



## Town of Groton Massachusetts Zoning Board of Appeals

### Meeting Agenda and Minutes

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**May 24, 2017, 2017 – Busser, Bozek**

#### **Present**

Cynthia Maxwell, Chairman

Mark Mulligan, Member

Robert Cadle, Member

Jay Prager, Member

Bruce Easom, Member

#### **Not Present**

Berta Erickson, Associate Member

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

#### **Meeting Minutes**

##### **Busser Special Permit– 17 Broadmeadow, #3-17**

Chairman Maxwell convened the hearing.

Bruce Ringwall, agent for Busser, noted that the property was before the board a year or two ago for a special permit for significant renovation. He said the existing gravel driveway and existing house cover 26% of the site, noting that the bylaw only allows 25% impervious cover. He said this is a small nonconforming lot (11,000 feet), and the paved driveway and brick walkway/patios will bring it to 27% impervious cover.

Discussion ensued regarding the threshold and the existing patios that put the impervious cover ratio up.

Member Prager said he could argue that the lot line is not totally relevant due to the location of town lands adjacent to the property. He asked about lot area.

Mr. Ringwall said it is approximately 11,300 sq. ft.

Discussion ensued regarding the topography of the lot, which is sloped.

Member Cadle asked about the current driveway, noting that it looks like two different materials are being used.

Mr. Ringwall said there would be permeable pavement but they haven't decided on exact materials, other than some pavers already in place.

Mr. Busser said that currently there is temporary pea stone.

Discussion ensued regarding calculating impervious cover.

Member Cadle said they can claim only a 2% increase but it appears that if the driveway is paved then the coverage would be double in the size.

Mr. Ringwall said the BI interprets that the packed gravel is impervious, noting that from an engineering standard, it would be considered impervious.

Member Cadle asked Mrs. Collette about the town hall parking lot.

Mrs. Collette said the town hall lot is pervious. She noted that some pavers were installed along Broadmeadow as a test point re: James Brook and they are covered in the equation for the applicant's lot coverage. She then went on to explain some of the thoughts behind the bylaw as it currently exists and that it doesn't speak to driveways, etc. but prior to 2015 it was just buildings. She said she thinks that it was not intended to penalize small non-conforming lots having to come before the ZBA to pave a driveway.

Member Cadle said it doesn't matter because percentage is percentage.

Discussion ensued regarding ramifications of small lot coverage vs. larger lot coverage and the impact of the change in verbiage of the bylaw.

Member Prager said he feels the tiny lot should be given the benefit of the large abutting lot that will not be developed/covered.

Mr. Ringwall said as applicants they agree.

Member Easom said they are over by 2%, which is 230 square feet. He asked whether it would be a hardship to make the patio furthest from the street pervious.

Mr. Ringwall said his client wants materials that require less maintenance, which means that it needs to be less pervious. He said they also wanted a heated driveway, noting that they want to make a nice living space, having done a great job rebuilding the house. He said that what was written before in the bylaw

would mean that they would not even need to be here. He said they want to be granted relief rather than change what is proposed.

Chairman Maxwell said it is only 26% if the driveway is considered pervious.

Mr. Ringwall said that is correct.

Member Cadle asked why he is not just using pervious tumis.

Mr. Ringwall said there are significant maintenance issues which over time become more onerous, noting that his client wants a low maintenance project. He said a heated driveway is planned so there is no need to snow blow and the grade of driveway will be lowered, thus reducing the access slope. He said permeable surface is much more expensive to install as well.

Member Mulligan said he is okay with the project.

Mr. Barringer, PB, said not it was not the intent to make a hardship for a small lot owner and the PB may have to go back and reword the bylaw.

Member Cadle made a motion to grant a special permit to allow the alteration of a non-conforming structure as shown on the submitted application, on Lot 133-22, 13 Broadmeadow Rd., Groton. The motion was seconded and passed unanimously.

#### **Bozek Special Permit– 651 Old Dunstable Road, #4-17**

Chairman Maxwell convened the hearing by reading the legal notice.

Member Easom stated for the record that his wife's dog has been washed by the applicant.

Joe Bozek introduced his sister and their engineer, Mr. Viznisky, who designed a septic system for the overflow due to the pet grooming operation. He said they have worked hard to make sure all their ducks are in a row.

Member Mulligan asked whether it is strictly grooming.

Ms. Bozek said it was only a pet grooming operation.

Member Prager asked whether it is a one customer at a time operation.

Ms. Bozek said yes, and noted that she has another full time job.

Ms. Bozek said she has a full time job, and would like the operation to be open Wednesdays and Saturdays 9 to 2. She said she lives alone so there is very little traffic, noting that she had a similar business in Dunstable.

Mr. Bozek said Sarah sent letters to abutters and for the most part the abutters are totally in support. He said one abutter was concerned that the operation would grow too much, noting that he wants that addressed and stressed that there were no complaints in Dunstable. He said there will be no walk-ins and only by appointment. He said his sister wants the operation to be small and local.

Member Cadle asked whether there would be any signage.

Ms. Bozek said she would like a sign eventually.

Mrs. Collette said the sign bylaw committee would grant a permit for a compliant sign.

Kim Kelly, abutter, spoke in support.

Ms. Zaborowski, abutter also spoke in support, noting that she has animals that the applicant has cared for in the past.

Richard Martin, abutter, said he supports the business.

Member Easom said he is very thankful for the neighbors coming in to support the applicant, noting that it makes the job much easier.

Member Prager made a motion to grant a special permit to allow a home occupation for a single groomer pet grooming service to Sarah Bozek and with the following conditions: There shall be no additional employees, grooming services are provided by appointment only, hours of operation shall be 9 am to 5 pm weekdays and 9 am to 2 pm on weekends and the Title V tight tank septic system shall be maintained pursuant to Board of Health regulations.

The motion was seconded and passed unanimously.

## **Other business**

### **Minutes and Bills**

One Groton Herald bill was signed.

Chairman Maxwell made a motion to approve minutes from March 1, 2017. The motion was seconded and passed unanimously.

A motion was made to approve the reappointment of Stuart Schulman as an associate board member. The motion was seconded and passed unanimously.

Jenipher Spencer, realtor, is interested in zoning and does not feel her position would be a conflict.

A motion was made to approve the appointment of Jenipher Spencer as an associate member. The motion was seconded and passed unanimously.

Perjury affidavit - Discussion ensued regarding whether something could be asked in writing or from the whole room verbally at the beginning of a hearing. Further research is required.

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

Minutes approved 6/21/17.