



## Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

### November 18, 2009

#### Present

Robert Cadle, Chairman  
Cynthia Maxwell, Member  
Mark Mulligan, Member  
Chase Duffy, Associate Member  
Megan Mahoney, Associate Member

#### Not Present

Alison Manugian, Member  
Harris McWade-Gerber, Associate Member  
Jay Prager, Clerk, Member  
Bruce Easom, Associate Member

A quorum was present. The meeting was called to order at 7:30pm.

#### Preliminary Agenda

- Sign bills
- Odell/Fisher hearing
- New business

#### Meeting Minutes

##### Bills

The following bills were authorized for payment: Groton Herald legal notice, release of Hicks/Jenkins Road 593 account funds.

Chairman Cadle convened the Odell/Fisher hearing by reading the legal notice.

Ed Odell was present as contractor and the Fishers were present as owners.

A memo from the Building Inspector determining that a permit was not required from the ZBA because the applicant was reconstructing a dwelling destroyed due to fire within two years from said fire and the proposal does not increase the non-conformity.

Chairman Cadle asked the Board for feedback.

Mr. Mulligan said he defers to the BI and the rest of the Board all agreed.

Mr. Odell said he is making the structure more conforming and the lot is staying the same.

Michelle Collette, PB, gave a little history, nothing the PB was curious about the hammerhead lot and whether a PB special permit or a ZBA variance was needed. She said Atty. Collins was there on another matter and said that no permits were needed as long as the applicant was making the structure more non-conforming. She said she checked the Groton bylaw as well as Mark Bobrowski's book, noting that the town has always treated fire restorations like all non-conforming lots. She said that since the by law doesn't reference the requirement to build in the same footprint, it doesn't make sense to require the applicants to go through all the appeal periods, etc., noting that it is fortunately rarely that the ZBA faces reconstruction due to fire or other disasters. She said this seems like a good thing.

Chairman Cadle said he agrees but is curious where it says that reconstruction is okay as long as it is not more non-conforming.

Mrs. Collette said the bylaw doesn't say anything about needing to stay in the footprint under reconstruction/restoration. She said other bylaws require the structure to be in the same footprint, noting that Atty. Bobrowski affirms this in his book.

Chairman Cadle suggested a withdrawal without prejudice.

Jesse Johnson, Ross Associates engineer, said that is the way to go.

Mr. Mulligan moved to allow the applicant to withdraw the application for a variance without prejudice.

Ms. Mahony seconded and the motion passed unanimously.

There was a brief discussion about the IG's letter.

Mrs. Duffy moved to adjourn at 8:10 pm, Ms. Mahony seconded and the motion passed unanimously.

Minutes approved 12/9/09.