically the Board puts a time limit on a permit. He then asked about using the workshop in the barn.

Mr. Grinnell said that it is a woodworking shop that was originally a horse barn. He said that he uses the shop occasionally to work on prototypes.

Discussion ensued regarding the location of the employees' cars and the barn used as a workshop.

Mrs. Duffy asked about neighbors. Mr. Grinnell said that there is now a big white tent put up by Kilbridge Antiques and otherwise it is an empty field.

Mrs. Duffy asked about the rate of increasing employees. Mr. Grinnell said that he hopes that that will happen but stressed that it will be gradual.

Chairman Cadle suggested limiting the number of employees and the number of cars there at any given time.

Mr. Grinnell said that he will have consultants coming once or twice a month.

Mrs. Duffy asked whether abutters would be bothered by the activity and the applicant said that he didn't think so.

The Board moved to close the public hearing. The motion was seconded and passed unanimously.

Chairman Cadle said that it is an innocuous operation.

Mrs. Duffy noted that the operation is already happening and no one noticed or has complained.

Mr. Grinnell said that he was contacted by neighbors in support when they read the legal notice.

The Board moved to grant a special permit under 218-16B1a to Charles Grinnell to run a small home occupation for one year, provided that on the average day no more than five employees and five cars be on site. The motion was seconded and passed unanimously.

Discussion ensued regarding how much the business could grow and still be legal and whether the applicant needs to go to the HDC.

Scarlet

Chairman Cadle convened the Scarlet hearing by reading the legal notice.

Meredith Scarlet was present as applicant.

Chairman Cadle read memos from the Building Inspector (“BI”) and Water Department into the record.

Mrs. Scarlet noted that she lives in the farm house and built the barn one year ago to replace the original barn. She said that she wants to replace the storage area on the second floor of the barn with a space for the farm manager, noting that it is safer for the animals to have an apartment in the barn area and also gives the manager additional privacy. She said that the building is new and was designed for this. She noted that she feels that this meets the purpose of the by-law, which was not written just to aid families and aging parents. She said that the manager is sharing the burdens of running a large farm. She stressed that when the contractor did the bathrooms in the barn, the plumbing is only stubbed up to the second floor. She said that she found out that that was illegal but she only meant to cap the plumbing for future use. She said that a bed is stored there and the only time she has slept there is when she had sick a mare and a foaling mare. She noted that the manager currently lives in the house. She said that BI has the final plumbing report, noting that she has taken care of three of the issues in the BI memo and that she didn’t know that it was illegal to store a bed in the barn. She said that an accessory apartment is the best description of what she wants to do.

Mrs. Duffy suggested amending the by-law at the upcoming town meeting. She said that she knows that some barns in town have grandfathered apartments and this should be protected, but noted that she doesn’t think the by-law as currently written allows for this.

Mr. Prager said that each of the criteria in the by-law needs to be met.

Mrs. Duffy said that the Board doesn’t have the power to grant this permit even though she is sympathetic to the cause.

Mr. Prager noted that the town meeting warrant closes on the September 14th and thus the applicant needs to move quickly.

Mrs. Scarlet asked about a variance with the special permit.

Mrs. Duffy said that she doesn't feel comfortable granting this with a variance.

Atty. Collins said that he lives sort of across the street and noted that there is a precedent for a separate building. He also suggested a caretaker under Agricultural 40A, section 3 and continuing the hearing before denying the application. He said that this is good stewardship of a farm property.

Discussion ensued regarding whether and how the agricultural by-law could be used and what additional information the Board would need.

Dr. Horowitz said that she spoke to Michelle Collette and apparently there was vigorous debate in the Planning Board about whether this type of use should be allowed. She suggested getting on the warrant either as a citizen's petition or by the agricultural committee.

Discussion ensued regarding whether to propose a town meeting warrant article for agricultural use only or for accessory structures in general.

The Board moved to continue the hearing to the 19th of September at 7:45 pm. The motion was seconded and passed unanimously.

Phoenix/Collins

Chairman Cadle convened the Phoenix/Collins hearing by reading the legal notice.

Atty. Collins, agent for the applicant, noted that this is an initial hearing for a fairly modest proposal by Mr. Haberman, who lives nearby. He said that there are two lots on which he could build two single family homes or four duplexes. He said that when his client was planning, he had him consider 50% affordable over-55 housing and the rest single family or attached housing. He said that the bylaw has been on the books since 1980 and hasn't gotten much attention, but suggested that it is a much better way than the 40B route. He said that this is good affordable housing and less offensive to the neighborhood and town. He said that the two parcels are divided by a non-existing paper street and include an existing dwelling not owned by the applicant. The plan proposes three single family dwellings and a triplex of affordable over-55 housing. He stressed that this is a large parcel by Lost Lake standards and there is not a lot of surrounding development.

Chairman Cadle asked where Lost Lake Drive is in relation to the property. Atty. Collins said that it is to the north.

Atty. Collins said that there will be six units and the average density is one unit per 20,000 square feet when considering the entire site, noting that the entire acreage for both parcels is 116,000 square feet. He said that he would do a limit-of-disturbance plan with the Planning Board and that the three single family homes would be comparable to others in the neighborhood. He said the triplex would look like a large single family home, similar to one Dave Moulton built and conveyed to the Groton Housing Authority. He noted that he has a letter in support of the project from the Groton Housing Authority, but that they suggested a single level for the triplex since the residents will be over 55. He stressed that he thinks this is better than building a couple of enormous duplexes as it will be less disturbing to the natural topography, etc. and will do something for both the town and the community in a less intrusive way than what could be done by right.

Mrs. Duffy asked about Section 1 b, elderly housing, and the suggestion that it should be located near to town services.

Discussion ensued regarding what is located nearby and what to expect for location of services in town.

Atty. Collins said that the housing task force wants small projects to add to the affordable housing count outside of 40b. He noted that they still need to go through certain steps via the State to get the affordable units to count, but not the 40B route.

Chairman Cadle asked whether it would be restricted in perpetuity. Atty. Collins said that it would be.

John Abromson, 10 Indian Road, presented a two page letter that $\frac{3}{4}$ of the owners in area have signed onto, expressing their concerns.

Atty. Collins said that he wants to address abutter's concerns.

Mr. Abromson read the letter into the record, suggesting a widening of the road, additional lighting, plowing issues, an increase in traffic and safety issues, noting that there are mostly young families and mostly single family

dwellings presently in the neighborhood. He suggested forming a committee to study the impact on the neighborhood from both construction and ecological points.

Chairman Cadle asked about septic plans. Atty. Collins said that the system would be on-site, one for the triplex and separate systems for the single family units.

Atty. Collins said that the proposal is not intended to have a deleterious impact on the neighborhood. He said that his family still owns a lot of property in the neighborhood and he feels this is better than four duplexes.

Mr. Turronne, 10 Indian Road, noted that Atty. Collins only owns rentals in the neighborhood now and stressed problems with water pressure already.

Ann Doble, 32 Indian Road, said that when construction is happening, water service is interrupted and most families have babies and can't use their water for several days. She said that the construction of six units will last longer than the construction of two units and often one can't get through the construction area at all. She said that the size of the roads is a concern, noting that one can't get two cars through, especially on Tavern Road.

Bob Wrights said that he now owns the house that Atty. Collins grew up in, but the difference is that he has children and he does not want big density. He said that this type of project is changing the reason why he bought there originally. He noted that it would be a shame to take a beautiful wooded area and put houses instead of taking houses that are ready to fall down and rebuilding.

Paul McCormack, 40 Tavern Road, noted that seven houses face Tavern Road that don't have back yards onto Indian Road. He noted that traffic will be doubled and this is a single lane road.

Atty. Collins said that they would like to redesign and come back.

Chairman Cadle suggested a site walk.

Mrs. Duffy said that it is fine to want single family homes but somewhere there needs to be more density and more affordability, particularly with a

senior with no income coming in. He said that they need to realize that more gray hairs are coming along.

Discussion ensued regarding plowing, etc., in town versus the Lake Area.

Chairman Cadle asked about the 55+ breakdown.

Atty. Collins said that the triplex is the 50% affordable count, noting that the single family dwellings will be also be offered to 55+ first, primarily because they will be small and tend to be more affordable.

Ryan Lenahan said that they need to be sensitive to elder/handicapped needs but questioned whether this is this the best area. He said that they have a mix but there are mostly single family homes with young families and children. He noted that the market is difficult at this time and subsidized housing will have a further negative impact on values of homes in the neighborhood.

Chairman Cadle asked who would be subsidizing the rear triplex.

Atty. Collins said that it would be a self -subsidy via income level, also noting that it is usually difficult to find qualifying candidates and they are almost always moderate and can have hefty incomes.

Mrs. Duffy noted that one should not be able to tell affordable units from regular ones.

Atty. Collins said that all units will look the same.

The Board moved to continue the hearing to October 3rd at 7:30 pm. The motion was seconded and passed unanimously.

Discussion ensued regarding the memo from Judith Cutler regarding resolution of GRG. The Board voted to send a memo to the BOS regarding how to proceed and how much legal fees have been involved.

The meeting adjourned at 10:00 pm.