



## Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

---

### **January 25, 2012 – Kozacka Auto Repair**

#### **Present**

Mark Mulligan, Chairman  
Cynthia Maxwell, Member  
Robert Cadle, Member  
Bruce Eason, Associate Member  
Carol Quinn, Associate Member

#### **Not Present**

Jay Prager, Member  
Megan Mahoney, Associate Member  
Alison Manugian, Member

Pierre Comtois from the Landmark was present.

A quorum was attained. The meeting was called to order at 7:40 pm.

#### **Meeting Minutes**

##### **Kosacka Special Permit**

Chairman Mulligan convened the hearing by reading the Legal Notice.

Rick Sergeant and the applicant were present.

The applicant said he wanted to repair cars.

Chairman Mulligan said the fire chief had a list of comments that he would like addressed/conditioned.

Mr. Sergeant said there has been a business of repairing cars there for many years, noting that these issues should have been addressed by past fire chiefs.

Of note: Tip Top Towing (previous business) had not obtained a special permit, as required.

Mr. Sergeant said he wanted to address the issues in the Chief's memo: 1) he said is not applicable; 2) is not applicable; 3) should be the responsibility of the building owner; 4) is optional and more of a convenience for the Chief, but doable; 5) should not be a problem; 6) is a sign bylaw and under HDC jurisdiction. He said this site has been used for many years for car repairs.

Michelle Collette said she wholeheartedly supports the application and cited some of the historical car repair businesses that were run very successfully there. She said the most recent tenant had many violations, noting that the biggest problem was an evacuation necessitated by carbon monoxide emissions. She said all issues presented by the fire chief are reasonable and should be easily complied with by the applicant. She said this is a good location for a business.

Chairman Mulligan said he drove by and wants clarification about the space, whether there are two bays and office space.

The applicant said there are two bays, a bathroom and a very small space for an office.

Mr. Easom asked for clarification of some items missing from the application.

Mr. Kozacka said he will be renting and doesn't have a lease or a map outlining the lot yet.

Mr. Easom said he was concerned about whether abutting lots were owned by relatives (Mr. Sergeant).

Discussion ensued regarding what is relevant for special permits vs. variances and how land ownership/mergers are relevant.

Mrs. Collette said the tax collector's office would notify the board if any taxes were in arrears.

Chairman Mulligan asked about parking behind the shop and whether it is shared with other tenants.

Mr. Kozacka said he won't have many cars and that he is unsure of how the lot is shared with other tenants.

Discussion ensued regarding how to condition the fire chief's suggestions.

Mr. Sergeant said the carbon monoxide detectors are not a problem and would provide safety for Mr. Kozacka.

Mr. Cadle asked whether carbon monoxide issues have effected past businesses.

Mr. Sergeant said many previous owners have had long lives.

Mr. Kozascka said there is an exhaust fan and one needs to pipe exhaust from running cars outside, particularly when the garage doors are shut.

Mr. Easom asked how the fire chief enforces his conditions.

Mrs. Collette said the Chief can make strong suggestions but he needs to primarily follow the code, as does the building inspector. She said the PB conditions generally that the applicant should work with both the fire chief and building inspector.

Mr. Easom asked the applicant whether conditions from a previous special permit granted by the board for a car repair shop could be placed on this permit.

Discussion ensued regarding what business would be reasonable and how the noise would generate.

Mrs. Collette said that in the Town code, retail sales and the operation of gas stations and/or service stations have time limits of open hours from 6 am to 11 pm.

Mr. Sergeant suggested that if the applicant wants to get into towing, he would need an additional special permit from the board.

Condition: no more than five cars shall be parked over night and no more than six cars parked during the day. Condition #11 is deleted and all other conditions from 11-97 are to be incorporated.

Mr. Comtois, reporter, asked why the applicant was here.

It was noted that the applicant was before the Board because the Bylaw under 218-13 requires it.

Mr. Cadle made a motion to approve the request of the applicant for a special permit under 218-13 for an automobile repair business at 127 Main St., with the conditions as set forth generally in Case Decision #11-97, excluding #11 and allowing the business to operate from 6 am to 11 pm. Further, the applicant shall work with the fire chief to resolve issues as outlined in the memo of 1/25/12 and in #3 vehicle storage shall be limited to five cars overnight and no more than six during the day. The motion was seconded by Chairman Mulligan and passed unanimously.

Mr. Easom said that as one member who voted in favor of the prior motion, he would like to make a motion to reconsider the vote on the special permit for 127 Main Street. The motion was seconded by Ms. Quinn. The motion to reconsider passed unanimously.

Mr. Cadle made a motion to approve the request of the applicant for a special permit under 218-13 for an automobile repair business at 127 Main St. with the conditions as set forth generally in Case Decision #11-97, excluding #11 and allowing the business to operate from 6 am to 11 pm, seven days a week. Additionally, the applicant shall work with the fire chief to resolve issues as outlined in his memo of Minutes Meeting of January 25, 2012 - page

1/25/12 and in #3 vehicle storage shall be five overnight and no more than six during the day, and the applicant agrees to provide adequate ventilation of exhaust fumes on the premises of the vehicles being worked on, to the satisfaction of the fire chief. Mr. Easom so moved and the motion passed unanimously.

### **Other business**

### **Minutes and Bills**

No bills were signed.

Mr. Easom made a motion to approve the 9/21/11 minutes as drafted. The motion was seconded by Mrs. Maxwell and passed unanimously by all in attendance (Easom, Mulligan, Quinn).

Mr. Easom made a motion to approve the 10/26/11 minutes as drafted. The motion was seconded by Mrs. Maxwell and passed unanimously by all in attendance.

Mr. Easom made a motion to adjourn at 9:10 pm. Ms. Quinn seconded and the motion passed unanimously.

Minutes approved 4/4/12.