



## Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

### May 2, 2018 –Araujo Special Permit, Tuomi Special Permit/Appeal

#### Present

Cynthia Maxwell, Chairman  
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

##### Araujo Special Permit– 331 Whiley Rd., #5-18

Chairman Maxwell convened the hearing by reading the Legal Notice.

Several abutters and interested parties were present.

Dan Wolfe, engineer, was present as agent for the applicants, noting that 331 Whiley is not a large lot and thus they are quite constrained by options. He said the dwelling was constructed in 1936, noting that some renovations have been done. He said many improvements need to be made and it doesn't make sense without a total reconstruction. He said they were careful to not further encroach on the boundaries, etc., noting that the lot has less frontage and area and the structure is non-conforming because it is only 3.3 feet off of Whiley Road and with a side setback of 9.2 feet. He said the new house would have the same side setback: the offset to the road will be four feet, and much of the footprint has not been changed. He said the only expansion is to the side and rear and conforms to setbacks, etc. He said the other standard is not proposing something detrimental to neighborhood, noting that they are completely surrounded by Groton Conservation Trust land, which is vastly forested and across Moose Trail. He said they visited the BOH Minutes Meeting of May 2, 2018- page

because the existing cesspool was very close to the drinking water well. He said they have installed a septic system across the street, noting there is also a new well.

Discussion ensued regarding retaining walls that have already been installed with permits.

Mr. Wolfe said there is a proposed deck that they will ask for permits for later, and noted that the decks will be conforming.

Chairman Maxwell read a memo from Ira Grossman into the record.

Mr. Wolfe said he is aware of that memo.

Chairman Maxwell read a letter in support from abutter Valentine.

Member Mulligan noted that they are not increasing the setbacks and are actually decreasing the non-conformity.

Chairman Maxwell asked about the deck.

Discussion ensued regarding the deck: there is an existing roofed deck but the new deck is shown on the plan.

Member Mulligan asked whether there is an increase in the proposed plan.

The applicant said the dwelling would be 1100 sq. ft., vs. 645 sq. ft.

Member Winsor asked about the BOH minutes speaking about a six-bedroom house.

Mr. Wolfe said this is an error, noting that it is for two bedrooms.

Member Easom said that if the lot were conforming, the dwelling would need to be setback 50 feet.

Mr. Wolfe said that anything they do can't be closer than 3.3 feet, which is why they are asking for a special permit. He said that if it is not additional nonconformity, it could be done with a special permit.

Of note: if coming closer they would need a variance.

The Andersons, abutters, both noted they were pleased with the dwelling on the Suslowicz property and support this application as well.

Tom Wilson spoke in support of the application, noting that it is a good asset to the neighborhood.

Member Easom made a motion to issue a special permit for 331 Whiley Road for the renovation/reconstruction of a single family home, as per the plans submitted, dated March 2018, with the condition that construction is in compliance with BOH regulations /variance. The motion was seconded and passed unanimously.

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

Chairman Maxwell reconvened the hearing.

Several abutters and interested parties were present.

Atty. Gibbons, agent for applicants, presented a larger copy of the updated plans and gave a brief history. He said the height was 20.4 ft. and they want 21.4 ft. He said the work will increase some of the non-conformities and suggested that these changes are not detrimental to the character of the neighborhood and will be built to current building codes. He said the front setbacks are similar and the height is well under 35 feet. He said the dwelling will be one and one half stories and most homes in the neighborhood are two stories. He said they are asking for the grant of a permit.

Member Winsor asked for clarification of the 20.4 vs. 21.4 height.

Atty. Gibbons said two chimneys were removed that were more than 24 feet.

Discussion ensued regarding the location of decks, driveway, etc. Of note, the existing driveway is 8 feet. The architect said it is very tight so they will be moving the steps, noting that it is almost a shared driveway.

Member Winsor said no there is no easement to share the driveway.

Atty. Gibbons said access is a separate issue and the access is not going to be changed.

Applicants said the driveways are side-by-side and there is not a fence there currently.

Discussion ensued regarding the topography, making it such a tough site and why it was on the market for so long.

Atty. Gibbons said it is similar to the last application.

Member McLaughlin said it was not because they started without a permit.

Discussion ensued regarding the effect on the neighborhood.

Atty. Gibbons said that if the driveway is an issue, he would address it with the building inspector.

Member Easom said he thought the only thing they needed was an updated plot plan/plan and it has been submitted so it is okay to grant the permit.

Member Winsor said she feels this is not a holistic plan.

Discussion ensued regarding purview of ZBA.

Member Spencer said the dwelling height and plot plan were the issues and she said she thinks we are not to plan the driveway, etc.

Discussion ensued regarding the height from grade.

An abutter from across the street said he has no problem with this plan.

Member McLaughlin said he was disappointed that they didn't keep the historic façade.

Discussion ensued that this is not ZBA purview because the property is not in the Historic District.

Member McLaughlin made a motion to grant a special permit to 53 Pleasant Street to construct a dwelling as shown on plans submitted April 5, 2018. The motion was seconded and passed unanimously.

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

Chairman Maxwell reconvened the hearing.

The applicant requested to withdraw the appeal.

Member Easom made a motion to allow the applicant to withdraw the appeal. The motion was seconded and passed unanimously.

### **Other business**

### **Minutes and Bills**

One Groton Herald bills were signed.

April 18, 2018 minutes were approved by unanimous vote.

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

Minutes approved 6/13/18.