

## ZBA Meeting Minutes March 12, 2008 – Staehly

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

Chairman Cadle convened the hearing by reading the legal notice.

Atty. Anctil, agent for Staehly, said he would give a brief explanation as to why they are here, noting that the foundation for the barn is located 16.3 feet from a 12 foot right of way. He said that the applicant has a number of greenhouses on the property and wants to construct a barn. He said that she had laid the foundation and was told that if there were to be animals the setback needed to be 25 feet rather than 16.3 feet. He said that she located the foundation where she did because it makes the most amount of sense for the business. He noted that a box truck delivers for the business and then handed the presentation over to the applicant.

Ms. Staehly said that she has a three acre farm that she moved into in 1987, operates. ~~She said that she was operating~~ a farm stand in Lincoln, and chose this property because it was a good location to have greenhouses to supply the farm stand in Lincoln. She said that the foundation is situated as easterly as possible to allow for truck access and grazing, noting that she has given up the retail business and now grows plants and herbs for whole-sale selling.

Atty. Anctil noted that all of the greenhouses open out onto the nonresidential side of the property. He said that he has included a tax map for the Town of Groton that shows two rights of ways, noting that since 1987 no one has used the right of way closest to the proposed barn. He said that there are wetlands to the rear of the property, stressing that this is the best location for the barn. He said that his client wants three stalls for horses, noting that there are neighbors here in support of the project. He said that if there were no right of way, the foundation would have met side line setback. He said that his client has two horses now and wants the ability to have a third, noting that this is just for her own use.

Mrs. Duffy asked the applicant where she could exercise her horses.

Ms. Staehly said that she has room to the rear of the property and access to many West Groton trails.

Mrs. Duffy mentioned horses on her road that lived in extreme wet conditions and noted that she didn't want to have that situation here.

Atty. Anctil said that there is much dry land for the horses to be located.

Chairman Cadle said that there seems to be plenty of room to locate the barn in compliance with setback requirements.

Atty. Anctil said that his client thought she would be able to build as such, poured the foundation, found a problem, but she doesn't want to compound the problem.

Mrs. Duffy asked why the applicant didn't talk to the BI before pouring the foundation.

Ms. Straehly said that there was a transition in the building office, noting that she spoke to the interim BI and he said that a 15 foot setback necessary and made no mention of 25 feet. She said that she poured the foundation, went to get a permit and was told that she could not house animals there. She said that she is here to get permission to keep animals.

Discussion ensued regarding the how the right of way was used and maintained.

Atty. Anctil described it as a right of way in the deed, a fee simple parcel owned by Sergeants that the client has no right to pass over.

Mr. Prager asked how costly to would be to relocate the foundation.

Atty. Anctil said that it would be a financial burden but stressed that he is being honest and if the barn is pushed to the left it would affect the ability to access the greenhouses.

Mr. Prager suggested moving the barn back and in.

Atty. Anctil said that he supposed it could be done, although he noted that these were not noxious smelling animals.

Mr. Prager likes that the easement is only a road to give access to the Boy Scouts because it adds to the Board's ability to grant a permit.

Atty. Anctil said that his client said that the Scouts have never used the right of way, or even the property to camp, etc.

The Administrator noted the BI's displeasure with the fact that the foundation was poured prior to getting building permit.

Ms. Straehly said that she feels that she didn't have good information and was not given good advice.

Mr. Prager wanted to discuss how the situation got to this point.

Chairman Cadle felt that there was no discussion related to live stock being kept there and the plan submitted didn't show stalls, etc.

Atty. Anctil said that the plan didn't really delineate stalls.

Chairman Cadle asked for audience comments.

John Kasterkane, abutter, said that it was not a problem to place the barn there and it would be more expensive than is worth it to move it.

Chairman Cadle asked whether they attempted to contact the Boy Scouts.

Atty. Anctil said that he tried and got nowhere, noting that his son is a Scout and he even asked his troop leader. He said that he doesn't even understand what the Sargeant Group has to do with the Scouts as a whole.

Martha Olney, abutter, said that she has never seen any use there, and supports Ms. Straehly, who has been a good neighbor.

Chairman Cadle said that he would feel much better if he knew what the Boy Scouts position was. ~~He~~Attorney Anctil noted that it is a Harvard address, and that he tried to talk to Al Collins but received no answer.

Discussion ensued regarding how to justify intent, etc., and where Gloria Drive is located.

Mrs. Duffy noted that it wouldn't bother anyone located there.

Mr. Prager said that given the location of the right of way and how far from the barn is from the road, it is hard to be a stickler to the rules.

Atty. Anctil noted that there is also another major access to the property.

Chairman Cadle noted that it may not be used for anything other than a right of way and no building could occur there.

Mrs. Duffy said that she could get over being annoyed that the foundation was laid because she is okay with the project and wants to encourage agriculture in the town.

The Board moved to grant a variance from side lot line requirements of nine feet to allow the construction of a barn to house horses. The motion was seconded and passed unanimously.

The meeting adjourned at 9:00 pm.