



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

May 1, 2013 – Mavilia Appeal

Present

Mark Mulligan, Chairman
Cynthia Maxwell, Member
Robert Cadle, Member
Jay Prager, Member
Alison Manugian, Member

Not Present

Megan Mahoney, Associate Member
Bruce Easom, Associate Member

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

Meeting Minutes

Mavilia Appeal

Chairman Mulligan reconvened the appeal hearing. He said that what is before the board tonight is whether to allow the appellant's withdrawal.

Discussion ensued regarding whether to read each letter submitted into the record.

Chairman Mulligan summarized the letters, one of which says that an abutter felt that the cease order shouldn't be rescinded.

Member Cadle said the order was rescinded per the agreement between Mavilia and the town, but is not effective until the board allows the withdrawal. The applicant thought he could withdraw as a matter of right, but he cannot withdraw without ZBA approval. He said the rescinding isn't in effect until the board allows the withdrawal.

Chairman Mulligan said he feels board was usurped with this agreement between the zoning enforcement officer and Mr. Mavilia.

Member Prager said he is troubled by the agreement because it says accessory use is allowed and a withdrawal will put the agreement into effect.

Discussion ensued regarding how to proceed.

Member Prager suggested that this may be a matter for the courts instead of the ZBA. He said if the zoning enforcement order has been withdrawn, then the board is out of the picture.

Chairman Mulligan said this is strange if the order is already rescinded, noting that there is nothing for the board to act on.

Member Prager questioned whether the appellant could withdraw his appeal.

Chairman Mulligan said only if the board approves the withdrawal.

Member Prager said he is shocked that the zoning enforcement officer would reverse his opinion about the accessory use issue. He said he wants background on this before he makes a decision.

Member Manugian said she needs much more information before making a decision to allow the withdrawal.

Ed Cataldo, current Building Inspector and Zoning Enforcement Officer, said that when he was invited to do a site walk, he was unaware of the appeal currently before the ZBA. He said the agreement was done to try to settle unrest in the neighborhood. He said he recommends that the board doesn't allow the withdrawal so that the appeal will remain for the board deal with. He said he wants to rescind the agreement and keep the appeal before the board.

Member Cadle asked whose language is in the agreement.

Mr. Cataldo said it was written by several involved.

Member Prager made a motion to deny the request to withdraw the appeal. The motion was seconded by Member Cadle and passed unanimously.

Member Prager made a motion to continue the meeting to May 15th at 7 PM. The motion was seconded and passed unanimously.

Other business

Minutes and Bills

No minutes were approved nor bills signed.

Member Prager made a motion to adjourn at 7:30 pm. Member Maxwell seconded and the motion passed unanimously.

Minutes approved 6/5/13.