



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

May 7, 2014 – Holly

Present

Mark Mulligan, Chairman

Robert Cadle, Member

Cynthia Maxwell, Member

Alison Manugian, Member

Bruce Easom, Associate Member

Berta Erickson, Associate Member

Not Present

Megan Mahoney, Associate Member

Jay Prager, Member

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

Meeting Minutes

Holly Variance/Special Permit

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

Several abutters/attorneys were present.

Atty. Collins noted that Chairman Mulligan represented the lender at the closing of this property. Atty. Benson, attorney of abutter, said he had no problem with the Chairman sitting on the hearing.

Atty. Collins then noted that Stan Dillis' plan did not properly represent the property lines, and said the encroachment issue has been resolved and a corrected plan has been submitted this evening.

Atty. Collins said the house at 99 Boathouse burnt to the ground about one year ago, noting that there was great difficulty fighting the fire. He said the property consists of four Lost Lake lots equaling 5,896 square feet with 75.88 feet of frontage on Boathouse Road. He said his clients had modified the existing house before it burned, but noted that after fire they wanted a clean slate and hired Maureen Giattano to design a

house that better fitted their needs and made some of the non-conformities more in compliance. He said they need a variance because setbacks come into issue, although the setback fits with neighborhood averages. He said they need a special permit to alter a non-conforming structure/lot.

Member Maxwell asked about a deck that looked like it was on the lot line.

Atty. Collins said the application should not include the deck. He said the burned dwelling was served by a tight tank that was installed about one year ago, noting that the new dwelling will be in compliance with the BOH. He said this plan is better because the dwelling will be further set back from the water which creates better privacy and better emergency vehicle access.

Atty. Collins said Mrs. Mavilia and her attorney addressed several concerns, the first being the location of gas tanks how there should be a condition that tanks can't be on the side of house nearest to her property.

Discussion ensued regarding some of the difficulties of topography.

Atty. Collins said that snow storage could not occur over the property line.

Atty. Bensons aid the snow needs to remain on site and not put onto Boathouse Road or on his client's property.

Atty. Collins said the variance was okay because of the need to locate the tight tank, shape of lot, etc.

Discussion ensued regarding whether a variance and a special permit is required. Atty. Collins said that he believes, along with the BI, that a variance is required.

Discussion ensued regarding what the use easement was about.

Member Manugian asked whether the easement could be used to aid in fire protection.

Member Easom felt that the fire department would not need an easement.

Discussion ensued regarding what was entailed with fighting the fire that burned the house.

Member Easom asked whether the existing tight tank would be sufficient to service the new dwelling.

Atty. Collins said no building permit would issue without compliance.

An abutter of lot 1784 asked about clarification regarding the deck. He said he didn't like that the proposed dwelling will be doubled in size, noting that he feels the applicant has no right to increase non-conforming setbacks.

Discussion ensued regarding the size of the proposed dwelling.

An abutter was upset that they didn't have the exact sizes of the old versus new dwelling.

Atty. Collins said the old is 1600 square feet and the new seems to be about 1700 square feet.

Member Cadle said he would like more details.

Atty. Collins said he would get specific house plans and come back at a convenient time.

Member Manugian asked about the height of the new building vs. the old.

Discussion ensued regarding how the boundaries and lot lines were drawn in the original 1920's plan.

Member Manugian asked what the hardship would be if the new side setback was not allowed.

Discussion ensued regarding the Gale decision and the ramifications of requiring such.

Atty. Collins said that regarding setbacks, no disrespect is intended but the lake area has no rational zoning requirements.

David Wellens, 90 Boathouse owner, said he has a problem with the whole process.

Chairman Mulligan explained about the zoning board's role and the process, noting that they are here because the lot/structure is not in compliance and the applicant is trying to get permission to rebuild.

Mr. Wellens said he feels the house is designed to violate zoning.

Michael Slaka, 7 Boathouse Road, said he is concerned about toxic waste still being there, stressing that there would be no violation if nothing is rebuilt.

Atty. Collins said insurance is still pending.

Mr. Slaka said this is not responsible and the hazards should just be removed.

Chairman Mulligan said that is not relevant to what is before the board tonight, noting that the board is asking for reasonable information and a continuation is being requested.

Member Cadle made a motion to continue the hearing to June 4th at 7 PM. The motion was seconded and passed unanimously.

Other business**Minutes and Bills**

Several Groton Herald bills were signed.

Member Easom made a motion to approve 4/2/14 and 4/8/14 minutes as drafted. Both motions were seconded and passed unanimously.

Member Manugian made a motion to adjourn at 7:55 pm. The motion was seconded by Member Easom and passed unanimously.

Minutes approved 7/9/14.