



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

January 21, 2015 – Croteau

Present

Mark Mulligan, Chairman

Robert Cadle, Member

Alison Manugian, Member

Bruce Easom, Associate Member

Berta Erickson, Associate Member

Not Present

Cynthia Maxwell, Member

Jay Prager, Member

Megan Mahoney, Associate Member

A quorum was attained. The meeting was called to order at 7:05 pm.

Meeting Minutes

Croteau/Champney St. Special Permit

Chairman Mulligan convened the hearing by reading the legal notice.

Two abutters were present. Michelle Collette, Town Planner, was present.

Mr. Croteau said he is renovating a four family property on Champney Street and converting the apartments into condominiums. He said he is using the original footprint except for three modifications, noting that there are two units in the house and two units in the barn. He said the first modification is to unit 3: a ten by ten foot addition of a bathroom the second is to unit four: a 30 by 17 foot addition; and the third modification is extended deck on unit 2. He said that in the original application he was going to add decks but now is just adding patios.

Member Cadle asked for clarification regarding the decks.

Mr. Croteau said he is only doing a patio, noting that only the second floor deck is staying.

Member Cadle asked about the decks to the left and right of the slider.

Mr. Croteau said both decks would be eliminated on the lower floor.

Member Cadle asked what is up on the second floor now.

Mr. Croteau said there is a narrow deck already there by unit two that he wants to enlarge slightly.

Chairman Mulligan asked whether any additions further encroached on setback.

Mr. Croteau said all additions comply with the existing setbacks on the dwelling.

Member Cadle asked about a reference in the applicant's narrative to a shed/storage barn.

Mr. Croteau said the shed would be torn down and removed.

Member Cadle asked what is being shored up.

Mr. Croteau said an existing shed connects the house to the barn that will be incorporated into living space for unit 3 and have a concrete foundation.

Chairman Mulligan asked for clarification regarding the condo process.

Mr. Croteau said he is all set with that, which is separate from the ZBA process.

Member Easom asked when barn was converted into housing and whether a special permit was obtained for it.

Mr. Croteau said he didn't know if there was a special permit, noting that the BI said it is a legal four-family residence.

Member Easom said that as long as the use and structure was prior to the adoption of the bylaw, it could continue as a grandfathered non-conforming structure. He then asked when the provision was adopted.

Mrs. Collette said 1982 was when the ZBA was allowed to grant a permit for a three-family dwelling. She said she looked through the BI's files and has found no permit, but according to assessors records it shows that between 1962 and 1995 it changed from a two family to a four family dwelling. She said this is ancient history as to how this came about but it is currently a grandfathered non-conforming four family. She said it is both a non-conforming use and structure.

Member Easom said he would argue that this is not a given because we don't know when the dwelling was converted, and it seems that it was after the bylaw went into effect. He asked whether there were separate meters for electric and water.

Mr. Croteau said there were two shared electric meters and four separate water meters.

Member Easom suggested checking with GELD/water to determine when other meters were installed.

Member Manugian said she agrees with Member Easom that it is important to know when the conversion occurred and whether any permits were obtained.

Mrs. Collette said the PB wanted to submit comments but did not have a quorum, noting that if the hearing is continued they would discuss it at the next meeting. She then submitted a letter from the Fire Chief to the previous owner about renumbering. She also questioned whether site plan review should be required since there are parking requirements for multi-family dwellings.

Member Erickson asked why it is not grandfathered to the new owner.

Mrs. Collette said that because this is an alteration to a non-conforming structure, it triggers site plan review as well as a special permit from the ZBA. She said she is in favor of multi family housing but wants this to be brought into as much compliance as possible.

Mr. and Mrs. Moisson, abutters since 1991 said they wanted to see plans and have no objection. All apartments have been in use at least since 1991 and knew people had lived there for quite some time.

Discussion ensued regarding the BI's letter and as to what was pre-existing and since when.

Mrs. Collette said it is hard to ascertain when the change was made but it has been at least since 1995. She said some landlords pay their tenants' electric so that can be hard to tell. She also suggested asking for a revised plan since many changes have been made.

Mr. Croteau said he is just clarifying that it is a patio instead of a deck.

Member Manugian said she wants to continue the hearing to resolve whether this is a lawful non-conforming use.

Discussion ensued regarding what Michelle has done to determine when because four family.

Member Easom said there are three good reasons to continue: 1) updated plan, 2) PB input, 3) GELD info.

Discussion ensued regarding when to continue to.

Member Manugian said if there is no proof of legality then it would be outside of ZBA purview.

Mrs. Collette said the statute of limitations is six years with a building permit and ten years with no special permit so there is a grace period.

Member Manugian said that if there is no GELD info then the board needs to get a letter from the BI stating that this is in fact a legitimate grandfathering.

Paige Hailey, Front Door Realty, said there are not necessarily many separate meters.

Mr. Croteau said there are five separate meters.

Mrs. Collette said it is better to get everything squared away now.

Member Easom made a motion to continue to 1/28/15 at 6 PM. The motion was seconded and passed unanimously.

Other business

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Minutes and Bills

Members Cadle made a motion to approve the 12/3/14 and 12/17/14 minutes as drafted. The motion was seconded and passed unanimously.

One Groton Herald bill was signed.

Member Manugian made a motion to adjourn at 7:55 pm. The motion was seconded and all voted aye.

Approved 3/25/15.