



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

December 3, 2014 – H & V, Academy Hill Trailer

Present

Robert Cadle, Member

Mark Mulligan, Chairman

Berta Erickson, Associate Member

Bruce Easom, Associate Membe

Not Present

Megan Mahoney, Associate Member

Alison Manugian, Member

Jay Prager, Member

Cynthia Maxwell, Member

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

Meeting Minutes

Hollingsworth and Vose Special Permit

Chairman Mulligan convened the hearing by reading the legal notice.

No abutters were present.

Atty. Collins presented a plan, noting that the power plant building is being enlarged for a power generation turbine. He said they are here because the building is in the flood plain and the building is higher than the allowed 35 feet, noting that the addition itself is shorter than 35 feet. He said the addition is 20 feet in height and the existing building is 43' 10". He said the addition is replacing something slightly taller as well, noting that there are no real changes to the existing building. He said he has already been to the Cons. Comm. because it is in the flood plain, noting that the issue with the flood plain is that flood storage needs to be available in the event of a 100-year flood. He said H and V has been there for 150 years and measures have been taken to mitigate the take away of the flood storage capacity. He said an

interesting wrinkle, per Bob Pine's letter, is that the elevation between bldg 11 and 18 is higher than the 100-year flood plain elevation and thus water couldn't get there. He said there would be no additional impervious cover and thus this won't negatively impact flood storage capacity on the site and thus a special permit is warranted to replace an assemblage of buildings, etc. He said the new generation of turbine is much more energy efficient and generates electricity, noting that the noise generated by the turbine will be 6 decibels higher than the existing turbine and supposedly not perceptible to the human ear.

Chairman Mulligan read two letters into the record, one from Michelle Collette and one from Bob Pine addressing flood storage issues and including plans.

Member Easom asked whether the ZBA has any say/control over sound and how this could affect the character of the neighborhood.

Atty. Collins said he brought up the six-decibel increase, noting that this is not perceptible to the human ear and thus has no impact on the neighborhood.

Member Easom spoke of some of the decibel sounds that can be detected by the human ear.

Steve Cook, project manager for H and V said they had a sound engineer from Epsilon come and make measurements and they will further deaden the sounds based on the results of the sound modeling.

Chairman Mulligan also noted that they have to meet with the PB re: sound issues.

Member Erickson asked whether they could keep the decibel level the same as what currently exists.

Mr. Cook said there was no way.

Discussion ensued regarding the sounds of the plant operation, etc.

Atty. Collins said there are other machines that generate noise, noting that it is pretty quiet for what it is.

Member Cadle said he has never seen the flood plain regulations.

Atty. Collins said they are in the zoning provision in 218 and also FEMA regulations. He said the would normally preclude new construction in the flood plain but H and V is already there and thus non-conforming.

Discussion ensued regarding the other projects done by H and V.

Atty. Collins reminded the board that he needed a unanimous vote because of a 4-member board, noting that he will continue if one member is likely to vote against.

Member Cadle said this seems to be very straightforward.

Member Cadle made a motion to grant a special permit to H and V to allow the alteration of a non-conforming structure on Lot103-2, 219 Townsend Rd., according to the application and plans submitted with the condition that the Planning Board's conditions be met. The motion was seconded by Member Easom and passed unanimously.

Ahern/Academy Hill Special Permit

Chairman Mulligan convened the hearing by reading the legal notice.

Mr. Ahern, Academy Hill agent, said the trailer has been there for many years and the location has been moved to the proposed site due to the request of the owner of the lot of the previous location. He said he has changed the location first proposed because of existing wires, etc.

Member Cadle asked whether a permit has been obtained.

Mr. Ahern said no because he didn't realize he needed one.

Member Cadle asked whether the trailer currently there that he saw is the trailer being permitted.

Mr. Ahern said this location would be the one for the duration of the project.

Member Easom said he has a problem because the trailer has been there for more than 3 years already and the bylaw says that it can't be there for more than 3 years.

Mr. Ahern said he didn't realize he needed a permit, noting that there was no ill intent.

Discussion ensued regarding how to avoid three-year limit.

Member Cadle said it is being used for projects moving forward.

Member Cadle made a motion to grant a special permit for an office trailer as set forth by the applicant for a permit for one year to be located between Lots 9 and 10 cherry tree. The permit is also contingent on a bond of \$1500 being posted with the treasurer's office.

The motion was seconded and passed unanimously.

Other business

Member Cadle requested that the board go into executive session to discuss litigation re: 101 Lost Lake Drive.

A motion was made to go into and seconded and passed unanimously.

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Minutes and Bills

Members Easom and Erickson made a motion to approve the 10/29/14 and 10/8/14 minutes as drafted. The motions were seconded and passed unanimously.

Two Groton Herald bills were signed.

Member Easom made a motion to adjourn at 7:45 pm. The motion was seconded and all voted aye.

Member Mulligan made a motion to go into executive session to discussion pending litigation.

The motion was seconded and passed unanimously.

Approved 1/21/15.