



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

October 30, 2013 – Zagarites/Spricer, Schultz, 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

Zagarites/Spicer Special Permit

Chairman Mulligan convened the Zagarites/Spicer special permit hearing by reading the legal notice.

Mr. Zagarites was present, noting that the house is non-conforming because of front setback. He said the lot is 160,000 square feet with an old farmhouse that sits close to the road. He said they are proposing to move the screened porch from the back of the house to the side of the house.

Member Cadle asked about a chimney.

Mr. Zagarites said other work not covered in this permit is being done, including a new fireplace.

Member Cadle said the work being done is much different than a screened porch only.

Mr. Zagarites said he has building permits for all other work being done, noting that he was told by the building inspector to come before the board for just the porch. He said he is not building in the non-conforming part of the house.

Member Manugian asked about septic location.

Mr. Zagarites said they are tying into town sewer.

Member Cadle said this seems strange because the non-conformity is front setback and this is not affecting that.

Member Manugian said the BI sends any changes in a non-conforming lot to the ZBA.

Member Easom asked about the street spelling on the map.

Mr. Zagarites said the plan was provided by owners showing the location of house, which they received when the house was purchased.

Chairman Mulligan said he has no issue because they are just moving an already existing screened in porch.

One abutter present, looked at plan, and said she had no issues with the proposal.

Member Cadle said he wants to clarify that the decision is only related to the moving/reconstruction of the screened in porch 90 degrees onto the rear wall.

Lori Germin asked about height.

Mr. Zagarites said the new would have a slightly smaller footprint and be the same height.

Member Cadle made a motion to grant a special permit to remove the existing screened porch and to construct one with the same dimensions on the perpendicular wall as shown on the plan submitted with application, page A-1. The motion was seconded by Member Maxwell and passed unanimously.

Schultz Special Permit

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

Bruce Ringwall representing Darcy Schultz, and the applicant were present. He said the house is currently 6.2 feet from the southerly property line and 22 feet to the westerly, and 15.7 from the front boundary. He said an open-sided carport to protect the car during winter is proposed. He said it is a 10,375 sq. ft. lot.

Member Cadle looked at the site and said it is clear this is where the carport should go. He then asked about 64 West Main St.

Chairman Mulligan asked whether it was a shared driveway.

Mr. Ringwall said all driveways are separate.

Nicole Cormer, abutter 64 main, said she concerned that the carport is not 15 feet away from the lot line.

Chairman Mulligan said that is why they are here.

Ms. Cormer said she is concerned about how the picture is drawn, and that runoff from the roofline will hit her driveway and cause flooding. She said it is a large surface area.

Chairman Mulligan asked whether the driveway is paved.

Ms. Schultz said it is not paved and her only plan is for pavers to aid in draining.

Mr. Ringwall said no gutters, etc are proposed, noting that 2/3 of it is over a gravel surface, making it no more impervious than it is today. He said the property is relatively flat but does pitch off slightly to the back.

Ms. Cormer said there are water issues because there is a lot of ledge, noting that she does still worry about water in her basement. She said she thinks 11x14 is large, noting the size of a back deck compared to a small home in a small area.

Mr. Ringwall said it is a roof on posts with a one-foot overhang, which will have very little impact or appearance and provide protection for her vehicle.

Ms. Schultz said she wants it to match other sheds on the property.

Member Easom asked about runoff, noting that with a gravel driveway, the rain just recharges. The said he thinks without a drain the carport roof will add to surface runoff.

Mr. Ringwall said the rain still would recharge.

Discussion ensued regarding how to handle runoff.

Mr. Ringwall said he could add gutters or build a trench for runoff.

Carol Swift, Old Ayer Road, said rainwater barrels are a good way to handle runoff, placed at the roofline, even without a gutter.

Member Manugian said her only concern about this proposal is drainage/runoff, noting that she is inclined to approve if gutters are included.

Chairman Mulligan asked whether there are similar structures in the neighborhood.

Ms. Schultz said there are on Townsend Road, noting that there is no proposal for a door, but just steps to the deck.

Mr. Ringwall said he has no problem with a condition for either a trench or a gutter with pipe.

Member Easom asked about the depth of a trench.

Mr. Ringwall said it would be 12 to 18 inches deep.

Member Easom asked whether the abutter would be satisfied with a drainage trench.

Ms. Corner said she has no idea what the trench would look like.

Mr. Ringwall drew a picture of a trench.

Ms. Corner said either option would make it better, noting that it is still a large structure for a small house/space.

Discussion ensued regarding the difference between a drywell and a drainage trench.

Member Manugian made a motion to grant a special permit for a carport as shown with the condition that a drywell with gutter and spout be constructed. Member Easom seconded the motion.

Mr. Ringwall said a drywell is a concrete structure, noting that a trench will disperse rainwater better.

Ms. Schultz said she is concerned that a drywell would exceed the cost of the carport.

Chairman Mulligan said he is not an engineer but would be satisfied with some rainwater remediation.

Member Manugian said she envisioned a system that would keep the runoff from the neighbor's property.

Mr. Ringwall said he would be more comfortable with a recharge area.

Member Manugian amended the motion to read a recharge area to the rear with gutters and a downspout.

Member Easom seconded and the motion passed unanimously.

Discussion ensued regarding timing of the process because it is almost November.

Mobil/Alliance

Chairman Mulligan reconvened the hearing.

Several abutters were present.

Atty. Collins submitted new drawings by Maureen Giattino that reduced the building height. He said it is 3.5 feet taller than the existing building to get the roof pitch but is much smaller than the original proposal. He said she fooled around with a hip roof design but it is not as aesthetically pleasing. He said it is smaller in size than the building there now and may be marginally smaller than the footprint without the extension to the rear. He said it is more compact and less visually intrusive. He said his client is also amenable to closing at 9 pm instead of 10 pm and at site plan review would reduce lumens to reduce glow. He also submitted some suggested conditions, noting that he will have to file a notice of intent with the Cons. Comm., stressing that he attempted to address everything brought up the last time. He said he believes the world would be a better space with the new building, noting that the visual impact is much less intrusive than the old building there now.

Chairman Mulligan read a letter from Stracham into the record.

Atty. Collins said the Strachams are good friends and he understands how they feel, but noted that in 1963 there were repairs done, which is much more intrusive than what is proposed. He said the business has been there for more than 60 years and for 58 years has been non-conforming. He said that what is proposed, particularly because they are not increasing the number of pumps, is not more intensive than in 1963. He noted that the town adopted zoning in 1956, not 1963, and said this proposal is better for the neighborhood and town than what is there. He said they are working on eliminating the eyesores on Rt. 119.

Member Maxwell said the design is much nicer but noted abutter concern about increasing the convenience store. She said there might be the same items for sale, but on a much larger scale.

Atty. Collins said the pumps are a bigger draw than the convenience store.

Chairman Milligan asked about parking spaces.

Atty. Collins said there would be about eight, which is what is there now. He said he could recommend that his client ask for a waiver to reduce the number of spots in site plan review.

Member Easom spoke of non-use for more than two years, noting that he wants to separate the structure from the use and discuss more of that. He said that since they haven't repaired cars for more than two years, they couldn't repair cars there now.

Atty. Collins said there isn't a case that actually says that if one has a business, and stops selling milk for two years, that it can't be started again, although he is not suggesting that car repairs happen again.

Member Easom said he feels that the board has to address what the use was when zoning was adopted and how it has changed.

Atty. Collins said that since the repairs have stopped, some convenience items have been sold.

Member Easom said he feels that gas stations used to sell items related to cars, such as wiper blades, etc. until recently.

Chairman Mulligan said it is a business as is today, noting that there is no accusation of a zoning violation.

Member Easom said he feels that unless they received a special permit since the bylaw was adopted, they are basically confined to what they doing when the gas station came into existence.

Member Cadle said he disagreed, noting that there is a lot of case law that non-conforming uses can be extended naturally.

Atty. Collins cited bank ATMs as an example, noting that they did not exist in the past.

Member Easom asked about the intensity of use at Grolex.

Member Cadle said the Atty. Collins client was arguing that the sheet metal business was in existence and the new business was an extension of that.

Atty. Collins said that was different than this, asking whether trucking is a logical extension of metal fabricating. He said this business has morphed over the last 40 years.

Discussion ensued regarding the Grolex specifications.

Discussion ensued re: how gas stations have changed.

Mr. Bishop, abutter, noted concern about what existed there when zoning was put into place, which was a gas station with a service business. He said the service business has disappeared and they now want to expand the retail. He said the building redesign is good and the lighting improvement is good, but he said they don't need a bigger building. He said they are currently operating in less than half of the existing building and now want to expand retail into the whole area. He asked how many chips and antifreeze can one sell.

Atty. Collins said that although the retail space will be bigger than what is there now, it wouldn't occupy the entire building, noting that there will be handicapped accessible bathrooms that take up a lot of room. He said the new building is smaller than what is there now.

Discussion ensued regarding the size of the retail operation.

Mr. Bishop said he is concerned that this is the first step in converting the gas station into something else, noting that this is a big lot.

Atty. Collins said the pavement would be more confined than what is there now to accommodate landscaping. He said they can't do anything beyond what is there now because of wetlands.

Chairman Mulligan voiced his opinion that what exists now is a service station with a retail aspect. He said the building there now is larger than the replacement, noting that landscaping, lighting and hours of operation are being improved. He said he doesn't live there but to review the materials, this seems to be an improvement, and there is no increase in number of pumps or parking spaces. He said it seems to be very similar in nature of the type of business already there, noting that he thinks Atty. Collins is correct that users will be there to get gas.

Mr. Bishop said he understands what he is saying and it is an improvement, but he said he is concerned that they are changing the nature of the business by increasing retail activity. He said he doesn't want it to translate into a machine shop.

Chairman Mulligan said there couldn't be a change of use without a special permit, noting that he can't imagine any board would want to see that change. He said that there would also be site plan review which will address issues at the next stage.

Member Maxwell asked whether egress issues would be addressed by site plan review.

Atty. Collins said yes, because they couldn't get site plan permission as it is now.

Member Easom said he is sitting on the fence and wants to hear from abutters, and asked whether the board could limit the retail space.

Atty. Collins said he would agree that the retail space would be less than 1200 feet.

Mike Weinberg, diagonally across abutter, said he likes the building and the reduced hours, noting that everything sounds too good to be true. He asked why all this money is going into the business to slightly expand the retail, noting his biggest concern is potential expansion, such as a Dunkin Donuts, etc. He said he thinks the retail business in there now happened in drips and drabs and also noted concern about increased traffic.

Discussion ensued regarding why the improvements are being asked for.

Atty. Collins said there is no hidden agenda.

George Weatley, Jr, West Groton, said he is not an abutter, but noted that this is certainly much more attractive, with more space for automotive supplies. He said he thinks this is viable and worthwhile.

Carol Swift, Old Ayer Road, said the photo doesn't show the canopy.

Collins said the outline and height of the canopy couldn't change. He said he wants a designer to make it less monolithic in site plan review.

Ms. Swift thanked Alliance for caring about the neighborhood.

Member Easom asked whether abutters were okay with less than 1200 square feet limit on retail.

The abutters agreed that this was good and having accessible restrooms as well.

Member Cadle asked about building size.

Atty. Collins said the building would be about 1400 square feet.

Ms. Swift asked whether there would be a basement.

Atty. Collins said it is on a slab and has to stay that way.

Member Maxwell made a motion to grant a special permit to allow the alteration of a non-conforming structure by building a new building as shown on the plan submitted tonight, with the retail space not to exceed 1200 feet and including the conditions submitted re: lighting, storm water management, landscaping, etc and subject to site plan review.

The motion was seconded by Member Easom and passed unanimously.

Other business

Discussion –Letter to BOS re: SH money for affordable housing only. Administrator will draft a memo incorporating verbiage from the Land Use Director.

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

Minutes approved 1/29/14.