



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

November 17, 2010

Present

Robert Cadle, Chairman
Cynthia Maxwell, Member
Mark Mulligan, Member
Bruce Easom, Alternate Member
Megan Mahoney, Alternate Member

Not Present

Alison Manugian, Member
Chase Duffy, Alternate Member
Jay Prager, Member

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

Preliminary Agenda

- Davidson/LaRosa
- Sign Bills
- Approve Minutes
- New business

Meeting Minutes

Chairman Cadle convened the Davidson/LaRosa special permit hearing by reading the legal notice.

Brian Davidson and Carol LaRosa were both present.

Mr. Davidson, general contractor, said his client started with another contractor about two years ago but things didn't work out. He said they want to raze the house, and build in essentially same footprint, noting that the existing house has a flat roof. He said the new dwelling will be taller because the roof will be pitched and will be slightly further setback because an existing porch won't be used.

Chairman Cadle asked for clarification as to which lines on the plan were the old house and which new.

Mr. Davidson explained the plan, noting that the existing dwelling is an older home with several small additions.

Discussion ensued regarding what is there vs. what is proposed. Mr. Davison said the existing dwelling does not have a garage.

Mr. Davidson said there will be a circular driveway, noting that there will also be about 70 feet less lot coverage because of the design of the modular house.

Mr. Mulligan said it seems that except for the garage, which has a slight increase on the easterly side, the overall footprint is decreasing by about 70 sq. feet.

Mr. Davidson said that was correct.

Chairman Cadle asked for an explanation of how a modular house works.

Mr. Davidson said it comes approximately 80% complete, on four trailers, and a crane moves them into place. He said the trailers can park on the property and the structure can be weatherproofed within about four days. He said he wanted to keep the original foundation but the BI said it was not structurally sound and he is okay with completely starting over. He said he could reinforce part of the existing foundation if necessary to satisfy the unwritten so-called "one wall rule" but it doesn't make construction sense.

Discussion ensued regarding how to deal with a special permit alteration.

Mr. Davidson said he would save part of the foundation if needed to keep the permit process on track.

The board asked whether the structure would be structurally sound.

Mrs. LaRosa said she felt she should be able to keep two boards from the existing dwelling to keep the permitting process going, as in the example given by the board.

Discussion ensued regarding how the board could make this work without requiring either a variance application or a portion of an unsound foundation being kept.

Mr. Easom said he is okay with reconstruction but wanted to know why question 8 wasn't answered on the application.

Mr. Davidson said it was his fault and noted that after he filled out the application, he asked Mrs. LaRosa and she has owned the lot since 1972, with no other parcels.

Eileen Pray, abutter living across the street, said she is in favor of the proposal.

Brad Bigelow, abutter, said he would love to see the home as described on that lot. He said he thinks the project is workable and noted that he doesn't care if it is a variance or special permit. He also said the board should allow the dwelling to be raised 17 inches to keep it out of the water table.

Mr. Davidson said he would like to be able to raise the roof to 31 feet instead of 28 to keep it dry.

Harry Woods, abutter, said his house across the street is for sale and noted that he wants to have a nice house there as an improvement to the neighborhood.

Chairman Cadle said the bylaw reads that no alteration is allowed by right if the building height is raised, but it doesn't say no alteration at all is allowed. He then suggested going through the special permit criteria under 218-32.C.

The board found that reconstruction is allowed under Section 6 and is not detrimental to the town.

Further findings:

1. Community needs are met through more housing, social needs are met by getting rid of a dilapidated structure that improves the value of the house and neighborhood.
2. Traffic flow: no impact or neutral.
3. Adequacy of utilities: a new water line is being installed and the septic is approved as is.
4. Neighborhood character is improved and abutters are present in support.
5. Environmental impacts: The smaller footprint creates less impervious cover, the septic has been improved, the dwelling has been raised away from the water table and a potential fire hazard is being removed.
6. Fiscal impact is more taxes and improved values of homes in the neighborhood.

Conditions: The dwelling shall be constructed as shown in the submitted plan, on a replacement foundation and the height of the dwelling shall be no more than 31 feet.

Mr. Mulligan made a motion to approve application for special permit to alter a non-conforming structure with roof height not to exceed 31 feet and construction to comply with submitted plan, on a replacement foundation. Mr. Easom seconded and the motion passed unanimously.

Discussion ensued regarding the process of filing and whether a demolition could ensue and foundation be poured at applicant's risk.

Bills/Minutes

The following bills were authorized for payment: Groton Herald.

New business

The Masaldhen hearing was scheduled for 12/8/10.

Chairman Cadle moved to adjourn at 8:30 pm. Mrs. Maxwell seconded and the motion passed unanimously.

Minutes approved 1/5/11.