



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

December 4, 2019 – Donovan SP, Lempp/Smith SP, Johnson SP

Present

Mark Mulligan, Acting Chairman
Jay Prager, Member
Chris Sweeney, Associate Member
Dan McLaughlin, Associate Member
Jen Spencer, Associate Member

Not Present

Cynthia Maxwell, Chairman
Bruce Easom, Member

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

Meeting Minutes

Donovan– 8 Tavern Rd., #18-19

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

David Donovan, applicant, was present and said he wants to live in the house. He said he has an approved Title V septic system for a three-bedroom house.

Discussion ensued regarding what is non-conforming about the lot/structure. Of note: the only non-conformity is front setback (?) and lot area/frontage.

The general consensus from board members was in favor of the general design and project.

Member Prager made a motion to grant a special permit to build a house requested in the plan submitted and subject to BOH approval. The motion was seconded and passed unanimously.

Lempp/Smith SP-22 Town Forest Rd., #19-19

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

No abutters were present.

Nancy Dickerson, architect, was present as agent for the applicants, noting that her clients want to add a connector to the existing house and garage. She said the project is not more detrimental to the neighborhood, etc.

Member Prager asked about the remodeling of the house.

Ms. Dickerson said they are adding a mudroom and bathroom in the connector. She said it was listed as a two-family.

Ms. Lempp said they bought it as a two-family but the layout was always open and they use it exclusively as a single family.

Ms. Dickerson said they are taking out one kitchen and the garage is not being changed in any way.

Mr. Smith said it flows much better as a single family.

Member Prager made a motion to approve the addition as filed in the application and subject to BOH approval. The motion was seconded and passed unanimously.

Johnson- 366 Lost Lake Dr., #20-19

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

Several abutters and interested parties were present.

Acting Chairman Mulligan read a memo from the BOH/Grossman into the record.

John Gallant, attorney for the applicant, said they are here for a special permit to allow a reconstruction of a non-conforming dwelling. He said the prior structure was a three bedroom with a study, noting that they are putting the new dwelling mostly in the old footprint. He said the new dwelling would only be eight feet larger and this doesn't make it more non-conforming. He said the property is presently under appeal and is pending in court. He said a permit was denied for non-use, noting that his client said the property was used. He said that in 2016 the bylaw was changed so that non-use is not an issue, noting that it is the biggest lot in the area and other homes are three and four-bedroom dwellings. He then submitted a plan showing the number of bedrooms in the neighborhood. He said his client will have a system designed that complies with Title V and get BOH approval. He said he is planning on hooking up to town water so the nitrogen sensitive issue would not be relevant. He said his client would work with the BOH upon ZBA approval, noting that he believes his client is entitled to a special permit from the ZBA. He then listed the findings for a special permit.

Discussion ensued regarding how difficult it would be to tie to town water.

Member Prager said the issues are with the BOH, noting that he doesn't have any zoning issues.

Atty. Gallant said they will resolve the BOH issues to make a compliant septic system.

Discussion ensued regarding whether the old dwelling was two or three-bedroom.

Jeff Hulslander, abutter, said he opposes the proposal because it will just create another nuisance property. He said it was filled with junk for years and the a BOH ordered a cleanup that didn't happen.

Member Mulligan asked whether the applicant would be living there.

Atty. Gallant said he will for a short time only, noting that it is mostly an investment. He said his client has cleaned up the property years ago.

Mr. Hulslander said 11 Pine Trail, where the applicant currently lives is a mess. He said he knows the applicant won't change.

Member Mulligan said that complaint can't be used as a way to deny the permit as it is not a zoning issue.

Zhongqiu Liu, owner of 11 Pine Trail said she is working on cleaning up the and it won't be an issue in the future.

Mr. Hulslander said he understands but is still concerned.

Zhongqiu Liu said the cars are her vehicles.

Mr. Hulslander asked who he could call to complain about cars parked on Lost Lake Drive.

Member Spencer said he should talk to the building inspector.

Ms. Liu said the abutters are complaining because they could not get a tax abatement.

Another abutter said she agrees with Mr. Hulslander that it will just become a junk yard again. 11 pine trail has become a mess and is getting worse and worse.

Member Mulligan said he understand their concerns but they have other avenues to pursue this with.

Mr. Johnson asked for the remarks to be repeated because he couldn't hear.

Member Mulligan repeated the comments, noting that Mr. Johnson should take heed to be a good neighbor.

Mr. Johnson said he burns the wood on the property and the cars are registered and used. He said anything there is his and not refuse.

Discussion ensued regarding addressing the issues of the neighbors.

Atty. Gallant said the lawsuit is on hold until the permit is granted and then the lawsuit will be dismissed. He said this is an agreement between the town's attorney and him.

Acting Chairman Mulligan said the issue is moot as the bylaw has changed.

Member McLaughlin said he has an issue with the plan because it is not showing the exact location of the new dwelling.

Atty. Gallant said it would be in the same footprint, just extending eight feet.

Member Prager asked whether the new dwelling would be sitting on three of the four walls.

Atty. Gallant said yes.

Member Prager made a motion to approve the construction of a new dwelling as shown on the plan submitted with the application, to sit on three of four walls at the location where the existing dwelling was and with no further extension than 8 feet for a 28x40 dwelling meeting side and rear setbacks. Additionally, all board of health requirements regarding septic and drinking water shall be complied with. The motion was seconded and passed unanimously.

Other business

Minutes and Bills

One Groton Herald bill was signed.

Minutes from 11/6/19 were approved with four yeas and one abstention.

The meeting adjourned at 8 pm by unanimous vote.

Minutes approved 2/5/20.