



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

February 16, 2011

Present

Robert Cadle, Chairman
Mark Mulligan, Member
Megan Mahoney, Alternate Member
Jay Prager, Member
Chase Duffy, Alternate Member

Not Present

Bruce Easom, Alternate Member
Alison Manugian, Member
Cynthia Maxwell, Member

A quorum was attained. The meeting was called to order at 7:45 pm.

Preliminary Agenda

- The Town Line Auto special permit renewal hearing
- The Sawyer accessory apartment special permit hearing
- The Hollingsworth and Vose temporary office trailer special permit hearing
- Sign Bills
- Approve Minutes
- New business

Meeting Minutes

Town Line Auto

Chairman Cadle convened the Town Line Auto hearing by reading the legal notice.

No abutters were present.

Mr. Smith, owner, was present.

Mr. Mulligan asked how long Mr. Smith has run the operation.

Mr. Smith said twenty-five months.

Mr. Mulligan asked whether he has had any issues, etc. over the past two years.

Mr. Smith said no.

Discussion ensued regarding whether the foreclosure of the property is an issue.

Mr. Mulligan said it should not matter.

Discussion ensued regarding how long to renew the permit for.

Mr. Mulligan made a motion to renew for five years, incorporating all conditions of the previous permit.

Mr. Prager seconded and the motion passed unanimously.

Sawyer

Chairman Cadle convened the Sawyer hearing by reading the legal notice.

No abutters were present.

Ms. Sawyer and her realtor, Karen Crosswell, were present, noting that when she purchased the house in 1990 it came with an existing in-law apartment, and she is trying to get a permit for this apartment. Ms. Sawyer said she has been paying taxes on and extra insurance for the apartment. She then submitted an additional photo showing the covered porch and deck attaching the garage (which contains the apartment) to the house.

Discussion ensued regarding when the apartment was built versus when the accessory apartment by-law was adopted, as well as whether the deck constitutes sufficient attachment under the accessory apartment bylaw..

Mr. Mulligan said the by-law was adopted to avoid having two separate dwellings on a lot.

Ms. Mahony said if the spirit of the law is that the apartment not be constructed far from the house, the deck attachment is sufficient.

Mrs. Duffy said if the applicant were asking for a permit before construction, it would be different from legalizing an existing apartment.

Discussion ensued regarding the intent of the by-law.

Chairman Cadle said the by-law allows owners of a big house to reconfigure.

Mrs. Duffy said she thinks this is a good organic way for the town to grow.

Ms. Croswell said the applicant bought the house with the idea that if she needed a caretaker, there would be an attached but separate space for the caretaker to live in.

Mrs. Duffy made a motion to grant a special permit and Ms. Mahony seconded.

Mr. Mulligan said he feels other parts of the by-law support this application, even without the attachment issue. He said it would be a hardship to deny since the apartment has been in use since it was constructed, the applicant is paying taxes and it looks like a single-family dwelling.

Discussion ensued regarding the septic system, which is for a four-bedroom dwelling: one bedroom in the apartment and three in the house.

Chairman Cadle asked about parking.

Ms. Sawyer said there is a three-car garage with one space for the tenant, as well as an additional space in the turn around area in the driveway.

The motion passed unanimously.

Hollingsworth and Vose

Chairman Cadle convened the hearing by reading the legal notice.

No abutters were present.

Atty. Collins said the only plans he has are small, noting that the temporary office will be to the left of the building, as shown on the plan. He said the entire building is on a knoll, noting that he will be asking for a two-year permit, and if granted for one year, will likely come back for a renewal. He said there is a need for an office to put two workers being displaced by a machine until a permanent addition is planned and constructed. He said the trailer is similar to a modular classroom and about the size of a doublewide mobile home. He said the plan also requires site plan review and the PB has approved it.

Mrs. Duffy said if the trailer is there for more than one year, it should have sprinklers.

Atty. Collins said that would be problematic because the trailer comes as is, noting that it has fire extinguishers.

Chairman Cadle asked about the email from Chief Joe and whether all the issues he raised have been worked out.

Atty. Collins said this was addressed by site plan review and all issues are resolved.

Ms. Mahony said she has no problem with the permit.

Mr. Prager made a motion to grant a special permit for one year, incorporating all site plan review conditions, as well as building inspector approval and conditions including written permission to access the property to remove the trailer if necessary and a \$1500 passbook pond. Ms. Mahony seconded and the motion passed unanimously.

Bills/Minutes

No bills were approved.

Chairman Cadle made a motion to approve the 1/5/11 minutes as finalized. Ms. Mahony seconded and the motion passed with four yeas and one abstention.

Discussion ensued regarding whether to increase permit renewal fees to \$150.00, which is the cost of a new application. No formal action was taken on this issue.

New business

The Hollingsworth and Vose hearing was scheduled for 3/23/11.

Mr. Mulligan made a motion to adjourn at 9:00 pm, Mr. Prager seconded and the motion passed unanimously.

Minutes approved 3/23/11.