



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

September 25, 2013 – Platt, Field/M&M, Mobil/Alliance

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 7:00 pm.

Meeting Minutes

Platt Special Permit

Chairman Mulligan convened the Platt special permit hearing by reading the legal notice.

Mrs. Platt was present, noting that the house is in the historic district, is non-conforming, and they want to put on an addition. She said the new addition is 48.5 feet back from the front boundary. She said it is an in town home, where most are close to the sidewalk and she wants the addition to fit in with surrounding houses. She said she has been before the HDC and has their approval.

Member Cadle asked whether the addition is set further back.

Mrs. Platt said it is four feet further back, noting that she had an architect draw the plan and her husband is a builder in town.

Chairman Mulligan asked what rooms, etc. would be in the addition.

Mrs. Platt said a kitchen and an upstairs living space. She said the current kitchen is original to the house and in a little L section of the house. She said they are also adding to the basement and will eventually have a bedroom in the upstairs part. She said they are on town sewer, noting that this is the only option to build.

Member Easom asked why the addition couldn't comply with the 50-foot setback.

Mrs. Platt said aesthetically it would feel really off.

Chairman Mulligan said that even if the addition was set back 50 feet, a special permit would still be required.

No abutters were present.

Mrs. Collette spoke in support of the application, noting that older village center houses are generally set back closer to the road. She said there is also a bylaw that speaks to the average of adjacent buildings and what can be done via special permit.

Member Easom said that under 218-6 2.d, he thinks this would be a by right since addition if it complies.

Of note: the BI said that even if the addition complies, the lot is non-conforming and thus a special permit is required.

Member Easom made a motion to grant a special permit to Halsey and Julie Platt, 2 Old Ayer Road, because the proposed addition is in keeping with the neighborhood and is not detrimental to the neighborhood. Member Manugian seconded and the motion passed unanimously.

Atty. Collins noted that it is a good design.

Field/M&M

Atty. Collins said he is asking for a continuation to clarify some of the confusion, noting that there is a difference between deeds and what the Assessors' Office has on file.

Chairman Mulligan convened the Field hearing by reading the legal notice.

Atty. Collins asked for a continuation to November 13, 2013.

Member Maxwell made a motion to continue, Member Manugian seconded and the motion passed unanimously.

Mobil/Alliance

Chairman Mulligan convened the hearing by reading the legal notice.

Several abutters were present.

Atty. Collins said this application is the latest of many before the ZBA, noting that the parcel is zoned R-A even though it has had a gas station since the 1940s. He said the lot is just shy of one acre, containing a concrete block station with two unused repair bays, two pump stations and a small retail area. He said there is minimal landscaping, problematic drainage, etc. and his client has in the past tried to better configure the site, filing an application to increase the number of pumps to the 1950 level. He said this is not increasing the number of pump stations, but replacing the building and redesigning the paved area with less asphalt, better drainage, landscaping and a 1.5 story building that would be much more attractive. He stressed that this application is limited to the zoning aspect of it, noting that it is the alteration of a non-conforming structure, and although it doesn't meet setbacks, it will be replaced in the existing footprint. He said it also a non-conforming use because it is in an R-A zone, noting that it is not more detrimental under 218-6 because the non-conforming use is not increasing and the proposal makes the site much more attractive. He said this is a sore thumb in an otherwise very pleasant streetscape and the building ought to be replaced. He reiterated that this is limited to a zoning question, noting that if the ZBA approves, it would require a Level 2 Site Plan Review from the PB. He said he advised his client not to spend money because this has been controversial in the past, until there is ZBA approval. He said the proximity of wetlands that border the paved area would require Conservation Commission review so there are several avenues of appeal, noting that this is much more modest than any past proposals. He said he has seen objections from abutters that just want this to go away, noting that it is unrealistic to assume it will after 50 years of operation. He said he believes this is a good idea, noting that it is not valid under 218-6 to state that the use should just go away. He said he doesn't see how this replacement building could be more detrimental.

Chairman Mulligan asked whether the repair bays would just go away.

Atty. Collins said yes, noting that they would sell products in a slightly bigger space and have two indoor restrooms that are ADA compliant.

Member Cadle asked what type of product would be sold, noting that there is not much there now. He also asked about parking.

Atty. Collins said they just have dairy, soda, lottery, newspapers, candy, etc. He said the Shell station in town is much more a general store than here, noting that they also would need to discuss parking with the PB under Site Plan Review.

Member Manugian asked where the property lines are.

Atty. Collins said the property line follows at an angle and then shoots straight back. He said that better than half of the site is wetlands, shaped like a trapezoid that runs along Rt. 119.

Member Easom asked for clarification as to whether the building is the same size, and in the same footprint.

Atty. Collins said it is the exact same size that would fit within the footprint of what exists.

Member Easom said the footprint actually looks somewhat smaller.

Atty. Collins said it is slightly smaller because the covered entry is not included.

Member Easom asked about the height of the building.

Atty. Collins said it is 20 feet not including cupola, noting that he is not sure about the height of the existing but felt it is probably about 16 feet with the added roof. He said the new would be taller but most of the height is generated by a roof that looks like a real roof.

Of note: the non-conformances are that the property is not zoned for business, front setback and acreage.

Atty. Collins said if one only counts the usable part of the lot, it doesn't meet lot coverage because of the big wetlands. He said the impervious area is being decreased to accommodate the landscaping.

Discussion ensued regarding the R-A zoning and why it hasn't been changed, particularly because this is one of the only parcels there not zoned for business.

Atty. Collins said he feels this is the only building that sticks out like a sore thumb.

Discussion ensued regarding how improved much of Rt. 119 is.

Mr. Weinberg, abutter, questioned putting money into the building, etc., and not increasing any way to make more money. He said the convenience store has to be bigger, taller, and asked about lighting. He said he knows the gas station won't go away.

Atty. Collins said there would be no new lights.

Mr. Weinberg said it looks like the paved area is being increased and the topography makes runoff from Rt. 119 go on his property.

Atty. Collins said the paved area would be reduced because they can't increase without Cons. Comm. approval.

Mr. Weinberg said a taller building is a problem for the neighborhood, noting that more traffic and noise is a concern as well. He said most places close at nine o'clock instead of ten, which this station does. He said he wants to why they are making improvements and whether this could be an expansion in the future.

Atty. Collins said there could be no expansion without ZBA approval, noting that there is really no place to expand.

Discussion ensued regarding some of the lot reconfigurations.

Mr. Weinberg said the building there does not stand out and taller is not good.

Atty. Collins said they could shave off the roof to keep the height the same but it wouldn't aesthetically work.

Mr. Weinberg said he could not believe that this is coming back again, noting concern about any future expansion. He asked where the runoff would go.

Atty. Collins said runoff would go through leeching fields under the parking lot and be reintroduced into the ground water.

George Bishop, 1B Main St., said he has the same concerns as Mr. Weinberg. He said they are expanding the retail area to include what were two bays and noted his concern about building height and lighting. He said lights glare right at his house, especially during the winter. He noted that the Assessors' office shows the lot as much larger than one acre.

Atty. Collins said he may have copied the figure wrong but noted that there is very little wiggle room because of wetlands.

Mr. Bishop said there is a monitoring well to the rear of the property and also asked also about the canopy, which is unattractive.

Atty. Collins said lighting is subject to site plan review, noting that the PB is strict about adhering to reducing glare and wattage. He said they couldn't do anything without coming to the ZBA first, noting that lighting will improve. He said he would talk to his clients about making the roof flatter so there would be no true gable roof. He said he would confirm the size of the lot, noting that the canopy is driven by Federal regulation so there can be a fire retention system. He said he would look into making the canopy more attractive and reducing the wattage of lights. He said it can't be made less intrusive but is likely to be much more attractive.

Liz Strachan, 29 Boston Road, said she lives diagonally across the street, noting that she has never thought the station would cease operation, although the two repair bays have gone away. She said she thinks the operation should go back to the 1963 level, whereby the non-conforming lot should stay the same way. She said the use has increased without permission, noting that in 1963 only cans of oil were sold. She said she is concerned about what goes on in building, noting that she feels activity would expand with this proposal and any more activity would be detrimental to the neighborhood and the town. She said the only benefit is to an out of owner who wants to make more profit.

Mr. Strachan said the use probably won't go away, but a major portion of the business has gone away, noting that attempts at town meeting to change the zoning of area have failed.

Nadine Bishop, 1B Main, said she didn't get a copy of the legal notice and also expressed concern about the safety of a wood frame building.

Atty. Collins said they have to have fire safety sprinklers, etc., and it is not likely to be a wood frame building.

Mrs. Collette said there was a procedural flaw that needs to be addressed.

Carol Swift, 23 Old Ayer Road, said that in retrospect she didn't get notified when the Bishop house was built.

Mrs. Collette said that might not have required legal notice.

Chairman Mulligan said the hearing would be continued such that the board can re-notify.

Ms. Swift said it is a non-conforming site, noting that the building almost looks like it could be a house and it is not unattractive. She asked whether it could revert back to a house.

Atty. Collins said it could by right revert.

Member Easom made a motion to continued the hearing to the 30th of October at 7:15 pm. The motion was seconded and passed unanimously.

Other business

Discussion –Letter to BOS re: SH money for affordable housing only. Mrs. Collette drafted a memo suggesting that the board ask the BOS to designate the Affordable Housing Trust as the recipient of the gift funds.

Member Manugian asked whether there are any other options.

Mrs. Collette said only the Groton Housing Authority and the affordable housing trust. She said the Trust is appointed by the BOS and has two selectmen on it. She said it is autonomous and nothing comes through the Accountant/Treasurers office, which follows DHCD Rules and Regs. She said she spoke to the Town Accountant and use of monies needs to be specifically laid out. She also mentioned some other 40b gift accounts.

Chairman Mulligan asked whether the Trust is more creating affordable housing rather than the monitoring authority.

Member Cadle asked whether there would be any modification required if this is earmarked for the Trust and thought Town Counsel could weigh in.

Mrs. Collette said that is a good question for the BOS. She the Trust has used CPC funds to date, but it seems like this gift account is a logical one for the Trust to use.

Chairman Mulligan asked whether the board needed more time.

Member Cadle said he thinks a ZBA member should talk to the Trust and/or the BOS, noting that it is important to make sure the monies are dispersed properly.

Member Easom asked how the Town would have used funds before the Affordable Trust was created.

Mrs. Collette said no there was no Trust when this comp. permit was granted, noting that it would have been likely utilized by the Housing Authority. She said there is no urgency to make a decision at this time, because there are still 13 units to be sold in the Squannacook project.

Discussion ensued regarding how to proceed. The issue is currently under board advisement.

Minutes and Bills

No bills were signed.

Chairman Mulligan made a motion to approve the 9-18-13 minutes as drafted. The motion was seconded by Member Manugian and passed unanimously.

Member Easom made a motion to adjourn at 8:30 pm. The motion was seconded by Member Manugian and passed unanimously.

Minutes approved 11/13/13.