



## Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

**June 13, 2018 – Ward Special, Madigan Variance, Leung Special Permit,**

### **Present**

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

### **Not Present**

Jay Prager, Member  
Berta Erickson, Associate Member

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

### **Meeting Minutes**

#### **Ward Special Permit– 142A Main St., #10-18**

Chairman Maxwell convened the hearing by reading the Legal Notice.

Several abutters were present.

Atty. Collins said he switched the applicant and owner on the application and if a permit is granted it should go to Ward Holdings, LLC. He said the old Lavigne home is beautiful and has been totally restored, noting that although they are changing the use, it will be maintained to look like a home. He said Dan Quayle is the architect hired for the plan, noting that the backside will have the main change, with an entrance like it was in the 40's. He said the site plan limited changes to just the rear and the front and side will be landscaped as is, noting that there will be a modest parking area due to Conservation Commission requirements. He said there will be screening of abutters with a fence and planting, noting that this is a nice repurposing and has been favorably received by every board they have been before, including the HDC and Cons. Comm.. He said a Negative Determination was issued by the Cons. Comm. last night and

they will go back to the PB for a formal site plan review after Town Meeting approval. He said that they would also be before the storm water management committee.

Member Mulligan asked how many offices there would be.

Atty. Collins said just one, noting that the building is 4400 sq. ft and the lot is 1.4 acres. He said his client wants to retain a residential appearance with a single office. He said his client runs a very low-key operation, noting that she is a lawyer who generally goes to her clients rather than having them come to her. He said she uses very high standards in renovations and maintenance, and this property will be brought back to life in a very good way.

Member Easom asked whether the driveway would be one-way or two-way.

Atty. Collins said he is unsure, but thinks this will be resolved with site plan review and will probably be one way.

Member Easom asked whether the permit is transferable

Discussion ensued regarding whether that can be conditioned, or whether a law office use only is conditioned.

Atty. Collins suggested conditioning site plan review on change of use.

Further discussion ensued.

Richard Curtis, next door abutter, said he has forgotten what types of conditions can be attached in a rezoning situation.

Discussion ensued.

Mr. Curtis asked for one condition that they be respectful that it is primarily a residential neighborhood and they don't want heavy equipment/landscaping very early or late. He also suggested an expiration date.

Discussion ensued regarding how to preserve the residential nature of the neighborhood while allowing a business to succeed.

Mrs. Curtis, said it is one lawyer's office, but asked what happens if more than one lawyer works there.

Atty. Collins said it is a single law firm, not a single lawyer. He said that if his client rents out space she would need site plan review.

Discussion ensued regarding how many people are working at the firm and how to monitor.

Mrs. Curtis said she has no understanding of this. She said she wants to understand how many lawyers actually work there and how much traffic to expect.

Atty. Collins said he doesn't know the exact number. He said this concept plan is what was presented and voted for at town meeting.

Member Spencer said it is not a set number because people come and go, noting that this is a beautifully restored building that will bring up the value of their home.

Mrs. Curtis said she doesn't care about value but wants to know how much overnight traffic, etc. there will be.

Ralph Wiechman, interested party, said it is a small firm.

Atty Collins said it is a very low-key operation.

Member Mulligan said there are ordinances in town that protect against light and noise violations.

Discussion ensued regarding how to protect abutters.

Atty. Collins said no lighting is proposed other than what is purely residential.

Member Mulligan said he doesn't have a problem with the concept.

Mrs. Curtis wants recourse, noting that that is why she is here.

Member Mulligan made a motion to approve a special permit with the following conditions:

- 1) The validity of this permit is dependent on the applicant recording this decision at the Middlesex South District Registry of Deeds. A building permit shall not issue until the Applicant has filed with the Building Inspector and the Board of Appeals a copy of this decision setting forth the Book and Page reference, together with the date and time of recording of the decision in the Middlesex Registry of Deeds.
- 2) A new special permit shall be required if the use of the space changes from law offices.
- 3) Exterior lighting shall be installed as shown on the architectural plans.
- 4) Outside lights shall be turned off each night and no motion sensors shall be installed/used.
- 5) All outside maintenance shall be done between the hours of 7 AM and 7 PM, Monday through Saturday.

Discussion ensued regarding how to handle lighting, etc., and outside maintenance.

The motion was seconded and passed unanimously.

## **Madigan Variance- 419 Old Ayer Road, #9-18**

Chairman Maxwell convened the hearing by reading the legal notice.

No abutters were present.

Atty. Collins was present as agent for Mrs. Madigan. He said the property was in disrepair and his client bought it to build for herself and her family. He said that currently she wants to build a house for herself and renovate the Lewis property to sell to a young couple. He said that in the future she wants to build for her family but for now is building just for herself. He said there is a beautiful vista and there will be limited development and because of this shared driveways are good. He said this is much better than conventional development for both the town and the site. He said there is a wetland/culvert that was put in many years ago and was not maintained and thus a wetland has been created. He said it is a logical thing visually and environmentally to limit driveways, noting that the existing driveway for the old house will remain but the new lots should have access that limits the disturbance of the field. He said there is valuable habitat nearby that also connects with properties and ends up at the brook. He said his client told him she wants to preserve both the habitat and field so this is a good use for the property, and it also fits within the confines of the variance statute because of the meandering wetland, the field and the habitat. He said the driveway is designed by Stan Dillis and it exceeds driveway standards and will need Cons. Comm. review. He said this is a unique situation, also noting that it is also not the first time this situation has been before the board because a variance was approved for Bob Kiley by Baddacook Pond under very similar circumstances.

Member Mulligan said he is fine with it.

Member Winsor asked whether there was any conservation easement.

Atty. Collins said that it could not be further developed because of a special permit granted by the PB, noting that it is only four lots.

Member McLaughlin asked whether they are hammerhead lots.

Atty. Collins said no because the lots are not five acres, but only three. He said his client also wanted to preserve the field, noting that the lots were tucked behind a hedgerow.

Member McLaughlin asked about acreage.

Atty. Collins said it is a good size parcel, although not two acres, but what is allowed under 218-26, PB, flexible development.

Member Easom asked about shared driveways, noting that he wants to know about some issues among the neighbors.

Atty. Collins suggested having a condition that expenses are shared.

Member Mulligan said it should be subject to a repair and maintenance agreement that is recorded.

Atty. Collins said that there would also be subsurface utilities and located within the common driveway easement.

Member Easom said a document outlining maintenance requirements to reduce later fighting is important.

Member Winsor asked whether a shared common driveway is the same as a private road, and was told it was not.

George Wheatley asked how wide the driveway would be.

Atty. Collins said 16 feet, as per the regulations, noting that there is also a drainage system plan.

Member Easom made a motion to grant the petitioner's application for a variance to allow four dwellings to share a driveway to be located on assessor's parcels Lot 221, 19 & 20, as shown on the plan #5616 by Ducharme and Dillis submitted, dated 3/13/18, and with the following conditions attached:

- 1) The validity of this permit is dependent on the applicant recording this decision at the Middlesex South District Registry of Deeds. A building permit shall not issue until the applicant has filed with the Building Inspector and the Board of Appeals a copy of this decision setting forth the Book and Page reference, together with the date and time of recording of the decision in the Middlesex South District Registry of Deeds.
- 2) A maintenance and repair agreement detailing that all expenses shall be shared equally shall be filed with any deeds.
- 3) All utilities shall be installed underground in the easement portion of the driveway.

The motion was seconded and passed unanimously.

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

Chairman Maxwell re-convened the hearing.

The applicant requested a continuation. Member Easom made a motion to continue to the 9/12/18 at 7 PM. The motion was seconded and motion passed unanimously.

### **Other business**

### **Minutes and Bills**

Member Maxwell made a motion to approve minutes from 4/4/18 and 5/2/18. The motion was seconded and passed unanimously.

Member Easom made a motion to adjourn at 8:10 pm. The motion was seconded and passed unanimously.

Minutes approved 9/12/18.