



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

December 9, 2009

Present

Robert Cadle, Chairman
Alison Manugian, Member
Cynthia Maxwell, Member
Mark Mulligan, Member
Jay Prager, Member
Bruce Easom, Associate Member (audience)

Not Present

Harris McWade-Gerber, Associate Member
Chase Duffy, Associate Member
Megan Mahoney, Associate Member

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

Preliminary Agenda

- Sign bills
- 593 funds release- Washington Green
- Anctil
- Phoenix
- Piper
- New business

Meeting Minutes

Chairman Cadle reconvened the Anctil hearing, noting that the hearing was originally opened on 10/14/09. Chairnan Cadle asked for a recap of the history.

Mr. Anctil said he wants a garage, noting the property has a gradient drop of eight feet. He said there is an area currently used for play and parking and he wants to maintain this space while placing the garage as close to the road and as far from water as possible, to satisfy the Cons. Comm. He said he has property transfers to satisfy the application because they discovered a paper street when the property was recently surveyed that is owned by the Groton Conservation Trust. He said he will get approximately 3,000 square feet and all wells that are currently on property owned by others will be on land owned by the rightful

owners. He said the BOH was concerned about the location of the garage because the new structure may interfere with the septic reserve area. He said that BOH found the location to be acceptable and this is reflected in their minutes. He noted that the next Cons. Comm. meeting is scheduled for the 22nd of December. He stressed that he doesn't have another place to put the detached garage, noting that there will be an adequate turn around and pull out area, and that the neighbor's garage is located 12 feet from the paved area, like this garage will be. He noted that another neighbor's house is three feet from the property line.

Chairman Cadle asked about a deck proposed on the corner of the garage.

Mr. Anctil said it is just a walkway and is not covered.

Chairman Cadle asked about the proposed driveway and whether it was just for the underneath section of the garage.

Mr. Anctil said there is a retaining wall and the proposed driveway goes into the parking area. He noted that the garage will only be able to park three cars, with the fourth bay being for storage. He said he will submit a landscaping plan to the Cons. Comm.

Chairman Cadle asked whether there is access for the top floor from Shenandoah Road.

Mr. Antil said yes, noting that he was unsure yet whether the driveway would be paved or crushed stone and that he would let the Cons. Comm. decide. He said he knows he is asking for a tight variance but due to topography and wanting to be able to back in or out of the garage safely, he felt the variance was warranted.

Discussion ensued regarding the two different surveys done, one being by Ross Associates.

Mr. Anctil said that when he built the house, he used the averages of neighboring setbacks to have the dwelling as close to the street and as far away from the water as possible, and comply with the mean.

Mr. Prager said he wants to reference the Ross drawing as part of the variance.

Chairman Cadle asked for clarification regarding lot lines and pavement lines.

Mr. Prager said the garage will be 12 feet from the pavement and five from the property line.

Mr. Anctil said this was correct and noted that he wondered why there is such a big buffer between the lot line and the actual pavement. He also noted that the closer his property gets to water, the more it slopes.

Mr. Prager noted that he visited the site, and the argument for the play area is what swayed his opinion in favor of the variance. He said that a hardship is created if there is no play area for the children and additionally, there is no benefit to bringing the garage back further on the lot.

Chairman Cadle said that in bringing the garage back, they would both lose the play area and have to add approximately ten feet of fill to create a driveway in front.

Mr. Mulligan noted that no matter how far the garage is put back, it would not be in compliance.

Mr. Prager moved to grant a variance to allow the proposed garage to Mr. Anctil, to be located as shown on the site plan provided and not closer than five feet to the lot line. Mrs. Maxwell seconded the motion and it passed unanimously.

Chairman Cadle convened the Piper renewal hearing by reading the legal notice.

Mr. Piper said he wants the board to renew his permit to sell cars on the same lot.

Mr. Prager asked Mr. Piper about the various conditions of the original permit.

Mr. Piper said all conditions except for the location of the used cars in the allocated spaces are being met and he said he will keep the three for-sale cars in the allocated spaces from now on.

Mr. Mulligan moved to grant the permit for ten years.

June Johnson, an abutter living across the street said she just wants to make sure the permit was not expanded. She said Mr. Piper's customers have parked in her lot/driveway and she wants to avoid having them park there if possible.

Mr. Piper said he was unaware of this and will try to make sure it doesn't happen in the future.

Mr. Mulligan renewed the motion, Mr. Prager seconded and the permit was granted for ten years.

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

Atty. Collins had faxed a letter noting that the weather prevented him from attending and asked the board either to grant or to continue.

The board opted to continue the hearing to 1/6/09 at 7:45 pm; no evidence was heard so different board members could attend depending on availability.

Mr. Prager moved to continue the Phoenix/Collins hearing to 1/6/09, Mrs. Maxwell seconded and the motion passed unanimously.

Mr. Prager moved to release all remaining funds in the Washington Green 593 account to the applicant, Mr. Mulligan seconded and the motion passed unanimously.

Discussion ensued regarding how to get copies of the Groton Gardens affordable unit deeds, as part of the comprehensive permit conditions. Chairman Cadle suggested asking Town Counsel what recourse the town has to get both the deed restrictions and CHAPA information, i.e., can occupancy permits be withheld until we receive this information?.

Town Counsel suggested holding an Executive Session regarding the Susclowicz/Bee matter, which the board scheduled for 1/6/10 at 7:30 PM.

Mr. Mulligan moved to approve June 22, 2009 minutes, Mrs. Maxwell seconded and the motion passed with all yeas and Mr. Prager and Mr. Easom abstaining. Mrs. Maxwell moved to accept 11/18/09 minutes, Mr. Mulligan seconded. Mr. Prager, Mr. Easom and Mrs. Manugian abstained and the motion passed with no objections. Mr. Prager moved to accept minutes from 9/16/09, Mr. Easom seconded and there were three yeas, and three abstentions. Mrs. Maxwell moved to accept 7/8/09 minutes, Mr. Prager seconded, and there were five yeas and Mr. Easom abstained. Mr. Easom moved to approve 9/30/09 minutes, Mr. Prager seconded and the motion passed unanimously. Mrs. Maxwell moved to accept 10/28/09 minutes and the motion passed with all yeas and Mr. Easom abstaining. Mr. Easom moved to approve 8/6/09 executive session minutes, Mrs. Manugian seconded and the motion passed unanimously

Bills

The following bills were authorized for payment: The Groton Herald for legal notices, ZBA phone usage and the release of Washington Green 593 account funds.

New business

An executive session regarding the Suslowicz matter was scheduled for 1/6/10 at 7:30 PM.

Mrs. Maxwell moved to adjourn the meeting at 9:30 PM; the vote was unanimous in favor.

Minutes approved 3/24/10.