



## Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

### December 23, 2009

#### Present

Robert Cadle, Chairman  
Alison Manugian, Member  
Harris McWade, Associate Member  
Bruce Easom, Associate Member  
Megan Mahoney, Associate Member

#### Not Present

Cynthia Maxwell, Member  
Mark Mulligan, Member  
Jay Prager, Member  
Chase Duffy, Associate Member

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

#### Preliminary Agenda

- Sign bills
- Lyons/May hearing
- New business

#### Meeting Minutes

Chairman Cadle convened the Lyons/May hearing by reading the Legal Notice.

Atty. Lyons was present as agent to Mr. May, noting that this is very similar to an application submitted and approved by the board four years ago. He said the permit has lapsed, noting that there are a few changes. He said the greatest width of the lot is less than 100 feet and that every part of the building is within 50 of the street and 15 feet of the rear boundary, noting that any change requires a variance. He said he is using the Cons. Comm. plan because it is bigger and easier to see, noting that there is less than 1.5 feet from the legal boundary and the front of the building. He stressed that the dwelling will remain a two-bedroom house, noting that an existing deck is being removed. He said a deck will be put in the back and the current deck area will become a bedroom, noting that the rear deck will essentially be the back yard because the topography is so steep down to the lake. He said the new bedroom will have a 21x19 interior and a total dimension of 319 sq. ft.

Ms. Mahony asked how this is different from the application of four years ago.

Atty. Lyons said there is a new architect and the bedroom may be slightly larger.

Mrs. Manugian asked for clarification about a square on the Conservation Commission plan.

Atty. Lyons said it is an infiltration basin.

Chairman Cadle asked whether there is a tight tank septic system.

Atty. Lyons said it is a regular septic that was constructed in 2005 and no new bedrooms are being added. He said his client started to do some work when the first permit was received from the ZBA in 2005 but it couldn't be completed at that time.

Discussion ensued regarding the steep topography of the lot.

Atty. Lyons said the Cons. Comm. wants them to address storm water management and that his client will likely put in a catch basin by the street.

Mrs. Manugian asked about the actual rear setback.

Atty. Lyons said it is about 12 feet, noting that the wave action has been undermining the soil and thus his client is putting in a stone retaining wall for 150 feet along the water. He said they are working with the Cons. Comm. and when the wall is put in the water will be put back at its historical level.

Discussion ensued regarding what materials will be used for the retaining wall. Atty. Lyons noted that an existing pressure treated wood wall is coming down and the new wall will provide a micro habitat.

Atty. Lyons said his client can't make any changes to the building without a variance.

Ms. Mahony asked whether all environmental conditions and concerns have been addressed.

Mr. Easom said they are all conditioned by the Cons. Comm.

Mrs. Manugian said she wanted to see the changes to the rooms that are being proposed.

Atty. Lyons said the most significant change is shown on Sheet A-1 and A-3 on the plan, noting that the roofline is being extended to create a new sleeping area.

Further discussion ensued regarding the extent of the roofline extension.

Ms. Mahony asked whether there had been any feedback from abutters.

Of note: No abutters were present and no comments were submitted.

Atty. Lyons said the existing cellar space of sorts is being pushed out and where the new screened porch will be, there is nothing now.

Discussion ensued regarding whether the screened porch could be turned into a bedroom.

Atty. Lyons said that it is a health issue but if the ZBA conditions a restriction then it also becomes a zoning issue and the Zoning Enforcement Officer can enforce it.

Chairman Cadle said he would like to do that.

Mr. Easom asked whether Atty. Lyons was three variances: front and rear setback and height.

Atty. Lyons said that it is really only two, front and rear setbacks, because the height is within the limits of the Bylaw. He suggested that the board could also condition that the dwelling stays within that legal limit.

Discussion ensued regarding what variances were actually required. Of note: no variance from acreage is required.

Chairman Cadle said this seems pretty reasonable, noting that it is a tight area and there is no other place an addition can go. He said the applicant could not even really flip the screened porch.

Atty. Lyons said the screened porch gives his client another way to get into the house from the parking area.

Of note: the square on the Cons. Comm. plan is a recharge area.

Chairman Cadle asked if this is the last piece since have they already have a Cons. Comm. Order of Conditions.

Atty. Lyons said that is correct, that this is the last stop before building.

Mr. Easom asked what is the difference between a bedroom and a game room when doing a bedroom count.

Atty. Lyons said it is a privacy issue because one has to go through the game room to get to another room. He said that is no privacy in that room.

Ms. Mahony said she was ready to make a motion.

Mrs. Manugian said there were no abutters present but noted concern that the property has always looked like this and the owner is now asking for decks, etc.

Ms. Mahony said it is an improvement and unless something is detrimental to the neighborhood, the applicant should be able to invest and improve the property. She said that since there are no conservation issues, she is okay with the grant of this variance.

Mr. Easom moved to close the public hearing, Ms. Mahony seconded and the motion passed unanimously.

Chairman Cadle said he is ready to make a decision.

Ms. Mahony moved to grant a variance from front and rear setback with the following conditions: the dwelling shall remain 2 bedrooms, all approved Cons. Comm. Order of Conditions shall be followed, the height shall not exceed 30 feet and additions shall be constructed as shown on the Ducharme and Dillis plan file no. 1503 dated 11/05/09. Mr. Easom seconded and the motion passed unanimously.

Findings should reflect the issues with the topography, etc.

**Bills**

The following bills were authorized for payment: Groton Herald, phone bill.

**New business**

No new business was conducted.

Mr. Easom moved to adjourn at 8:20 PM. Mrs. Manugian seconded. Vote was unanimous in favor.

Minutes approved 4/21/10.