



## Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

**March 24, 2010**

**Present**

Robert Cadle, Chairman  
Cynthia Maxwell, Member  
Mark Mulligan, Member  
Chase Duffy, Associate Member  
Alison Manugian, Member

**Not Present**

Harris McWade, Associate Member  
Megan Mahoney, Associate Member  
Bruce Easom, Associate Member  
Jay Prager, Member

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

**Preliminary Agenda**

- Platt special permit hearing
- Approve Minutes/Bills
- New business

**Meeting Minutes**

Chairman Cadle convened the Platt hearing by reading the Legal Notice.

Wayne Manni, representative of Platt Builders, said they wanted to put a low rise roof between two existing storage trailers, noting that they currently use tarps, which are unsightly. He said they have a new roof on the office and workshop and propose to use the same blue tin roof. He said the width of the opening to be covered is 25'3" and the trailers are 40 feet long.

Mr. Mulligan asked about the trailers.

Mr. Manni said they are like shipping trailers that open on one end, noting they have a stockade fence to the rear. He said Mr. Platt called abutters and none voiced any concern. He said the proposal will keep the Minutes Meeting of March 24, 2010, page

property clean and will make a big difference keeping supplies protected, especially in winter, noting that the trailers are eight feet tall and are blue, like the roof.

Chairman Cadle asked whether fencing would be put on the other side.

Mr. Manni said there were no plans to but they may hang something to keep the snow out, noting that they have areas to park trucks so the plow has a clear shot.

Chairman Cadle asked whether the good wood would be stored inside.

Mr. Manni said that left over wood, rakes, etc. will be stored under the roof, noting that the PB okayed the site plan review.

Mr. Mulligan asked whether the roof would be actually attached.

Mr. Manni said it will be bolted on, noting that the trailers are temporary and if the business outgrows the site, they will take the trailers and roof with them.

Chairman Cadle said the PB mentioned runoff and wants to know where the runoff will go.

Mr. Manni said that the runoff will come off the roof and down the side, noting that they just had the parking area repaved and during this last rain, the property stayed dry. He said that the roof will change how water runs off but the area has gravel and the property slopes down to a storm drain. He stressed that nothing can get by and all converges into the drain.

Mr. Platt said that runoff drains through the building and into the basin.

Mr. Manni noted that it is a six-foot deep concrete basin.

Discussion ensued regarding the amount of water on the rail trail in that area.

Mrs. Manugian asked about the construction of the basin.

Mr. Platt said that the cistern was there when he bought the building 12 years ago, noting that it has been reinforced and another drain added.

Discussion ensued regarding whether a building permit was obtained for the storage trailers.

Mr. Platt said they inherited an 18 wheeler that they used for storage for about a year and a half. He said they then got rid of the truck and put in the storage trailers, which are on cement blocks.

Discussion ensued regarding whether a permit is needed for the trailers themselves.

Mrs. Duffy asked whether the gable on the roof would be open space or filled in.

Mr. Platt said that it will be filled in and have a similar height to the building roof.

Chairman Cadle thinks they need a variance to make the storage units legal.

Mr. Platt said that in many towns he works in, if the structure is temporary, a permit isn't needed. He asked the board to rule on the roof issue and said he will address the need for other permits if as required. He suggested that the trailers might be grandfathered.

Chairman Cadle said he is willing to grant a permit for the roof with a condition that the applicant gets permits as needed to make the structures legal, or the building inspector determines that the buildings are lawful.

Atty. Collins (audience member), said the statute of limitations runs out after ten years if something is done without a permit, noting that illegal dwelling units don't have a statute of limitations.

Of note: there could be a caveat in the motion that the storage units are legal because it is outside of the statute of limitations.

Mrs. Manugian moved to approve a special permit to alter a non-conforming structure as requested contingent upon a decision by the building inspector that said structures are legal and the project is completed in conformance with the stamped engineering plan.

Mrs. Duffy seconded and the motion passed unanimously.

Of note: Ask Michelle Collette if the reference to section #1 of letter from the PB is correct.

Atty. Collins said he came with a question about the Casella case, noting that the PB has questions about how the permit works and whether all four units need to be age restricted. He said that as presented and approved, two were age restricted and two were not, but said that the decision doesn't state this specifically. He said that Town Counsel is of the opinion that all of the units need to be age restricted, because of the way the by-law is written.

Discussion ensued regarding how to proceed. Atty. Collins said he wants the ZBA to clarify for the PB, that the houses were not age restricted.

Atty, Collins noted that other projects were mixed age, noting that he also feels the bylaw is written clearly.

Mr. Mulligan asked Mr. Cadle if he, as chair, would have an issue if the PB asked for a letter of clarification regarding the intent of the decision, that the houses were not age restricted. Chairman Cadle said he was okay with that.

## **Bills/Minutes**

Two monthly Verizon bills, a Groton Herald bill and one reimbursement were signed. Minutes from were approved as follows:

Mr. Mulligan moved to approve the December 9, 2009 minutes with the addition that Bruce Easom was present as an audience member. Mrs. Maxwell seconded. The motion passed with four yeas and one abstention.

Mrs. Maxwell moved to approve 1/6/10 minutes, Mrs. Manugian seconded. The minutes were approved with three yeas, and two abstentions.

Mr. Mulligan moved to approve the 1/6/10 executive session minutes. Mr. Cadle seconded and the motion passed with four yeas and one abstention.

## **New business**

The board has received three new applications, scheduled for 4/7 and 4/21.

Mrs. Maxwell moved to adjourn at 9:20 pm, Mr. Mulligan seconded and the motion passed unanimously.

Minutes approved 4/21/10.