



## Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

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### **April 24, 2013 – Fire Station Trailers, Tarbell Learning**

#### **Present**

Mark Mulligan, Chairman  
Cynthia Maxwell, Member  
Robert Cadle, Member  
Bruce Eason, Associate Member  
Jay Prager, Member

#### **Not Present**

Alison Manugian, Member  
Megan Mahoney, Associate Member

A quorum was attained. The meeting was called to order at 7:00 pm.

#### **Meeting Minutes**

##### **Fire Station Special Permit**

Chairman Mulligan convened the fire station temporary trailer hearing by reading the legal notice.

Mark Haddad, Town Manager, said he has two trailers, one for the contractor's office and one for the project manager. He said the project is slated to be done in April of 2014, and the trailers will be removed then.

Member Prager made a motion to grant a temporary trailer permit for 12 months. The motion was seconded and passed unanimously.

##### **Tarbell Special Permit**

Chairman Mulligan convened the Tarbell Learning hearing by reading the legal notice.

Mr. Rasmussen and Ms. Kane, applicants, were present, as were Dan Wolfe, engineer, Michelle Collette and Mark Haddad.

Mr. Rasmussen said they are in need of a special permit because for-profit educational uses are not allowed by right.

Member Praer asked whether this permit was just to allow the business to go on.

Mrs. Collette said yes, noting that the day care facility is exempt but the other uses are not. She said Atty. Doneski worked to help craft a letter and opinion.

Member Prager asked whether the day care center would be on one level and the for-profit on the second level.

Mr. Rasmussen said he can't give the total specifics but said it will be like Sylvan Learning, a driving school and office or classroom type learning uses. He said he didn't think there would be yoga, etc.

Member Prager said this seems somewhat vague and broad.

Mr. Rasmussen said he has no tenants yet so this is putting the cart before the horse. He said there is a lot of asbestos, florescent lights, a big oil tank, etc. and the estimate is close to six figures to clean up toxins from the site. He said they want to keep the use educational in nature.

Mrs. Collette said part of the zoning opinion includes pilates, etc such that certain type of exercise classes can be done there. She suggested granting as broad a permit as possible under the bylaw, noting that site plan review<sup>1</sup> will be done by the PB.

Member Prager asked whether there are any educational standards.

Chairman Mulligan suggested granting for uses allowed under a special permit.

Mr. Haddad said the Selectmen are very much in support of this, noting that it is good for the neighborhood and the Town to get this on the tax rolls.

Member Cadle said he just wanted to be sure there was site plan review.

Mrs. Collette said she is stating for the record, not as an abutter but as one who lives in the neighborhood, that the neighborhood wants to get an educational use up and running. She also noted that no abutters were present to speak against the proposal.

Mr. Haddad said Ms. Kane has sat through three years of hearings, etc.

Mr. Rasmussen said he lives in W. Groton and has a family history there, noting that neighbors didn't want the school shut down.

Member Prager asked about permit wording.

Mrs. Collette said educational uses are allowed under 218-13 and suggested broadening the permit to allow exercise type uses.

Mr. Wolfe said use controls also fall under BOH purview. He said it is better to define the uses when they have tenants and then the BOH will review.

Member Prager made a motion to grant a special permit allowing uses under 218-13 and including recreational learning uses. The motion was seconded.

Member Cadle asked about septic.

Mr. Wolfe said there is a new septic system.

Member Easom asked about 218-13 uses, suggesting that research should be kept available, and noting that fishing, etc doesn't require a special permit.

Mrs. Collette said there is an entry in the bylaw re: recreational business uses, which require special permit.

The motion passed unanimously.

For the record: Tarbell is in the P district, or public use district.

### **Other business**

An update re: the Oakridge/Mattbob 40B status was read into the record.

Discussion ensued regarding Member Easom's memo re: change of use with Town Counsel.

Member Prager said he feels that if the bylaw were clear, the board would have guidance. He said if the bylaw were not clear, the board would need to use case law to help.

Mrs. Collette said this is on the PB radar, noting that when case law comes down, the town often needs to revamp bylaws. She said that Atty. Ray Lyons has been corresponding with Atty. Doneski and is coming to the PB meeting tomorrow night as part of the Master Plan Initiative to deal with this bylaw, per the Gale decision.

## **Minutes and Bills**

No minutes or bills were approved/signed.

Chairman Mulligan made a motion to adjourn at 7:55 pm. Member Maxwell seconded and the motion passed unanimously.

Minutes approved 6/5/13.