



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

April 21, 2010

Present

Robert Cadle, Chairman

Harris McWade, Member

Mark Mulligan, Member

Alison Manugian, Member

Chase Duffy, Alternate Member

Not Present

Cynthia Maxwell, Member

Bruce Easom, Alternate Member

Megan Mahoney, Alternate Member

Jay Prager, Member

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

Preliminary Agenda

- Locapo/Moore hearing
- Collins/Phoenix hearing
- Sign Bills
- Approve Minutes
- New business

Meeting Minutes

Chairman Cadle convened the hearing by reading the Locapo/Moore Legal Notice.

Mr. Locapo, builder, said he plans to remove the existing house and build a new dwelling on the existing footprint. He said this is a typical totally non-conforming lakeside lot. He said the only difference is the new septic system will be across the street and further away from the water.

Mrs. Duffy asked whether Whitney Pond Road is heavily traveled.

Mr. Locapo said no, that there are very few residents, noting that the Moores have owned the property for over 30 years.

Mrs. Manugian asked whether the decks shown on the plan are already there.

Mr. Locapo said they are and will remain.

Mrs. Manugian asked whether there is town water available.

Mr. Locapo said there is town water there.

Mrs. Duffy asked about the flood level.

Mr. Locapo said the property is 30 feet above water level.

Discussion ensued regarding the relations of the ground water to the basement.

Mr. Locapo said they are high up and can't see the pond when sitting inside.

Mrs. Manugian asked whether the existing dwelling has three stories on one side.

Mr. Locapo said yes, noting the footprint is the same because it fits nicely in lot. He also noted that his client is replacing an old cesspool with a new, Title V compliant septic system.

The Board agreed that that is a nice improvement.

Mrs. Manugian asked about the ownership of abutting lots.

Discussion ensued regarding what parcels may have merged (59.1, 60 and the parcel with house).

Atty. Collins said that Mr. Moore gave up a building lot to put the septic system further from the well.

Mr. Mulligan said that if the applicant left one wall up, renovations could be done by right.

Mr. Locapo said they didn't want to do it that way, noting that they wanted to replace a decrepit old place.

Discussion ensued regarding when the property was purchased. Atty. Collins noted that the Moores wanted to do this many years ago but Mr. Moore was very ill and has since recovered. He said no one benefits by leaving the house as it is.

Chairman Cadle asked how far away other houses in the neighborhood were.

Atty Collins noted that the McMillans, abutters, are doing the same thing with their septic system but because their house is staying the same, a visit to the ZBA is not required.

Chairman Cadle asked whether the applicant has spoken to the Cons. Comm.

Mr. Locapo said they are next.

Chairman Cadle said a big hurdle is the BOH and that is all taken care of.

Mrs. Manugian noted concern about the omission of a lot owned by a family member on the application and asked how this could be rectified.

Mrs. Manugian moved that the Board accept the verbal correction of paragraph 8 of the application, with wording changing from no to yes and including such information provided by Atty. Collins or the applicant regarding all abutting lots to Lot 57. Mrs. Duffy seconded and the motion passed unanimously.

Mrs. Duffy moved to grant a variance from acreage, frontage and side and front setback, to allow the construction of a new dwelling in the existing footprint on lot 56, 57 and 60, as presented on Wilson and assoc. plan #1270, and including all BOH conditions and Conservation Commission Order of Conditions. Mrs. Manugian seconded and the motion passed unanimously.

Chairman Cadle said the steep topography of the lot limits the applicant's ability to comply with zoning requirements; there are no practical alternatives available to applicant and, without the requested variances, applicant will suffer a substantial hardship by not being able to improve a very old dwelling he has owned for many years.

Applicant represented to the Board that he would provide documentation showing ownership of parcels 59.1 and 60.

Chairman Cadle convened the Collins/Phoenix hearing by reading the Legal Notice.

Atty. Collins gave a history of the permit, noting that the triplex on Longfellow Drive has already been completed. He said after construction began, he initiated the process with the BOS to work with the State to get units onto the list of counted affordables. Carrie Fisher, housing specialist, was told by DHCD that units had to have at least 750 square feet of living space to count toward Groton's Affordable Housing Inventory. He said that Mr. Haberman made a walkout basement in one unit and if one sentence of the initial decision could be changed to indicate that the walkout basement counts as living space, then DHCD would be satisfied. He said the Board needs to amend the decision to read in the first finding that each unit shall contain one bedroom and living space may include the walkout basement.

Discussion ensued regarding how the walkout basements were constructed.

Att. Collins said it looks like a single-family house.

Mr. Mulligan suggested wording such that each will contain one bedroom and two floors of living space.

Atty. Collins suggested noting that one bedroom be on the main floor and may include the walkout basement as living space.

Mrs. Manugian moved to modify the special permit with regard to the findings on page three, sub paragraph (a) such that each unit shall contain one bedroom on the main floor and living space may include the walk-out basement. Ms. McWade seconded and the motion passed unanimously.

Bills/Minutes

The following bills were authorized for payment: ZBA phone bill.

Chairman Cadle moved to approve 12/23/09 minutes, Mrs. Manugian seconded and the motion passed with three yeas and two abstentions.

Mrs. Manugian moved to approve the 3/24/10 minutes, Mr. Mulligan seconded and the motion passed with four yeas and one abstention.

New business

Discussion ensued regarding whether there was interest in the Chairmanship.

Mrs. Manugian moved to adjourn at 8:45 pm, Ms. McWade seconded and the motion passed unanimously.

Minutes approved 6/23/10.