



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

May 30, 2018 – Kinnear Variance, Leung Special Permit, B-Squared Special Permit

Present

Mark Mulligan, Member

Bruce Easom, Member

Dan McLaughlin, Associate Member

Jen Spencer, Associate Member

Deb Winsor, Associate Member

Not Present

Cynthia Maxwell, Chairman

Jay Prager, Member

Berta Erickson, Associate Member

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

Meeting Minutes

Kinnear Variance– 54 Ridgewood Rd., #6-18

Acting Chairman Mulligan convened the hearing by reading the Legal Notice.

No abutters were present

Mr. Kinnear was present as applicant, noting that he wants to add two sheds to the lot across from his house, which currently has the septic system on it. He said one shed would be in the corner by the septic system and one in the corner of the parking are, on the lake side.

Member Mulligan asked whether the sheds are moveable.

Mr. Kinnear said they would be on cement blocks, noting that there is a sort of a pad already there. He said he has permission from the Cons. Comm. to put the sheds on permeable material.

Member Mulligan asked for clarification of the materials.

Mr. Kinnear asked for a geo grid to put the sheds on. He said he also got permission from the Cons. Comm. to move the floatable dock to other side and put in a permanent dock on this lot.

Member McLaughlin asked about parking.

Mr. Kinnear said he would have a parking spot for another car and trailer by the septic system, as well as a turning area.

Member Spencer said she felt this is the only place to put the sheds because of the dramatic drop off.

Member Winsor asked about the retaining walls shown on the plan.

Mr. Kinnear said they are both already there. He said the further he can push the sheds to the property line, the more parking and turnaround room there would be. He said his neighbor has a shed in a similar location and that gave him the idea.

Member Easom suggested he describe the neighborhood and other sheds.

Mr. Kinnear said several neighbors have sheds and described each location.

Member Easom said the board should consider the character of the neighborhood and the unique topography.

Discussion ensued regarding the docks and rafts and whether any other dwellings could be added.

Member Mulligan said he had no issue with the project and Member Spencer said the topography is steep and there is no other location for the sheds.

Member Easom made a motion to issue a variance for 54 Ridgewood for the installation of two sheds as shown on the plans submitted, dated April 2018. The motion was seconded and passed unanimously.

Leung Special Permit– 9 West Main St., #7-18

Acting Chairman Mulligan convened the hearing by reading the legal notice.

The Chairman read three letters into the record that were received on May 30, 2018, one from an abutter, one from Ira Grossman and one from T. Tada, Planner.

Several abutters and interested parties were present.

Mr. Leung, present as applicant, noted that he chose the property because he thought it would make a good conversion to a two family dwelling. He said he wants his parents to live on the first floor and he would

live on the second floor. He said he feels the setbacks are non-conforming for any use so it is a moot point. He said he feels a two family is more conforming because most uses in the area are residential. He said he wants ZBA approval prior to spending the money for engineering.

Member Spencer said she knows a lot about the property, noting that she has a big problem with that building being converted to a residence. She said it is an important landmark and there is so little business that if it is converted to residential, it would never be converted back. She said the septic is a big issue, potentially never to be a business again.

Mr. Leung said he had no intention in purchasing the property, noting that he went in to get a cup of coffee and ended up helping the owner who was in financial distress. He said it is easy to say that the use shouldn't change, etc., but stressed that they are only there to see if the alteration is more conforming.

Member Winsor asked what is more conforming, noting that she sees a commercial structure and not a residential dwelling.

Member McLaughlin said a non-conforming structure or use could be altered and read the bylaw. He said it has to comply with the applicable density regulation, etc., noting that there is no minimum for non-residential but there is a minimum for residential of 10,000 square feet.

Discussion ensued regarding what is zoned VCB in the area.

Discussion ensued further about the non-conforming nature of lots in the neighborhood/area.

Member McLaughlin said he feels if it is residential to residential or business-to-business there is no minimum but here there is a minimum of 10,000 sq. ft.

Mr. Leung said he wants a ZBA permit first.

Member Mulligan said the board typically is shown a plan before making a decision.

Mr. Leung proceeded to give multiple reasons why a business is a more intensive use.

Member Spencer wanted to know why he doesn't sell the property as a business use and move into a two family that has proper septic, etc.

Mr. Leung said it is too dangerous to have a business there.

Member Winsor said it is the same risk for residential.

Discussion ensued regarding the safety issues of business vs. residential.

Mr. Leung said he has rooms full of people against him when he wants to put in a pet resort and he said he thinks this is a less intensive use for the site. He said business uses in the past were not viable.

Member Mulligan asked whether the applicant is just asking for a special permit for a two family.

Mr. Leung said yes, noting that he is not changing the footprint at all.

Member Easom said he understands the desire to get a permit without plans but he does not feel comfortable granting one with no plans. He said he is willing to continue the hearing until the applicant has plans.

Mr. Leung said he wants a permit with no plans.

Member Easom said he is not okay with this. He said the applicant has to go to several boards and doesn't want to have this come back to the ZBA looking totally different.

Discussion ensued regarding whether giving a permit conditionally would be okay.

Member Winsor said she feels transient parking is different than permanent residential parking.

Member McLaughlin said he wants to ask Town Counsel whether a transfer from commercial to a residential two family is legal and can be done without plans.

Carol Canner, abutter at 35 Cannery Row, said she could not see a residence there. She said it is right on the street, and it is not good to cram so many bedrooms in. She also suggested changing the building to have a little bit of setbacks for a residence. She said they should have some sort of a plan, even if hand drawn.

Ms. Nowack, 17 Pepperell Road, abutter and said she was not contacted. She said she understands the struggle to keep a viable commercial use but also feels turning it into a two family is not okay, with or without alterations. She said it is not a place where one would raise a family, noting how dangerous the intersection is.

Mr. Leung said he can imagine it and wants his parents to live there.

Member Winsor said this is not just about the applicant, but the permit is with the property for perpetuity.

Mr. Leung said there is a half floor that could be finished.

Carl Canner, abutter, said he has lived there since 1970. He said he had three dogs, Somoyads, and two dogs were hit and killed. He said this is not an okay home for kids.

George Wheatly, Jr., former resident, asked whether a change of zoning requires a town meeting vote, which it does not.

Gail Chalmers, abutter, questions whether there is any second story, noting that she believes there is a cellar but no second story. She said there are not a lot of commercial buildings in West Groton but what there is, is in that area, ie, the post office, River Court, the factory. She said it is primarily residential but she wants to keep the commercial that is there. She said she works at Rivercourt and walks to work and it is dangerous. She said the previous owner had a terrible time with septic issues and had to take out tables and a rocking chair because someone was eating there and it was not allowed per Board of Health.

Lance Manso, 10 Bayberry Road, said it makes sense in terms of safety because there would be less in and out on a daily basis if the use is residential rather than commercial.

Carol Canner asked why it has to be a two family since a single family is less complicated and with less cars.

Mr. Leung said he has spent a good portion of his life living with his parents, noting that he wants some separation.

Member Winsor said a zoning change is a big deal.

Cindy Smith said it has always been a general store and now they are talking of a two family with two floors. She said it has been a social gathering place of sorts and to move it out of commercial zoning would be a loss for the neighborhood.

Mr. Leung said he was originally going to have a pet store but when visiting there was almost hit by a car and thus doesn't want a business at that location.

Dan Wolfe said he is an engineer but not an abutter and is present for another hearing, noting that the biggest challenge here will be the Board of Health. He said he designed the system 28 years ago and he thinks the applicant should pursue BOH before worrying about a ZBA permit. He said this puts the cart before the horse in asking for a ZBA permit before going to the BOH.

Ms. Chalmers said it is still high traffic even if a residential use.

Member Mulligan outlined the options for the applicant.

Member Easom said he wants an updated plot plan with a septic system, parking arrangements, curb cuts, front and side elevation, at least as a hand drawing.

Mr. Leung said he is using existing parking.

Member Easom said that that is a presumption he is not willing to go with.

Discussion ensued regarding what is required.

Further discussion ensued regarding whether the board should vote or continue the hearing.

Of note: the applicant needs to provide a full septic plan and a rendition of what is being proposed, such that the board can understand the project.

Member Easom made a motion to continue the hearing to June 13, 2018 at 7:30 PM. The motion was seconded and passed unanimously.

B-Squared Special Permit– 62 Gratuity Rd., #8-18

Acting Chairman Mulligan convened the hearing.

Dan Wolfe, engineer, spoke for the Bradlees of B-Squared, noting that he first viewed the project as not needing a special permit, because it conforms to all bylaws. He said Groton does not have a clause that allows for by right reconstruction with a non-conforming lot, noting that it is otherwise fully compliant. He said it is easy to say it is not detrimental to the neighborhood.

Member Mulligan said he can't do anything more with the plans to make it more compliant.

Mr. Wolfe said the only difference is that they are spinning the footprint a little.

Mr. Wheatley, 509 Main Street, said the existing cement building needs to go.

John Wallace, abutter, wanted assurance that the water table won't be changed.

Mr. Wolfe said no, this plan will not change the water table, noting that there would need to do a lot more lot coverage.

Member McLaughlin made a motion to grant a special permit to reconstruct a single family dwelling at 62 Gratuity Road, based on the plan submitted. The motion was seconded and passed unanimously.

Other business

Minutes and Bills

One Groton Herald bill and one Lowell Sun bill were signed.

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

Minutes approved 8/8/18.