



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

September 12, 2018 –Leung SP Salon SP, Valentine amend SP, H&G SP

Present

Mark Mulligan, Member and Acting Chairman

Jay Prager, Member

Bruce Easom, Member via teleconference

Jen Spencer, Associate Member

Dan McLaughlin, Associate Member

Not Present

Cynthia Maxwell, Chairman

Deb Winsor, Associate Member

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

Meeting Minutes

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

Acting Chairman Mulligan re-convened the hearing.

The applicant requested a continuation until December 2018.

Member Prager made a motion to continue to December, not date certain, seconded by Member McLaughlin and the motion passed unanimously via roll call vote.

Gail Chalmers asked whether the property could be leased. Of note: could be leased under current use as a store.

Salon Special Permit– 39 Off Prescott St., #13-18

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

Several abutters and interested parties were present.

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Mr. and Mrs. Salon were present, noting that lot size is the only issue because all setbacks are met. He said it is a lot on the lake and they have met with the Cons. Comm. and BOH and have received an Order of Conditions, etc.

Member McLaughlin asked why they need to be here if everything is conforming except for lot size.

Mr. Salon said the BI told him he needed to be here.

Member Pracer said they are not increasing non-conformity so he has no problem.

Member McLaughlin said the flood plain has changed recently and said he wanted clarification about any potential ramifications.

Mr. Salon said the Cons. Comm. addressed this.

Member Mulligan said he had no problem with the proposal since the non-conformity is not increasing.

Jill McCaffry asked about the second structure on the property.

Mrs. Salon said that is included in the intensity and lot coverage issues and they are not touching it in any way. She said there is a semi-finished space over the garage with no power or water.

Member Prager made a motion to approve a special permit, as shown on the plan submitted with the application. The motion was seconded by Member Easom and passed unanimously via roll call vote.

Valentine Amend to Special Permit #10-16)– 284 Whiley Rd., #15-18

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

A few abutters were present, all in favor of the proposal.

Mrs. Valentine was present (Mr. Valentine was present via teleconference), and submitted a letter from two abutters in support of the project. She then read what was submitted with the application, explaining why the garage size had been slightly increased, and noting that they want to have figures that match with the Cons. Comm. She said they need more storage since house is smaller than originally planned and permitted, and they also want a garage. She noted that the garage will be 20 feet below street level and screened by trees. She said she also want to clarify the original amendment, which included a garage on the original parking area.

Member Mulligan asked whether that parking area is paved.

Mrs. Valentine said it was not. She said that that had been the plan all along, noting that the dwelling was allowed to be within a yellow building circle on the plan. She said she felt it was unclear whether the garage had to be in the yellow circle, and that the SP granted by the ZBA allowed it to be built at the end of the driveway. She said they also want to convert a three-season porch into a four-season room, noting that this will not increase the footprint and thus they thought a further permit was not necessary.

Member Mulligan asked for clarification that converting the porch into living space makes the living space 2300 sq. ft. and 2400 sq. ft. was allowed under the first permit.

Mrs. Valentine said yes.

Mr. Valentine said that the situation is unusual because the ZBA approved plans without a final parameter. He said he feels the only difference is designating the three-season porch to a four season room, noting that the exterior remains the same and all setback requirements are met.

Member McLaughlin said there are three issues: 1) conversion of three season porch to an all season living space, 2) location and size of garage, and 3) size of lot.

Member Prager said he has no issue with the 2300 sq.ft., noting that he feels the original permit allows for the location of the garage, at least.

Discussion ensued regarding what the original permit specified.

Mr. Valentine said very little of the garage would be visible from the road.

Discussion ensued regarding what the original permit/s meant.

Member Mulligan said it is a trade off since the garage will be slightly larger and the dwelling will be slightly smaller. He said it seems the BI wanted clarification and he thinks it is okay.

Member McLaughlin made a motion to clarify the intent the 2016 permit that allows the porch to be converted to living space, which increases the living space to 2300 sq. ft. (which is less than the allowed 2400), the garage be constructed inside of the buildable circle, irrespective of whether it complies with the 50 ft. setback requirement, and to allow a garage up to 576 sq. ft. The motion was seconded and all voted aye via roll call vote.

HEG Special Permit to sell gas– 318 Main St., #16-18

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

Several abutters and interested parties were present.

Atty. Collins was present as agent for the applicant, noting that he was before the board in 2004, but ownership has changed and thus he needs a new special permit. He said there was also a variance for the canopy granted in 2004, but no change is proposed for that and thus a new variance is not necessary. He said there are no proposed changes to the exterior in any way, noting that only the signage will be changed. He said it is the exact type of business, selling gas, retail and Dunkies.

Mr. Cromwell said the hours of operation are changing.

Atty. Collins said there was no restriction in the original permit and feels this is the purview of the BOS and town ordinance regulating. He also said all outstanding taxes, water bills, etc. have been paid, noting that the proposed hours are 5:30 am to 10 pm.

Mr. Cromwell said the Groton Exchange hours were 6 am to 9 pm.

Atty. Collins cited special permit findings, including that it is good not to have another empty commercial building and is positive for tax revenue generated. He also said he doesn't need to go for site plan review because there are no changes to the site. He said the only change to the signs is the name.

Branda Tarin 18 Champney Street, said her bedroom windows face the property. She said she is concerned about hearing snowplows at 4:30 am if the station is opening at 5:30 am. She also noted concern about the landscaping not being trimmed back too far.

Atty. Collins said they are not changing anything and even if they change any bushes, site plan review would be triggered. He said the hours of operation are up to the BOS and he will mention it to them.

Duane Cromwell, 19 Champney, submitted a letter of concerns. Acting Chairman Mulligan read the letter into the record. Mr. Cromwell said he is not opposed to the reopening of the station but wants it on record that traffic on Champney Street is greatly effected when the station is open. He said he is not opposed to the 10 pm closing because there is very little business.

Atty. Collins said he thinks they will be amenable to a 6 am opening instead of 5 or 5:30 am.

Member Prager said many of these issues are not ZBA purview, noting that he thinks this is a nice letter and should be taken up with the BOS. He said the board could not tell people what they can do on abutting properties. He said the board should issue a permit identical to the original one.

Member Prager made a motion to grant/transfer a permit as issued with the additional condition that the operation shall not open prior to 6 am and the exterior will remain unchanged other than names on the signage.

Dave Whalen, 219 Main, said he lives across the street and wanted clarification of Haffner's corporate status. He said it is not listed in the Secretary of State office. He said the town needs to be careful because businesses change and have a different profit agenda.

Discussion ensued regarding how to condition the permit and whether hours of operation can be conditioned.

Member Spencer said it is shifting from a family run town operation to a big corporation but they have a right to operate.

Member Mulligan said the board is granting the permit as it exists, noting that that is what the applicant is seeking for.

Of note: Atty. Collins said a condition for a 6 am opening can be inserted.

The motion was seconded and passed unanimously via roll call vote.

Other business

Minutes and Bills

Member Mulligan made a motion to approve the minutes from 6/13/18. The motion was seconded and passed unanimously via roll call vote.

One Groton Herald bill was signed.

Member Mulligan made a motion to adjourn at 8:25 pm. The motion was seconded and passed unanimously via roll call vote.

Approved 11/7/18.