



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

January 30, 2013 – Mongan, Mello

Present

Mark Mulligan, Chairman
Cynthia Maxwell, Member
Robert Cadle, Member
Alison Manugian, Member
Bruce Easom, Associate Member

Not Present

Jay Prager, Member
Megan Mahoney, Associate Member

A quorum was attained. The meeting was called to order at 7:20 pm.

Meeting Minutes

Mongan Special Permit

Chairman Mulligan read the request from Mr. Mongan to withdraw into the record.

Mello Special Permit

Chairman Mulligan read the legal notice into the record.

Bob Margolis, contractor for the applicant, said the lay of the land and the location of the driveway make it impossible to add on anywhere else, noting that they wanted to keep the addition in style with the time period, with a low profile and proper head room.

Chairman Mulligan asked for clarification about the boundary.

Mr. Margolis said the side rear is where the non-conformity increases.

Member Cadle asked about sewer capacity.

Chairman Mulligan read a letter into the record stating that additional capacity has been purchased.

Member Manugian asked about the existing driveway.

Mr. Margolis said they are still using it.

Member Manugian asked about the trees on the property.

Mr. Mello said the trees have already been removed, but not in relation to the addition.

Larry Swezey, abutter, said one of the trees was dead and he shared the cost for removal. He also said that his insurance company had fretted about two trees close to his house, one of which was dead and one that could have been saved but was removed at the Mello's choice.

Member Manugian asked whether there were other trees at issue.

Mr. Margolis said there were no other trees being taken down.

Member Cadle asked for clarification as to which house Mr. Swezey owned.

Mr. Swezey said it is number 35, noting that he has no objection and that they are good neighbors.

Member Maxwell asked about the number of bedrooms.

Mrs. Mello said there are two now, noting that one bedroom will be added and an existing bedroom enlarged.

Member Cadle noted that they are more than doubling the space.

Mrs. Mello said yes, noting that they have two small children.

Member Eason said he felt that the non-conformity is being increased by the setback being reduced from 13.4 feet to 8.5 feet.

Discussion ensued regarding whether the increase in non-conformance was relevant and whether the addition could be moved over, as well as whether a variance was required.

Mr. Margolis said the back is very tight because of a big basin that drops off and thus there is not a lot of wiggle room.

Member Manugian felt an addition could be built even with the drop-off without big hardship.

Mr. Margolis said this is the simplest design they could design, noting that moving the addition would be a hardship and require retaining walls, etc.

Member Easom said that Chapter 218-6.E.2 indicates where alterations would not be an increase, noting that he feels that § E.1 is the one that applies.

Discussion ensued regarding what would happen if the board determined that a variance was required.

Of note: a new hearing process would be necessary.

Mr. Swezey noted the surveyed drawing, stating that the triangular piece between the two houses was a result of a handshake deal between two relatives. He said the town offered that wedge to him and he bought it. He asked whether he could give them an easement to alleviate the situation, noting that he has no objection to where the addition will be.

Member Manugian said she is torn because she is not convinced the addition could not be moved over, but noted that there is no objection from abutters, etc.

Member Maxwell said she doesn't have a problem with this proposal.

Member Cadle said he thinks the Gale decision makes the argument that rather than a variance the board should look at whether the alteration is a detriment to the neighborhood.

Member Easom said there are two parts, one that it is not detrimental and two that it doesn't increase the non-conformity. He said he doesn't think the plan as shown is more detrimental to neighborhood, but is stuck on first part of the bylaw about not increasing the non-conformity.

Member Cadle said this is a good thorough application and feels the board could find that it is not detrimental to the neighborhood.

Member Manugian said she has no problem with granting a special permit but has some procedural issues.

Member Cadle made a motion that referenced the Chapter 40A §6 finding that the proposed addition, as set forth in the application is not substantially more detrimental to the neighborhood and a permit is granted to allow the construction of the addition as shown on the plans submitted. Member Manugian seconded and the motion passed four to one, with Member Easom voting against.

Other business

Member Easom asked the Chairman whether a meeting could be had with the BI regard how zoning laws are enforced. Of note: A letter will be drafted.

Squannacook Hill sign: Member Maxwell made a motion that the board finds the sign acceptable. The motion passed unanimously.

Minutes and Bills

Application fee fund to Mary Jennings was signed due to withdrawal.

Chairman Mulligan made a motion to approve the 11/1/12 minutes as drafted. The motion was seconded by Member Cadle and passed unanimously by those in attendance of the meeting.

Member Easom made a motion to approve the 11/14/12 minutes as drafted. The motion was seconded by Member Maxwell and passed unanimously by all in attendance.

Member Easom made a motion to approve the 12/5/12 minutes as drafted. Member Maxwell seconded and the motion passed unanimously by all in attendance.

Chairman Mulligan made a motion to adjourn at 8:20 pm. Member Maxwell seconded and the motion passed unanimously.

Minutes approved 2/27/13.