



Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

September 23, 2020 via ZOOM – Degen Appeal/Bylaw Discussion

Present

Bruce Easom, Chairman
Cynthia Maxwell, Member
Mark Mulligan, Member
Jay Prager, Member
Dan McLaughlin, Associate Member
Jen Spencer, Associate Member
Jack Petropolous, Associate Member

Not Present

The meeting was called to order at 5:30 pm.

Meeting Minutes

Chestnut Hill/Degen Appeal –409 Martins Pond Rd., #-20

Chairman Easom reconvened the hearing.

Atty. Mullen requested a continuation/extension of the Degen appeal to after November 30, 2020 and requested an extension to allow this to happen.

Member McLaughlin made a motion to continue the Chestnut Hill Farm/Degen appeal to December 2, 2020 at 5:30 PM via Zoom. The motion was seconded and passed unanimously.

Other business

Discussion of Bylaw changes correction of 218- (formerly 218-27A)

Atty. Collins submitted a letter outlining suggested verbiage, noting that there are some discrepancies. He said he feels it is fairly simple. He said the habitable square footage requirement is arbitrary and suggested it is better to reference the code of MA and presented language noting this. He said the second issue is about requiring owner occupation, which he said he thinks is illegal and should be removed. He said there is one other issue, in requiring BOH septic approval. He said the provision would be better served requiring either a Title V system or a connection to municipal sewer, because a septic system for a house as opposed to a multiuse building is very different. He said these three changes would make the bylaw actually legit. He also suggested that perhaps buildings subject to dwelling conversion should be in an area where that type of use is consistent with other uses that are consistent with the neighborhood. He said buildings utilized under the bylaw should be in mixed use areas, noting that the intent of the bylaw is to allow big buildings that are falling apart to be repaired.

Member Prager asked about percentage of habitable floor area in the current bylaw.

Atty. Collins said what they had in mind 40 years ago, was not wanting someone with a house to put a 4000 sq. ft addition, noting that it was designed to repurpose existing buildings. He said that means that part can be rebuilt but it shouldn't triple in size.

Member Prager said feels 10% is arbitrary. He said he understands that they don't want a 1000 square foot addition but felt there should be some discussion.

Member Petropolous said each project should have some flexibility depending on its location.

Atty. Collins said the board has the authority now as written in the bylaw. He said he will enhance and not detract from the bylaw, noting that does think 10% is a little small.

Member Prager said it could be worded such that it would not be above 30% without a special permit from either the ZBA or PB.

Member McLaughlin said if the purpose of the bylaw is to repurpose buildings, then why change it at all.

Atty. Collins agreed.

Member Prager said it's a different world, with kids living with parents, etc.

Chairman Easom said he likes allowing some additional space for the conversion, noting that it is reasonable to allow some number of increase, like 25%.

Member Spencer suggested looking at the street and neighborhood norms. She said it is hard to say anything based on size without considering size of lot, etc.

Atty. Collins agreed.

Mr. Garside said there are other code requirements like sprinklers and handicapped access when converting to three units. He said the Fire Chief will require sprinklers and alarms that connect to the fire station, which will add another 30 grand to conversion costs.

Member McLaughlin agreed, noting that 40 years ago there were fewer fire protection issues. He suggested that maybe they shouldn't be getting into building code issues.

Atty. Collins said that this may be an instance worth doing it.

Member Prager said it could be link to septic compliance or to other building and code issues. He said they need to confront the meets and bounds of the bylaw.

Member Spencer said when a Champney Street property was converted to 4 condos, they had to comply with all codes.

Discussion ensued regarding potential issues.

Chairman Easom asked Mr. Garside about a Notice of Intent and whether this would trigger any process.

Mr. Garside said he is new is not so familiar with this but said he feels the NOI is more for new developments, etc. He said he understand the ZBA is not a code enforcer.

Member Prager said he feels a lot of this discussion is between the building inspector and developer, noting that this is a somewhat self-limiting process and an expensive proposition.

Mr. Garside said he doesn't want to waste a lot of design time when something can't be done and that's that.

Chairman Eason said past practice is not to have warnings in the bylaws as to what is needed.

Mr. Garside said he is new at this, noting that he wants to understand how the ZBA works.

Chairman Easom said he would like to have Mr. Garside present at all ZBA meetings.

Mr. Garside said he reads the bylaw differently than Mr. Cataldo did, noting that the admin has been very helpful.

Members of the board expressed agreement.

Chairman Easom asked whether Atty. Collins was looking for guidance.

Atty. Collins said yes, noting that he thinks the need for a sprinkler fire suppression system should be in the bylaw. He suggested inserting it in section 3, with a reference to the building code for three units. He said wants to massage the language a little and discuss at a future meeting.

Member Petropolous said he wants to discuss Section 3, regarding the need for additional square footage per occupant.

Atty. Collins said there are other factors, including BOH requirements.

Discussion ensued what the State requirements are.

Member Petropolous said the town shouldn't just randomly adopt State requirements.

Member Prager said it works both ways.

Atty. Collins suggested leaving the language as is and adding language requiring meeting code standards.

Chairman Easom asked about requiring an owner-occupied unit.

Discussion ensued and the general feeling was that that was not necessary.

Att. Collins asked about the increase in building size to 25 or 30 %.

Member Petropolous said he thinks there are other components of the code that would constrain building size.

Atty. Collins said he had a client who wanted to triple the size of a colonial and make more units, noting that this is not the intent of the bylaw.

Member Prager said he feels the constraints are arbitrary.

Discussion ensued.

Member Spencer asked about differentials suggested someone may be penalized unfairly.

Chairman Easom said any zoning changes could be construed as unfair to the people who came before.

Atty. Collins said his view is determined by what was crafted 40 years ago.

Member Prager suggested other options, such as maybe more stringent setback requirements for a multifamily conversion.

Member Spencer said there needs to be enough parking, which limits project size.

Member Petropolous suggested a use case that may not be relevant but wants to discuss what happens when someone wants to convert a single family to a multi-family in a neighborhood that could largely expand living space. He said he understands why they don't want to change the neighborhood.

Member Spencer said everyone is entitle to a two family. She said there is not much affordable housing in Groton but two-family conversion makes it possible to stay in town with a divorce, etc.

Member Petropolous said living space could really be increased with a conversion.

Atty. Collins said there is protection with the character of the neighborhood via a special permit condition.

Member Prager said things have changed, particularly due to 40B, also noting that many want to expand because their kids are still living there.

Atty. Collins said he has received good guidance and suggested having another meeting in two weeks to continue the conversation.

A meeting was scheduled to continue this discussion on October 7, 2020 at 5:30 via zoom, along with wetland bylaw updates and revisions.

Member McLaughlin said he has a copy of State guidelines and potential revisions that will be distributed to the board.

Discussion ensued regarding whether the bylaw is separate from the flood plain maps.

Minutes and Bills

No Groton Herald bills were signed.

No minutes were approved.

The meeting adjourned at 6:30 pm by unanimous roll call vote.

Approved 10/7/20.