



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

April 18, 2018 – Petros Special Permit, Tuomi Special Permit/Appeal

Present

Cynthia Maxwell, Chairman, via teleconference
Mark Mulligan, Member
Bruce Easom, Member
Dan McLaughlin, Associate Member
Deb Winsor, Associate Member

Not Present

Jay Prager, Member
Berta Erickson, Associate Member
Jen Spencer, Associate Member

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

Meeting Minutes

Petros Special Permit– 207 Gratuity Rd., #4-18

Member Easom convened the hearing by reading the Legal Notice.

One interested party was present. No abutters were present.

Mr. Petros said his intention was to have his in-laws move in with the family when he purchased the property in November 2017. He said his father-in-law was diagnosed with terminal cancer and passed away last week. He said he still wants his mother-in-law to move in and have an accessible living space and bathroom because she is in a wheelchair, noting that this gives a private space to her and all of the nurses and therapists coming to work with her.

Member Mulligan asked what relief is being sought.

Mr. Petros said the property is in a 100 year floodplain, noting that he is also within 200 feet of the river. He said he is working to keep the addition as far from the river as possible. He said he considered adding up but it is not feasible with a wheelchair, nor can he have a detached dwelling and if added on the other side it would be closer to the river. He said he proposes a 18x26 room with a small porch to aid in access.

Member McLaughlin said he thinks about flood insurance and how the zones are determined, noting that some towns require a mitigation to push displaced water but Groton doesn't do that. He said most people get a surveyor to prove that the structure is above 210 feet and thus not in the floodplain. He said that since the applicant has not done that, he doesn't see how the board can grant a permit.

Mr. Petros said the addition will be on piers so if flooded, the water can flow through, noting that the whole 16 acre lot is in the floodplain.

Member McLaughlin said normally there is a big section of the bylaw stating what can and can't be done in the floodplain and it is not in the Groton bylaws.

Mr. Petros said he was before the Conservation Commission and they had a few different things to do to lessen impact. He said a site walk was done and the addition can have no gutters, needs to be up on stilts, have a base of stone, etc. He said he has full approval from the Cons. Comm.

Member Mulligan and Winsor both said they are okay with granting a permit.

Mr. Petros said he fell in love with the property and privacy, not realizing that everything is in the floodplain, noting that it's beautiful. He said he has elective flood insurance because he has no mortgage.

Discussion ensued regarding how often the property floods. Mr. Petros said there is some evidence of flooding in the barn.

Member McLaughlin said he understands that the Cons. Comm. is okay with this, but he said he doesn't see how the board can grant a permit for the addition.

Discussion ensued regarding floodplain regulations, specifically for 100-year flood plain.

Member Mulligan said the structure already exists and the applicant is looking for a permit to amend or add to the existing structure.

Mr. Petros said the whole house is in the floodplain.

Member Mulligan said that if he had purchased a vacant lot, he could understand not being allowed to build, but the structure is already there.

Discussion ensued regarding how to proceed.

Chairman Maxwell said she felt that because of the Cons. Comm. conditions and the addition will be built on piers, it is okay to grant the permit.

Mr. Petros said the existing house has basement cut outs so water can flow through and out.

Member Winsor said that the applicant went to two boards and is working on mitigation.

Member McLaughlin said he could get a new survey that shows the addition is above the flood plain.

Member Mulligan made a motion to grant a special permit to John Petros, 207 Gratuity Road, to allow the alteration of a non-conforming structure in a floodplain. Member Easom seconded, with Members Maxwell, Mulligan, Easom and Winsor voting aye and Member McLaughlin voting nay.

Mr. Petros said he wants to do the right things.

Tuomi Special Permit– 53 Pleasant St., #2-18

Member Easom reconvened the hearing and read a letter from the Town Clerk explaining a posting issue that requires that the Board continue the hearing to avoid violation of the open meeting law.

One abutter was present and one interested party was present.

Tuomi Special Appeal of the Building Inspector– 53 Pleasant St., #3-18

Member Easom reconvened the hearing and read a letter from the Town Clerk explaining a posting issue that requires that the Board continue the hearing to avoid violation of the open meeting law.

Member Mulligan made a motion to continue both hearings until the May 2nd at 7:15 pm. The motion was seconded and passed unanimously via roll call vote.

Other business

Minutes and Bills

One Groton Herald bills were signed.

No minutes were approved.

Member Mulligan made a motion to adjourn at 7:40 pm. The motion was seconded and passed unanimously.

Approved 5/2/18.