



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

March 25, 2015 – Len SP, Morine Dev. SP

Present

Mark Mulligan, Chairman
Robert Cadle, Member
Cynthia Maxwell, Member
Bruce Easom, Associate Member
Berta Erickson, Associate Member

Not Present

Megan Mahoney, Associate Member
Alison Manugian, Member
Jay Prager, Member

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

Meeting Minutes

Len Accessory Apartment Special Permit

Chairman Mulligan convened the hearing by reading the legal notice.

No abutters were present.

Mark Schier, attorney for the applicant said the property was owned by Sara Hopkins since 1963 and the accessory apartment was put in in 2003. He said his client bought the property in 2008 and the apartment was used by his mother until her death, and after that it was rented. He said no permits were obtained but his client wants to make it legal now, noting that the apartment is 742 square feet. He said the issue came up when the property was appraised, noting that it meets all requirements under the zoning bylaw.

Member Cadle asked whether he wants a stamp of approval for the sale.

Atty. Schier has it has already been sold but the buyer wanted all legal permits.

Chairman Mulligan asked about parking.

Atty. Schier said there is ample parking on the three-acre lot and the property has a four-bedroom septic system.

Member Cadle asked about doors to the apartment.

Atty. Schier said he could not answer that question.

Discussion ensued regarding entrances/egresses and whether there are steps going down.

Discussion ensued regarding whether the apartment was too large at one point. Atty. Schier said it has always been less than 800 square feet.

Atty. Scheier said the tenant still lives in the apartment and the new owner has moved in, such that it is owner occupied.

Chairman Mulligan said he has no issues and it appears to comply with the bylaw.

Member Cadle said the purpose of the bylaw is to prevent "McMansions" to be rented out to increase the stock of affordable housing.

Member Cadle made a motion to approve a special permit for a pre-existing accessory apartment subject to the conditions outlined in 218-16D and including but not limited to maintenance of an adequate Title 5 septic system and parking for the apartment. The motion was seconded and passed unanimously.

Morine Development Special Permit

Chairman Mulligan convened the hearing by reading the legal notice.

Several abutters were present.

Erik Morine, applicant, said he is doing the work, noting he has a permit to raze the existing barn and will then attach a two car garage to the existing dwelling. He said this would extend the footprint by 18 feet, which is two feet shy of the existing barn. He said all the square foot living space would remain the same, noting that a bathroom and laundry will be added, along with the garage.

Discussion ensued regarding exact additions/renovations. Mr. Morine said he already has a permit to remove the barn.

Chairman Mulligan said the barn being removed appears to be on the lot line.

Mr. Morine said that is true, noting that the new garage will be further back.

Member Easom said the garage would be closer on the Van Oudenaren side.

Mr. Morine said the barn is not safe.

Member Easom said the length of the non-conformity has changed with the new garage.

Mr. Morine said the back of the garage stays mostly in line with the existing structure, except for a 3-foot bump out.

Member Easom said the linear non-conformity seems less, with 35 feet instead of 50 feet with the existing barn. He said he feels this is an improvement.

Andrea Mischel, 25 Court Street, said she has a couple of questions, asking what the plans are for the existing barn after removal.

Mr. Morine said he will seed, etc, put in a lawn, noting that he can't keep the barn there because it is in such disrepair.

Ms. Mischel asked about the height of the garage.

Mr. Morine said 15'4".

The abutters present were shown plans.

Member Easom said that in looking at the square footage, there is a net increase of 65 square feet of non-conformity. He said the only disadvantage is to Mr. Van Oudenaren and he was not present and the applicant said he was in favor of project.

Member Easom asked the audience whether it would be considered an improvement to the neighborhood.

Ms. Mischel said anything is an improvement given the poor condition of the house/barn and although it is unfortunate the barn can't be saved, it is in extreme disrepair.

Member Easom made a motion to issue a special permit for the removal of the existing barn and the construction of a proposed garage as shown on the plan by Landtech, #9937, dated 11/12/14 with the provision that the building is constructed as show on plans from CORMC Technical Graphics and the land under the existing barn to be removed be landscaped appropriately and fenced in. Additionally there is a condition that no bedrooms are added.

Member Cadle asked about the beautiful trees on the property, specifically a pine and another two hardwood trees.

Mr. Morine said the big pine will stay but some trees will have to go, noting that a neighbor said the property line tree needs to go. He said he will try to keep as many trees as possible.

Discussion amongst the abutters ensued regarding what trees will go and what will stay.

The motion was seconded by Member Cadle and passed unanimously.

Other business

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Minutes and Bills

Member Mulligan made a motion to approve the January 21/15 and February 25/15 minutes as drafted. The motion was seconded and passed unanimously.

One Groton Herald bill was signed.

Member Easom made a motion to adjourn at 8:10 pm. The motion was seconded and all voted aye.

Approved 5/13/15