



## Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

### May 1, 2019 – Kneeland Variance, Garger Variance

#### Present

Cynthia Maxwell, Chairman

Mark Mulligan, Member

Bruce Easom, Member

Dan McLaughlin, Associate Member

Jen Spencer, Associate Member

#### Not Present

Jay Prager, Member

The meeting was called to order at 7:05 pm.

#### Meeting Minutes

##### **Kneeland Variance – 692 Chicopee Row, #4-19**

Chairman Maxwell convened the hearing by reading the legal notice.

The applicant opted for a four-member board with the understanding that the vote needs to be unanimous.

No abutters were present.

The applicant presented his proposal, noting that he wants to build a two-car garage with an attached open breezeway and a farmer's porch. He said the septic system is on the right side, including both the tank and leach field, which would be the optimal location for the garage. He said he has over five acres but the lot slopes back and to the left and thus he needs the garage to be in the proposed location. He said the back of the lot slopes off dramatically, noting that he wants to come closer to the road so the garage can be turned for easier access. He said that currently a single parking spot exists where he wants to put the garage. He said it would be slightly closer to avoid the drop off and the breezeway so can they can access the house via the farmers porch.

Discussion ensued regarding some of the history of additions.

Mr. Kneeland said there was a family room addition and the property is listed as a two family because there is an in-law apartment. He said the concrete pad in the back is used as a patio.

Member McLaughlin said the applicant has a topography hardship.

Member Mulligan said it meets the variance criteria, noting that he has no issue with the proposal.

The applicant said he spoke to abutters and they were all in favor, noting that he thinks this will improve the value of the house. He said this would also increase storage as he has a finished basement, noting that he can do a reinforced foundation in that location.

Member McLaughlin made a motion to grant a variance from setback for a garage and farmers porch as presented. The motion was seconded by Member Easom and passed unanimously.

### **Garger Variance—46 Redskin Trail, #1-19**

Chairman Maxwell re-convened the hearing.

The applicant opted for a four-member board knowing a vote had to be unanimous.

No abutters were present.

Mr. Garger said the plan is now for a smaller garage, with two bays instead of three. He said that the engineer at Ross Associates said a three bay garage is too big, noting that the new structure is 26 x 28 and located where the shed currently is.

Member Mulligan asked about setback.

Mr. Garger said it would be two feet from the front boundary and will be accessed from the current driveway, noting that the shed will be removed.

Discussion ensued regarding what is currently there and what buffers will remain.

Mr. Garger said the septic runs under the gravel, noting that he hasn't had a problem in the past. He said his house to property line is about a foot on the side setback, noting that he wants to line up the garage with the house. He then presented other properties with similar setbacks on much busier roads.

Member McLaughlin said they just granted a variance for a smaller garage and suggested making this smaller.

Mr. Garger said he wants this size for a boat trailer, work space, etc., noting that an engineer from Ross Assoc. said this would fit.

Member McLaughlin said he doesn't care about the front setback but does care about the closeness to the neighbor.

Mr. Garger said his house is already close to the lot line.

Member McLaughlin said they would make it fire rated if it is built out of wood and that close to the lot line.

Member Mulligan said the house seems like it is even closer to the lot line. He said everything is very tight but since the neighbors who are most impacted aren't here, he is less concerned.

Mr. Garger said he doesn't need Cons. Comm. review because he is far enough from the water.

Member Easom asked whether any of the comparison houses are on Redskin Trail.

Mr. Garger said no, they are on much busier roads.

Member Easom said they could look at whether the garage is closer than other houses on that street.

Mr. Garger said may be one is.

Member Easom said this seems like it would be the closest to the road.

Mr. Garger said he thinks 51 or 52 has similar setbacks to the shed that will be removed.

Member Easom said the existing shed is further back so the garage would be the closest.

Member McLaughlin said the criteria are soil, shape, topography and hardship is not met here.

Member Mulligan said he couldn't put it anywhere else.

Discussion ensued regarding how criteria could be met/justified.

Mr. Garger said he asked for the BOH meeting to be moved to June.

Health Agent Grossman said there is not enough information provided to grant any permits.

Mr. Garger said that was not true, noting that he was scheduled for May 7<sup>th</sup> and he can't attend so he then asked for a June meeting. He said that he couldn't prove where the septic system is without digging up the yard. He said the garage would be slab construction so he is not digging up anything.

Discussion ensued regarding size and use of garage.

Of note: The BOH needs to be satisfied before a building permit can be granted.

Mr. Garger said the soil is rocky and absorbs well.

Member Easom said one problem with houses so close to the road is it looks like an alley instead of a road.

Mr. Garger said he thinks it will look better having the doors opening to the side instead of onto the road. He said it would be more taxes for the town as well.

Member Easom said the next person wanting to put a garage right on the road will claim no issue because one is already there.

Member McLaughlin said he would be much more comfortable with a 24 x 24 garage, which is much more reasonable. He said he understands that he is losing the shed, but is not okay with this size.

Discussion ensued while looking at the property via Google maps.

Member Mulligan suggested seeing how the board is leaning.

Member McLaughlin said he has no problem with a two-foot setback from the front or the concept of the garage, but has a problem with the size of the garage and the side line setback.

Member Mulligan said the existing house is closer.

Member McLaughlin said he understands that it is what it is but said he is still not totally comfortable with it.

Member Easom said he would like to hear from the most direct abutter, and suggested continuing until there is a five-member board.

Discussion ensued regarding what the board needs to facilitate process.

Member Easom made a motion to continue the hearing to June 19, 2019 at 7 PM. The motion was seconded and passed unanimously.

## **Other business**

## **Minutes and Bills**

No bills were signed or minutes approved.

The meeting adjourned at 8 pm by unanimous vote.

Approved 7/17/19