



## Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

**June 5, 2019 – Cons. Comm./Trimper Variance, Valerio Variance/SP, Whittemore SP**

### **Present**

Cynthia Maxwell, Chairman

Mark Mulligan, Member

Jay Prager, Member

Dan McLaughlin, Associate Member

Jen Spencer, Associate Member

### **Not Present**

Bruce Easom, Member

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

### **Meeting Minutes**

#### **Cons. Comm./Trimper Variance – 125 Martins Pond, #5-19**

Chairman Maxwell convened the hearing by reading the legal notice.

Several abutters and interested parties were present, including Nikolas Gualco, Conservation Administrator and some members of the Commission.

Mr. Gualco presented a brief history leading up to the application for four shared driveways. He said he has been working to acquire a parcel on Martins Pond Road with the Groton Conservation Trust. He said they want to carve out a parcel that contains an existing house in an effort to keep the State grant without having to demolish the house. He said that currently the drive has three house lots, two with actual houses. He said he wants also to ensure that the property is appraised at the best and highest use, which is a requirement of the grant. He said they are before the PB for an ANR endorsement with special permits, noting that he also needs this variance.

Member Mulligan asked about the three existing lots.

Discussion ensued regarding what changes are being made and where the houses/lots are and how they share the driveway. The driveway will bisect approximately fifty acres being sold to the Conservation Trust. The two McClachy hammerhead lots are already there via special permit from the PB. The driveway will have restrictions related to parking and access, and parking will be addressed via the PB and will likely be on another part of the Trimper/McClachy parcels.

Mr. Gualco said there is the possibility of creating a large trail extension connecting Chicopee Row to Scarlet Hill.

Member McLaughlin asked about the frontage for lot one being created.

Atty. Valerie Moore, representing an interested party said the hammerhead lot has frontage via the drive.

Member Prager noted that three lots sharing is by right and thus why they are here.

Member Mulligan said he doesn't have a problem with it, noting that it seems like a good plan for the town.

More discussion ensued about how the entire parcel/s were divided.

Atty. Moore said she appreciates the work the Cons. Comm. has done to safeguard access, etc., noting that she is in favor of the conditions submitted in letter.

Member Prager made a motion to allow four dwellings to share a driveway with the conditions as prepared by the Cons. Comm. The motion was seconded and passed unanimously.

#### **Valerio Variance/SP-166 Pepperell Rd., #6-19**

Chairman Maxwell convened the hearing by reading the legal notice.

Several abutters and interested parties were present.

Mr. Valerio said the new structure would meet setbacks, noting that he has septic approval.

Discussion ensued regarding whether a special permit or variance is required. Of note: frontage is inadequate, lot size is okay.

Mr. Valerio said it would be a 3100 sq. ft. home.

Member Mulligan asked whether the new structure would be improving setbacks.

Mr. Valerio said yes, it would comply. He said the existing dwelling not good and not saveable.

Discussion continued regarding whether a special permit can be granted when the structure is being demolished.

Member Prager said he feels it can't, noting that it has to be a variance from frontage, which is better because it goes with the land.

Member Prager made a motion to grant a variance to allow the replacement of a dwelling at 166 Pepperell Road, with 152 feet of frontage, and a hardship because the lot cannot be brought up to conformity. The motion was seconded and passed unanimously.

### **Whittemore SP-10 Cypress Rd., #7-19**

Chairman Maxwell convened the hearing by reading the legal notice.

Chairman Maxwell read a memo from the BOH into the record dated May 15, 2019.

Member Prager said two things are happening: the structure is expanding and also extending onto another lot. He said there is more than 25% impervious coverage, noting that he feels the structure could be altered to comply.

The applicant's engineer said his client wants to build an addition and garage, noting that they have a new septic system. He said that reducing the addition to fit would satisfy what his client wants. He said that every surrounding lot does not comply with the 25% coverage requirement.

Member Prager said he agrees but now it is two lots and thus needs to comply with setbacks, etc. He said that once two lots are merged, the old non-conformity could not be transferred to the new configuration.

The engineer noted that in 218-22AE, abutting lot averages could be used in dealing with non-conforming lots re: frontage. He said the setbacks are much further than others in the neighborhood.

Discussion ensued regarding how this could be handled.

Member Prager said what if ten lots merged, could the building just be run down the ten lots with the non-conformity.

Section 218-22H, discussion ensued regarding how much coverage was acceptable (there is 32% coverage on both lots).

Member Prager said a special permit would not allow that, noting that asking for a variance, is the only way. He said he feels 25% coverage could be met without seriously affecting the addition and its viability.

Member Mulligan asked what would be in the connecting structure.

The applicant said a bathroom, mudroom, dining area, etc., noting that this is the smallest they could squeeze that in to.

Member Prager said he has no problem with setbacks, etc, but feels the size of the addition could be reduced.

Member Spencer said the percentage is going down, from 35 to 32%, noting that she feels it makes sense mentally.

Discussion ensued regarding whether reducing the coverage makes a special permit grantable.

Member Mulligan asked whether the existing structure is being razed.

The applicant said no, just renovated.

Discussion ensued regarding whether shrinking the design is feasible.

Member McLaughlin said 24x24 is a reasonable size for a garage.

The applicant said he wants a room above garage for entertaining, noting that he wants a workshop in the garage.

Discussion continued about how to read the bylaws regarding this.

Member McLaughlin disagreed, noting that he feels there is a conflict between the two bylaws.

Of note: the addition is a 20 x 15.5, the garage is 26 x30, and the footprint is 1100 sq. ft.

Member Prager said he is personally sympathetic but the bylaw is the bylaw.

The applicant said it is not worth buying the second lot to build a tiny addition with no garage/ He said the original house was on a tiny lot.

The engineer requested a continuation to the next meeting, on June 19<sup>th</sup>.

Member Prager said he feels they can only get relief from front setback.

Discussion ensued.

The applicant asked whether the board would be willing to wait 20 minutes for Bruce Ringwall. Board Members felt it would be just rehashing the same arguments.

Member Mulligan said he feels there are arguments to be made for a variance.

Ms. Whittemore said she needs the size of the garage for her business vehicle and tools.

Member Prager said needs are not a factor.

Member Spencer said they should have come here first.

The applicant said he bought the land because the town would not let the owner of the lot do anything with it. He said he redesigned the whole addition because of the new septic system.

The engineer said he would have to reduce the addition by more than 800 sq. ft.

Of note: the driveway is included because it can't be gravel due to the location of the septic system.

Member Prager said it seems doable and suggested moving the driveway.

The applicant reiterated wanting a continuation to the 19<sup>th</sup>., which was granted.

## **Other business**

## **Minutes and Bills**

One Groton Herald bill was signed.

A motion was made to approve minute from 4/17/19. The motion passed unanimously.

The 593 Squannacook Hills account funds were released by unanimous vote.

The meeting adjourned at 8:30 pm by unanimous vote.

Approved 9/18/19