



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

January 24, 2018 – Burgess/Evans

Present

Cynthia Maxwell, Chairman
Mark Mulligan, Member
Bruce Easom, Member
Dan McLaughlin, Associate Member
Jen Spencer, Associate Member

Not Present

Jay Prager, Member
Berta Erickson, Associate Member

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

Meeting Minutes

Burgess/Evans Variance – 24 Smith St., #11-17

Chairman Maxwell convened the hearing by reading the legal notice.

The board agreed that the application packet was very thorough.

Ms. Evans said they are both engineers. She said they want to build a garage and although they have a lot of acreage, there is relatively little land available for the garage. She said they could build without a variance but they want the garage to be closer to the street than allowed by right. She said they would use a green grid system that makes it look like grass rather than concrete or paving. She said this only works on a flat surface and they also don't want to lose two big oak trees that would need to be removed if the garage was moved further back. She said the cars that would be stored in the garage are seasonal vehicles: two Cobras only used in nice weather. She said she sent emails to all neighbors, speaking to half of them and they are all in favor of the project.

Member Mulligan asked for clarification on the map where they want to put the garage.

The applicants pointed out the location.

Deb Winsor, as interested party, noted that she felt the white driveway was not drawn to scale.

The applicant said would it would move into a double drive.

Ms. Winsor asked why the garage couldn't be moved toward the house.

Ms. Evans said there is decking there, as well as view of the sunset. She said there is also a steep drop off by an older addition with walk out basement.

Ms. Winsor asked whether there would be any running water.

Ms. Evans said there would be no water or workshop space.

Member McLaughlin said it was a great presentation, but noted that they need a hardship re: soil, topography and shape of lot.

Ms. Evans said parts of the lot are not accessible due to steep topography, wetlands and the location of the leech field/septic. She noted that it is not good to store a car where it is wet. She said she also wants to have an environmentally safe driveway and keep the two oak trees.

Ms. Winsor felt that they just wanted to preserve the view scape and keep the oaks.

Discussion ensued regarding variance criteria.

Of note: the oak trees and sloping topography create some issues.

Ms. Evans said there are certainly compromises, and outlined the preference as first choice. She also noted that the road easements make it appear further back than the actual boundaries.

Member McLaughlin said that corner lot setbacks are more difficult to meet.

Ms. Winsor asked whether more garage bays could be added if the property was sold.

Discussion ensued regarding topography and where to get a curb cut.

Member McLaughlin asked why it couldn't be closer to the septic system. Discussion ensued.

Member Mulligan said he didn't have an issue with the proposal.

Member Easom said he understands the 50-foot setback to prevent a crowded look on a corner lot, noting that he also understands not wanting to obstruct the view from the south. He said there are tradeoffs.

Member McLaughlin said he feels the trees aren't old enough to warrant such a variance.

Chairman Maxwell asked where he would be okay with the garage being put.

Ms. Evans said she feels this is the most aesthetically pleasing location and angle for the garage. She said they might be able to save one of the trees.

Member Mulligan said he feels that if the board is granting a variance, the variance should be for what the applicant is requesting rather than for saving one tree. He said it is still the same criteria, noting that the argument could be made that due to shape, topography etc. and the desire to preserve two trees, a variance is warranted.

Ms. Winsor said she feels that the trees are in the view scape now.

Ms. Evans said no, just a pine tree that is not long for this world anyway.

Member Spencer said if the garage was further down on the lot, they would need to pave rather than use eco materials.

Ms. Evans said yes.

Ms. Winsor asked what would happen in the future if the new owners wanted to pave.

Member Mulligan noted that there are no abutters against the project and the applicants could argue hardship, environmental materials used, keeping the screen of trees, saving the view scape etc. He said it would not impact neighbors more or less if the garage were moved back slightly.

Member Spencer said she thinks it is a good project.

Member Easom said he wants a compelling reason to grant a variance.

Member Spencer said she thinks the topography justifies the variance.

Member McLaughlin said he has a problem because an option was presented that could work, even if not ideally, and thus could be built by right. He said he agrees there is some hardship, noting that he is struggling with this.

Ms. Evans said there is also hardship because of the wet nature of the right side of the site.

Member Easom said there is 23 feet available on the north side of the house, noting that the view could be saved from there.

Discussion ensued regarding what other options are possible, including rotating the garage, as well as relocating the garage.

Ms. Winsor asked for clarification of Member Easom's idea of putting the garage in front of the house.

Member Easom said the garage doors would be facing Smith Street.

Ms. Winsor asked whether the garage would be on the northwest corner of the house. Member Easom said it was, noting that the curb cut would be on Smith Street.

Ms. Winsor suggested putting it on the southwest side and share with the driveway.

Discussion ensued regarding different locations.

Ms. Burgess said if they don't get the variance, they will put the garage as shown on the plan and get rid of the trees and pave the driveway.

Member Mulligan said he feels the difference of location in the by right vs. variance is pretty insignificant. He said he feels he can argue hardship and grant the variance. He said preserving trees, using porous surface, etc. are all beneficial, noting that they would need a full foundation and asphalt driveway without a variance. He said the trees help with blending.

Member Easom said a variance is for perpetuity and trees can be replanted. He said he feels the trees should not be a standard for granting a variance.

Member McLaughlin said there is a bar that is needed to get over to grant a variance.

Member Spencer said there seems to be a problem with the by right location because of wetness.

Ms. Evans said neighbors have to pump their basements in the spring because the area gets wet fast. She said they would keep the building low and just for two cars if they get a variance. She said a garage built without a variance would have a full foundation and a work area on an upper level.

Discussion ensued regarding the aesthetics, etc., and also whether to withdraw or deny the permit.

Member Easom said he would grant based on average setbacks in the neighborhood being similar.

Ms. Winsor said it seems like a nice open space preservation, in conjunction with neighbors, noting that this is not a wetland so it could be built on.

Member Spencer felt that the non-pavement and one story garage is better for the neighborhood, even with the variance.

Discussion ensued regarding what impact having a continuation may have on the outcome.

Member Easom said that issuing a variance potentially has a negative impact on the neighborhood, so he said he wants to hear from those most affected with the most to lose or gain, noting that that is important.

Member Easom made a motion to continue the hearing to January 31, 2018 at 7 pm.

The motion was seconded by Member McLaughlin and passed unanimously.

Other business

Minutes and Bills

One Groton Herald bill was signed.

Member Easom made a motion to approve minutes from January 3, 2018. The motion was seconded and passed three yeas, one abstention.

Member Easom made a motion to adjourn at 8:30 pm. The motion was seconded and passed unanimously.

Approved 4/4/18.