

ZBA Minutes October 14, 2009 – Nashoba Paddler, Anctil

Members Present: Robert Cadle, Cynthia Maxwell, Alison Manugian, Mark Mulligan, Jay Prager

Chairman convened the Nashoba Paddler hearing by reading the legal notice.

Diane Carson said that she and her husband purchased Nashoba Paddler this year, noting that she has been the manager since 1996. She gave a brief description and history, describing the summer camp, and programs with the NRWA (River Classroom since 1997) and submitted a letter from the NRWA in support of the organization. She said they have been part of the community for a long time, noting that they donate canoes for river cleanups, invasive species cleanup, etc., and employ about 12 high school and college kids to work in the summer.

Chairman Cadle asked how many canoes they have.

Mrs. Carson said they have 25 kayaks and 40 canoes, many of which are specialty canoes, for white water canoeing, etc. She said they are all stored on the site on two trailers and they also have two vans for transporting the canoes. She said they use all the boats but never at the same time, noting that the kayaks are used more for rentals and the canoes are for camps, school programs or scouting organizations.

Chairman Cadle asked about the shelters that are moveable in case of flood.

Mrs. Carson said one is a rental stand, one stores vests and paddles and the other is her office.

Chairman Cadle asked about expansion plans, if any.

Mrs. Carson said they would like to buy the property, or part of it because their intention is to stay there. She said it is a nice site but they have no plans for expansion.

Chairman Cadle asked about bathroom facilities.

Mrs. Carson said there is a “portapotty” for use during open hours and there is a second one for the school happenings.

Mr. Mulligan said he thinks all the original findings are good and appropriate.

Chairman Cadle said that this is type of business the town is looking for.

Discussion ensued regarding the length of permit, with the consensus being for ten years.

Mr. Mulligan moved to grant a permit to Nashoba Paddler LLC (Diane Carson) for the operation of a canoe rental/instruction business for ten years and with the same findings and conditions of the permit granted in 1999.

Mr. Prager seconded and the motion passed unanimously.

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

Mr. Anctil said that he was originally quite constrained when he built his house and noted that when a neighbor did a survey it was discovered that the applicant's original survey was off by about 30 feet. He then described the reconfiguration of the land due to the correct Ross survey and is purchasing Parcel C from the Groton Land Trust and David Jewett is conveying Parcel A to him and Mr. Anctil will convey Parcel C to Mr. Jewett. He noted that in 1999 the Board was reluctant to grant a dimensional variance but did give him one so he doesn't want to ask for a dimensional variance here. He said he went through a number of configurations and finally tore down the original house. He said that he and his wife love the new house but his wife wants a garage, noting that the tall pine trees have destroyed the paint on their cars and have really bad sap. He said that even though he could have build a three story dwelling, he built a two story home that fits into the side of the hill better and now has no garage and no storage, which leads to where they are now. He said the only viable location for the garage is what is shown on the plan because the septic is on the westerly side and the garage is as far away as possible, noting that the septic system is located five feet from the property line to keep it as far from the lake as possible (he obtained a variance from the BOH). He said this is a steep property (a 27 foot vertical drop over 112 feet), and is steeper at the road, noting that if the garage were moved closer to the lake, it would be closer to the resource area. He said that putting the garage closer to the street uses the existing parking area under pine trees and would be 12 feet from the paved width of the road. He noted that Al Ackerman, a direct abutter, has a garage 12 feet from the paved area. He said that this location will provide sufficient area to back out of the garage and turn around before getting onto Shenandoah road, and the shape and topography are unique such that a variance can be granted. He noted that putting the garage closer to the lake would require retaining walls, much grading and site work, and could damage the lake.

Mr. Prager said he went down to look and it is a very sloped lot. He said that in the drawing the garage is located where the lot slopes off nine to ten feet and he suggested moving the garage back farther such that the gravel area would still be used and it would be on a flatter area.

Mr. Anctil said that he wants a four bay over/under garage, which would look like a house.

Mr. Prager asked whether there would be any living space.

Mr. Anctil suggested the Board condition that there is no living space, noting that he is not putting in water. He said this location would allow them to use the parking area and have the garage, which is important because they entertain a lot. He noted that they may landscape the area differently.

Mr. Prager said this is a personal choice that has nothing to do with the land, noting that the garage could be further back on the lot and less variance would be needed.

Mr. Anctil said this location works best for them and is farther away from the lake, which is better, noting that the Cons. Comm. has been difficult to work with. He said he has well

landscaped walls that would prevent further erosion into the lake and he wants the over/under garage because it creates additional storage. He noted that the lot was difficult to work with and he wanted a smaller house from the lake side and thus has less storage.

Mr. Prager noted that the dwelling has to stay a 3 bedroom forever as a condition of the original variance.

Mr. Anctil said yes and that he could not attach the garage to any part of the house, noting that it looks better because there is a break between the garage and house. He said that moving the structure back would cause the removal of two bays from the garage.

Discussion ensued regarding whether to move the garage back and the logistics of such.

Mr. Anctil said they have 200 feet of lake frontage and if the garage was moved back they would lose even more valuable parking in a very tight area. He said the land is super valuable to them.

Discussion ensued regarding the land swap that is happening between the Anctil, the Jewetts, and the Land Trust. The applicant said he has an ANR approval from the PB that has been recorded. He said that according to the Ross Engineering survey, he doesn't own the land where his well is located.

Discussion ensued regarding the abutting setbacks.

Chairman Cadle asked about the over and under garage setup and whether there would be two parking levels.

Mr. Anctil said yes, but noted that he could only park one car on the lower level because of the grade of the land. He said the other "under" bay will be used for storage.

Discussion ensued regarding how the garage will look.

Mrs. Anctil said it will look like the house, with one story on the road side and two by the lake.

Mrs. Maxwell asked for clarification.

Mrs. Anctil said she wants the garage closer to the street because there is a limited play area and she wants to maximize it.

Chairman Cadle suggested a site walk.

Mr. Anctil encouraged this, noting that the property is all staked out for the Cons. Comm. He said that project is well thought out, but welcomes more suggestions from the Board.

Mr. Prager said that because they are currently parking on the gravel area, he does not understand how the Cons. Comm. would complain about putting the garage on that gravel area.

Mr. Anctil said he wants the garage located as proposed and his wife wants as much play area as possible. He said that although they have 200 feet of lake frontage there is very little actual usable space.

Mrs. Manugian asked whether the access for storage has to be from the lake side.

Mr. Anctil said that it could go either way but his wife wants the garage to fit in with the landscape and not look like an after thought.

Discussion ensued regarding a site walk and approval of the neighbor.

Mr. Anctil said wants to decrease the height from the lake side and if the garage was shifted further towards the lake, the height would have to be increased.

Chairman Cadle asked about the dirt that needs to be removed.

Mr. Anctil said that earth removal won't be triggered but he will likely have Lacombe or Dr. Mulch take it.

Discussion ensued regarding what permits for earth removal would be required, if any, as well as possible tree removal.

Further discussion ensued about when the next Cons. Comm. meeting will occur, BOH issues, earth removal, when the ZBA continuation will be, and when the land swap with Jewett and the Conservation Trust will occur.

A site walk was scheduled for Sunday 10/18/09 at 9:00 am and the hearing was continued the 12/9/09 at 7:30 pm.

Mrs. Manugian made the motion to continue, Mr. Prager seconded and it passed unanimously.

Michele Collette, representative of the PB, presented a spreadsheet showing the status Groton Residential Garden unit, noting that ten market rate units have been sold and that the town gets 10,000 dollars before the 11th occupancy permit is issued. She said before the 30th unit is sold, the town should get \$100,000, noting that the Board should send a memo to Mr. Walker regarding both payment and the deed restrictions for the affordable units. She said the market has gone down so much that the town needs to know about the deed restrictions because that is what locks the affordable units in for perpetuity and this also raised the question about CHAPA monitoring. She said she doesn't think that CHAPA has ever been to Groton to review records and wants to know what the ZBA expectations are regarding monitoring, etc., noting it would be good to remind the developer about that as well. She said the Town is in good position because we can withhold occupancy permits and suggested maybe writing a letter to CHAPA also. She also suggested copying Walker's attorney.

Mr. Prager made a motion to authorize the chairman to draft a letter to Mr. Walker, CHAPA and Mr. Walker's attorneys requesting payment of \$10,000, copies of deed restrictions, and proof of CHAPA's monitoring. Mrs. Maxwell seconded and the motion passed unanimously.

Ms. Collette noted that the PB is requesting funding at town meeting for an update on the town's master plan. She said they negotiated a price of \$100,000 for the total cost and the planning portion is \$70,000, which is being requested at this meeting. She said the PB will ask for the remainder at the spring town meeting and the new plan will be completed in 2012. She said she wants the land use departments to issue a vote of support and if anyone wants to speak to this, that is good also. She said if the project is approved and funded, she is encouraging participation from boards and townspeople, noting that the main focus of this planning phase is economic development and sustainability.

Discussion ensued regarding whether the Board has had enough information to endorse the proposal.

Mr. Mulligan said he feels that the town has done its homework and supports it.

Mrs. Collette said the PB wanted to bring to it to the Spring '09 town meeting but they had to get RFPs and a real price.

Chairman Cadle said he is in favor of the proposal also.

Mrs. Collette said the fund are not coming out of the operating budget but out of free cash, noting that ten years is the shelf life of a master plan.

Mr. Mulligan made a motion that the Board votes to support the article as presented by the PB to fund the master plan. Mrs. Maxwell seconded and the motion passed with three yeas, one no and one abstention.

Mr. Prager moved to release the remaining money in the Oakridge 593 account as requested in their email. Mrs. Manugian seconded and the motion passed unanimously.

Mr. Mulligan moved to adjourn, Mrs. Maxwell seconded and the meeting adjourned at 9:35 pm.