



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

June 15, 2016 –Hollingsworth and Vose, Doyle, Groton Service Center, Tully

Present

Cynthia Maxwell, Chairman

Robert Cadle, Member

Jay Prager, Member

Bruce Easom, Associate Member

Berta Erickson, Associate Member

Not Present

Mark Mulligan, Member

Alison Manugian, Member

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

Meeting Minutes

H & V Special Permit

Chairman Maxwell convened the hearing by reading the legal notice.

Atty. Collins, agent for H and V, noted that he has been before the board many times because most of the property lies in the floodplain. He said there are two small projects in the same application, noting that one project is to replace a shed constructed in 1959 that is a screen house on the dam to screen materials from river water. He said this is the one building that could flood, noting that the Conservation Commission gave its blessing and issued a negative determination. He said the building will be the same size on the same footprint, but raised up. He said the second reason he is here is to build a passageway between Buildings 2 and 17, noting that there is an existing passageway used by both forklifts and people. He said for safety sake, H & V wants a new hallway next to the existing for just people to use. He said the hallway is actually outside of the floodplain but connects two buildings that are in the floodplain. He said this would not alter the flood storage capacity of the site, which is the most important consideration. He said the second photo shows the existing hallway, which is next to the proposed new hallway, noting that both projects are a good idea. He said the screen house replacement is good because the existing building is

decrepit and the new building will be much more attractive to look at from the river itself, noting that neither location is visible from Townsend Road.

Member Cadle said Atty. Collins noted in his letter that there is a change in foundation.

Atty. Collins said the foundation is being raised three feet so it is above the flood elevation itself. He said they are using the existing foundation because it is structurally very sound.

Member Easom asked about the height of the new passageway vs. the height of the existing building.

Atty. Collins said that according to the plans, it is approximately 4 x 70 and probably about 9 feet high, matching the existing roofline and designed so it won't leak.

Member Prager made a motion to approve a special permit to allow the alteration of a non-conforming structure to reconstruct a new screen house and to approve a special permit to allow the construction of a passageway between Buildings 2 and 17. Member Easom seconded both motions, which passed unanimously.

Doyle Variance

Chairman Maxwell convened the hearing by reading the legal notice.

Atty. Collins submitted a letter in support of the variance citing grounds relating to soil, shape and topography.

Stan Dillis submitted a letter stating that it was an oversight on his part that he did not realize a variance from setback was necessary prior to the start of construction.

Thomas Doyle, applicant, was present, noting that he started this process in 2013. He said he had to go to town meeting for a vote to move the road so his house did not have the road run through it. He said he went to the BOH and Cons. Comm. for approvals and when he went to get a building permit the BI realized that the wall was less than 15 feet from the property line. He said he was not able to stop construction because the contractor had already been working on it for two months. He said the wall is partially constructed and he is using a tight tank septic system, noting that this is the only place to put the septic system. He noted that he thought only a variance from the BOH was required.

Member Prager said he finds it hard to imagine that Stan Dillis did not know he needed a variance from such a large wall so close to the property line. He also asked about the shed.

Mr. Doyle said the shed is not there yet.

Discussion ensued regarding whether the shed could be located further from the property line.

Mr. Doyle said it could but wants to make the most of the usable space. He said the health agent gave him permission to put the shed over the leach field.

Member Prager asked how close to the property line the neighbor is.

Mr. Doyle said his neighbor owns the land on both sides of the street and only has a leach field on the property next door.

Member Prager said the shed shouldn't be a problem to the neighbor and asked how tall the shed is.

Mr. Doyle said he hasn't picked one out yet, but depending on what the board allows, maybe 12x16.

Member Prager said the shed location is limited by topography but he would like a separate variance application because there are no specific numbers here.

Mr. Doyle said it would be a standard single story storage shed, noting that the shed company said they need two to three feet around the shed for access.

Discussion ensued regarding how difficult to navigate the area is.

Member Easom suggested a maximum height condition.

Discussion ensued regarding the height of the house and other dwellings in the neighborhood.

Member Prager suggested a condition that the shed no exceed 15 feet tall and 12 x 16 area.

Member Prager made a motion to issue a variance for the wall that is approximately one foot from the property line and for a shed to be located no greater than 15 feet from the boundary and be no larger than 12x16. The motion was seconded by Member Easom and passed unanimously.

Groton Service Center Special Permit

Chairman Maxwell convened the hearing by reading the legal notice.

Shane Kuja, owner of Groton Service said he wants permission to have a used car license to have two or three cars for sale along with the vehicles being repaired.

Discussion ensued regarding Ernie Piper's permit, which was valid for ten years, but not transferable.

Discussion ensued regarding what the property is zoned since B-1 zones don't exist.

Chairman Maxwell read an email from Camilla Blackman in opposition to the permit.

June Johnson, abutter, said she wanted to make sure that people don't park in her parking lot and also to make sure the permit is not expanded. She said she feels that three cars for sale is very reasonable, noting that she needs to have space for 11 cars during the day.

Mr. Kuja said no used cars are there now, noting that he would just like the ability to supplement. Three cars would be very unusual.

Chip Detwiler, abutter, said as long as they continue as has been it is fine.

Member Cadle said there was an issue some years back about debris accumulating along the fence but it doesn't look like it is a problem now.

Discussion ensued regarding how the original car repair operation came to be.

Member Prager made a motion to approve a permit to allow the sale of used cars in accordance with the conditions shown on page 3 in Case#11-09 (1-05), along with all conditions in said decision. The motion was seconded by Member Easom and passed unanimously.

June Johnson said there should be some attention paid to the fence.

Tully Special Permit

Chairman Maxwell convened the hearing by reading the legal notice.

Jeff Hannaford, Norse Design Services, said he was here as agent for the applicant. He said it is a preexisting, non-conforming lot with a dwelling that his client wants to raze and reconstruct because it is in severe disrepair. He said the lot was created prior to 1950 and the house was constructed in 1950. He said the building department told him he needed a special permit, noting that all setbacks will be met and the actual footprint of the new dwelling will be smaller but with two stories instead of 1 and ½. He said the lot area and lot frontage are non-conforming.

Member Cadle said the existing house looks a lot bigger than what is proposed.

Mr. Tully said the new dwelling would be further back from the front boundary.

Member Cadle asked for clarification of what is non-conforming.

Mr. Hannaford said lot area (33,220) and frontage (149 feet), noting that the front setback will go from 32 to 57 and the side yard setbacks are more than adequate.

Member Cadle asked about septic.

Mr. Hannaford said he has a BOH permit.

Member Easom said they also have permission from the Cons. Comm., noting that the plan is really well drawn.

Member Cadle made a motion to grant a special permit to allow the tear down of the existing structure at 283 Townsend Road and replace it with a structure not to exceed two stories as shown on the attached plan. The motion was seconded and passed unanimously.

Other business

Minutes and Bills

One Groton Herald bills was signed.

Chairman Maxwell made a motion to approve minutes from March 30, 2016. The motion was seconded and passed unanimously.

Member Prager made a motion to adjourn at 8:15 pm. The motion was seconded and all voted aye.

Approved 8/3/16.