



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

May 12, 2010

Present

Robert Cadle, Chairman
Cynthia Maxwell, Member
Mark Mulligan, Member
Chase Duffy, Alternate Member
Jay Prager, Member

Not Present

Alison Manugian, Member
Harris McWade, Member
Bruce Easom, Alternate Member
Megan Mahoney, Alternate Member

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

Preliminary Agenda

- McCarthy hearing
- Groton Center Farms LLC hearing
- East Coast Metals hearing
- Sign Bills
- Approve Minutes
- New business

Meeting Minutes

Chairman Cadle reconvened the McCarthy hearing, noting that a formal request for a continuation has not been received.

Discussion ensued regarding how to handle a continuation.

Mr. Mulligan made a motion that a continuation to the 26th is appropriate but wants a 14-day extension of the filing date. Mrs. Duffy seconded and the motion passed unanimously.

Chairman Cadle convened the Groton Center Farm hearing by reading the legal notice.

Mr. McElroy said he wants to renew the special permit, noting the farm stand is going well, selling fruits and vegetables, honey, eggs, etc. He said there have been no complaints.

Chairman Cadle said he is technically asking for a new permit, noting that he is not sure it makes a difference. He said he has no problem with the operation and feels the Board should extend it for ten years, subject to all original conditions.

Mrs. Duffy asked for clarification as to where they sell from.

Mr. McElroy said it has always been from 16 Mayfield Drive.

A member of the audience said the permit should be renewed, noting that they have great eggs.

Mr. Prager made a motion to issue a special permit to Groton Center Farm LLC, to operate a farm stand subject to the original conditions of the ZBA decision of 3/21/05 and to run for ten years. Mr. Mulligan seconded.

Chairman Cadle asked if anything has changed.

Mr. McElroy said there is no change to the physical building and they sell only produce grown by the Farm.

The motion passed unanimously.

Chairman Cadle convened the East Coast Metal hearing by reading the legal notice.

Bruce Ringwall, GPR and Mel Parris, East Coast Metals, were present. Mr. Ringwall said that East Coast Metals purchased 20 Taylor Street and there is a small house on the property. He said the lot is about 32,000 square feet, with 20 feet of frontage on Main Street and 460 on Taylor St. He said the lot is 20 feet deep on the Main Street side and 120 feet at the Wheeler's side, and the rail trail abuts. He noted that the first subdivision was created in 1945 and later revised in 1958 such that more lots were broken out to the rear and this changed the property line. He said the second was recorded in 1959 but no official taking by the town can be found on record anywhere. He said the 1959 plan only helped part of the road problem with the realignment, noting that he has a solution, but it is not relevant to the variance.

Mr. Prager agreed that that is not part of the variance request.

Mr. Ringwall said the application is written as a worse case scenario, noting that tonight he will deal with the actual situation. He said the property slopes down, levels off and then slopes down again, which creates a nice shelf where the existing structure is and where the replacement structure will be. He said the current septic system failed and is located to the north of the structure. He said the land has had trouble perching but today had a successful perc test on the northerly side of the house. He said they will hold the northern most end of the old house as boundary for new, so they comply with septic setback requirements. He said setback will be 30 feet from the current road layout and 22.5 from the lot edge in the event that the

road is taken as accepted in 1959. He said the new structure will be equal in setback or one foot further back. He noted that sheds and decks that are over the property line will be removed and a 10x16 deck is proposed to the rear that will encroach about two feet on the 15 foot rear setback. He said a small ranch is proposed with similar layout, containing three bedrooms and a drive under garage under the living room. He said the variance guidelines are met: size and shape of lot, noting that his client can't acquire any more land. He noted that the trees show the "line of occupation" but the lot line is different and the applicant will deed land to the Wheelers to rectify this problem. He then submitted a letter from the Wheelers, direct abutters, and read it into the record. He said he can ANR off a section to give to the Wheelers because he is not creating another building lot. He said his client will also take off a piece of property so that the actual traveled way will be owned by the town.

Mr. Prager said he visited the site and doesn't have a problem with the application, except for the overhang of the deck in back.

Chairman Cadle suggested sliding the deck back to the corner of the house.

Mr. Ringwall said the speed of the perc test may allow the house to slide back such that the 15 feet requirement is met.

Mr. Prager suggested angling the house slightly.

Mr. Ringwall said he was worried about the setback if the road actually taken.

Mr. Prager said it is just two feet and feels it can be met that way.

Mr. Ringwall said if deck is moved it won't line up with the slider.

Mr. Prager said a variance doesn't take into account aesthetics or convenience.

Mr. Ringwall said it is a very modest deck, noting that this lot has all the variance criteria including shape, size, soils, the narrowness, the topographically created shelf and a ledge on the southerly side forcing the septic system to the north.

Chairman Cadle asked who will live there.

Mr. Ringwall said it is a modest, inexpensive spec house.

Mr. Prager said he feels the Board could grant a variance subject to staying in the original footprint and keeping the legal setbacks. He said he is uncomfortable with the deck variance and thinks the applicant could stay within the existing footprint with the new house.

Mrs. Duffy said she feels the deck will be made to be slightly off just to keep in the numbers on a plan. She said that the owners have to live with the actual house and the proposed little deck doesn't bother her.

Mr. Mulligan said the deck doesn't bother him either.

Mr. Ringwall noted that there are several pieces over the property line, which are being removed.

Mr. Mulligan said the applicant is making an effort to make the property, which is better for the town.

Mr. Ringwall said it is probably one foot and change over the 15-foot requirement for the deck. He said he wants that in the variance and said he gives his word that they will work to try to make the deck as conforming as possible.

Chairman Cadle said there is a big difference in square footage between the old at 1200 and the new at 1800.

Mr. Parris said that he looked into building a small cape but he felt it would tower over the other homes and the road because of the height of the lot.

Mr. Mulligan said the deck is going further back in one area only and he has no problem with that.

Chairman Cadle said he agrees with Mr. Prager that the house/deck could be moved down two or three feet and be in full compliance with rear setback requirements. He said this is a good application and not a big deal that can be easily remedied.

Mrs. Duffy said that that would make it look like all other spec houses.

Mr. Ringwall said he didn't want to look at the end of the house when coming down the street, noting that this approach to the house would be better.

Mr. Prager said the problem in his mind is that one could easily build a house that would comply with setbacks using the existing footprint. He said there is an economic benefit to the applicant to increase the size 150%, and with very minor tweaking it could fit.

Discussion ensued regarding whether this two-foot variance mattered and should not be granted.

Mrs. Maxwell said the applicant has promised to try to comply with the rear setback but felt the Board should not force it.

Atty. Collins, audience member, mentioned the Collins decision on Forge Village Road, noting that there needs to be clear expectations.

Mrs. Maxwell said she has no problem with the variance request.

Mr. Ringwall said he wants the Board to grant the variance with the exception of the rear to not have this drawn out or at a stalemate. He said he will make it work either without the deck or by shifting the house. He said he appreciates that the Board is trying to work with them and wants to make it easier for the Board.

Chairman Cadle said the biggest variances are with the area and front setback and the Board doesn't have a problem with those. He said the rear setback is the least of the problems and suggested the applicant withdraw the rear setback request and if he finds it doesn't work, he can come back to the Board.

Mr. Prager made a motion to accept the withdrawal, without prejudice, of applicant's request for a variance from rear setback. Mrs. Duffy seconded and the motion passed unanimously.

Mr. Prager made a motion to grant variance from acreage and front setback for a house having the footprint and general design as shown in plan A100 B dated 4/19/10, provided that the setback of the new structure is no worse than the existing front setback, as measured from a common line of reference. Mrs. Duffy seconded and the motion passed unanimously.

Of note: Subject to BOH conditions.

Bills/Minutes

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

No minutes were approved.

New business

Chairman Cadle asked whether it would be worth asking at a master plan meeting if the Town could have separate zones for Lost Lake and West Groton.

Mrs. Duffy said that the master plan group has been talking about doing so as villages. She suggested that the Chairman should talk to Michelle Collette about what group to attend to pursue this.

Discussion ensued regarding how to pursue.

The Debritz hearing was scheduled for 5/26/10.

Mrs. Maxwell moved to adjourn at 9:00 pm, Mr. Prager seconded and the motion passed unanimously.

Minutes approved 6/23/10.