

ZBA Meeting Minutes February 27, 2008 – Robinson

Members Present: Robert Cadle, Chase Duffy, Cynthia Maxwell, Alison Manugian, Mark Mulligan

First on the agenda is the administrative issue relating to the Squannacook Hills 40B request for a 24-month extension to allow for completion of the project.

Melissa Robbins, attorney for the developer, was present, noting that this situation was unique because the earth removal attachment to the Comprehensive Permit said that the project needed to be completed within two years and usually a project just needs to be begun within two years. She said that they will have final approval for the project from the State next week and will begin final plans to start construction. She noted that they have gotten a permit from the Board to complete before 2009 but fall 2008 is really the time to get going and if they have a two more year extension they will be sure it is complete by 2011. She said that it affects only general bookkeeping and not the ZBA directly, to be in compliance with the attached earth removal document. She said that they had issues also with the Town because Town Counsel didn't want the Town to sign the agreement and they had to go back to the State to renegotiate the regulatory agreement, etc. She noted that they expect the project will be completed by 9/2009 but they don't want to have to come back to the ZBA at the last minute if not completed.

Chairman Cadle said that his only concern is regarding the Housing Appeals regulations regarding permits lapsing three years after being granted.

Atty. Robbins said this shouldn't be an issue because she has been working with both Mass Housing and DHCD, noting that they will be pulling a building permit within the three years. She said that after the first permit is pulled, there is no issue with the ZBA. She stressed that Mr. Paige wants to get going.

The Board moved to grant an extension of the construction time to Groton West Realty LLC to build the Squannacook Hills 40B according to the final plans to be filed, for two years until 9/28/11. The motion was seconded and passed unanimously.

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

Robert Margolis, contractor for Robinson, submitted additional pictures so the Board could understand why a rebuild makes sense, rather than a remodel.

Mark Mulligan asked what was being asked for exactly.

Mr. Margolis said that the lot is too small, but the footprint is only slightly ~~bigger of~~ larger than the proposed dwelling, which will have three bedrooms.

Mrs. Duffy asked how many bedrooms are there now.

Mr. Margolis said that a three bedroom septic system was put ~~in~~ in 2004 and the existing dwelling has three bedrooms, noting that the septic and well have not been attached to the dwelling to date. He said that all BOH regulations have been met, both local and Title V.

Mr. Mulligan asked for clarification regarding what setbacks there would be, etc.

Chairman Cadle asked about the square footage now vs. in the new structure.

Mr. Margolis said that the old structure is 734 square feet and the proposed is 1700 square feet, including the porch. He said that although it seems like they are doubling the size, the second floor currently has much open space and the new dwelling will have more enclosed living space.

Chairman Cadle said that he couldn't find 176 Shelters, noting that there is a big snow bank.

Mrs. Robinson said that currently the only access is on foot.

Mr. Margolis said that this part of Shelters is a private road taken care of by residents, where the pavement ends.

Mrs. Manugian asked about how the frontage issues should be considered.

Chairman Cadle said that he doesn't know and that that is a good question. He also asked for the septic plan.

Mr. Margolis said that he didn't have them with him.

Chairman Cadle asked why the septic and well were not hooked up.

Mrs. Robinson said that first her father died, right when he had wanted to hook up the systems, then her daughter was hit by car and then her brother died. She noted that the camp has been in family since it was built, over 50 years ago.

Discussion ensued regarding the location of abutting properties.

Mr. Mulligan noted that there is nothing the applicant can do to bring the lot further into compliance and said that the project meets all setback requirements.

Mrs. Duffy asked about the size of abutting lots.

Jo Eger, abutter, said that all the lots in the area are small.

Mrs. Duffy asked whether there is room for further development on abutting sites.

Mrs. Eger said more development was not possible.

Of note, everyone present in the audience was in favor of the project.

Chairman Cadle noted that his only concern is that there is lots of pressure on the lake because of all the development happening there.

Discussion ensued regarding the scope of use of the existing cottage.

Mrs. Robinson said that the cottage is used for three seasons. She said that putting in a year-round house in will keep the property in line with the street, noting that this is the only cottage.

Mrs. Maxwell noted that there are only three people living there.

Mr. Margolis said that they could renovate the camp but it was not fiscally the most sensible thing to do.

Mrs. Robinson said that she wants to do this because she wants to protect the lake.

Mrs. Manugian noted that there is no frontage on a public way.

Discussion ensued regarding how to grant the variance with no frontage.

Mr. Mulligan said that using the variance route makes a better product for the applicant, the town and the neighborhood. He noted that the applicant can't change the size or frontage and this is a lot that has been used for years and is not a public way.

Mrs. Manugian scited a subdivision by-law dealing with insufficient frontage.

Mr. Mulligan said that the determination has been already made because this access has been sufficient for 50 years. He said that it is within the ZBA's purview to grant a 0 foot frontage and this is not a new lot. He said that there is already a Groton family using the property and not a developer coming in for a new project.

David Dearborn, abutter, noted that their access to the camp is over his land, and that it has always been so and is written into the deed. He said that he is okay with the project.

Chairman Cadle said that the increase is not so egregious that he would vote against it but stressed the need to craft the decision carefully.

Mrs. Duffy said that this is creating affordable housing and if the Board follows the letter of the law it would make it difficult to impossible.

Mr. Mulligan said that imposing current zoning would be significant hardship because the lot can't conform. ~~In keeping with the neighborhood A and 1700 square feet~~ structure is modest by small by Groton standards but is in keeping with the surrounding neighborhood.

Mrs. Duffy said that she thinks this meets the standards of a variance, noting that they have the lake on one side and the Egers on the other.

Chairman Cadle said that the lake properties don't generally meet the criteria.

Mrs. Duffy disagrees because not requiring the applicant to build in the existing footprint would not be detrimental to the zoning by-law and the proposal is in keeping with the character of the neighborhood.

Chairman Cadle asked to look at the septic plans.

Mr. Margolis said that nothing could happen without all BOH plans and permits being in order. He then submitted for review the septic plan.

Mr. Mulligan said that the rationale for granting the variance is shape of the lot.

The Board moved to grant a variance relating to lot size and frontage as outlined in the petitioner's application, as outlined on the certified plot plan dated 9/11/07 and submitted with the application. Findings include that the existing building is in too poor shape to rehabilitate and was built without foundations. Additionally, a hardship would be created if the applicant is required to stay within the existing footprint (the camp is currently on cinder blocks and wooden posts) and owing to the shape of the lot the applicant would sustain substantial hardship if the zoning by-laws were strictly enforced.

Conditions: All title v and conservation commission regulations shall be complied with.

The motion was seconded and passed with four in favor and yeas and one opposed.

The meeting adjourned at 8:55 pm.