



## Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

**May 12, 2021 via ZOOM – Lambirth Variance**

### **Present**

Bruce Easom, Chairman

Cynthia Maxwell, Member

Jay Prager, Member

Dan McLaughlin, Associate Member

Jack Petropolous, Associate Member

### **Not Present**

The meeting was called to order at 6:30 pm by Chairman Easom.

### **Meeting Minutes**

#### **Lambirth Variance – 41 Tavern Rd., #3-21**

The Chairman convened the hearing by reading the Legal Notice.

The applicants were present and are asking for a reduced setback. Mr.Lambirth said the portion on the paper road will be removed, noting that he would like to keep the addition that is totally on their property. He said he knows paper roads can be a sticky point in town.

Mrs. Lambirth said the addition backside is 17 to 18 feet from the center of the paper road. She said that after that 17 feet is another 15 feet to the abutters' house, noting that it is about 32 feet from the abutters' property line.

Discussion ensued regarding how to measure setback with paper streets.

Chairman Easom asked for clarification.

Member Prager said this may not be in the bylaw, but the board had a similar case several years ago. He said setback should be from the edge of the paper road.

Member McLaughlin said that if the paper street is abandoned then abutters could take ownership.

Member Prager asked why they couldn't move the coop to comply with setbacks.

Mrs. Lambirth said they can't put it in the middle of the driveway.

Member Prager said it could be moved and not be in the middle of the driveway.

Mrs. Lambirth said they couldn't afford to move the coop to the other side of the driveway.

Mr. Lambirth said it would be closer to neighbors that don't want to look at the coop.

Member Prager said the variance criteria (hardship relating to size, shape and topography) is difficult to meet.

Mrs. Lambirth said they couldn't meet the setbacks even if moved.

Member Prager suggested a site walk.

Mrs. Lambirth said that is also where the leach field is located.

Member Prager said he feels they should pursue other options to move it.

Mr. Lambirth said he doesn't understand why they can't keep a coop 1/3 the original size where it is. He said it is not useable land. He said he wants a permit to keep the front section up, noting that it is only on their land.

Discussion ensued regarding what criteria are necessary to grant a variance.

Member Prager said he feels all setbacks could be met. He said the only time the board gave a variance like was this was when the town had already issued a building permit.

Mrs. Lambirth said they are near a pond, and she is concerned with runoff if they move the coop.

Member Prager said he feels there is a pandora's box of issues that need resolution, noting that he doesn't think they can just let them leave it by the side of the road.

Member Petropoulos said it seems the entire request is based on measuring from the center line of the paper road.

Mrs. Lambirth said the addition section that they want to keep is totally on their property.

Mr. Lambirth said he submitted the application based on information he got from the BI.

Member Petropoulos said he needs to know what they are using for a boundary line, noting that he feels the default is line on the deed.

Member Maxwell said she agrees with Member Petropoulos, that she also wants a clear understanding of the measurements.

Member Spencer said she agrees that they need measurements before taking a vote. She said she wants to know the exact setbacks.

Member Prager said he feels they should better specify the exact location, noting that he would prefer to give them more time and urges a site walk.

Member McLaughlin said he likes the idea of chickens, but the neighbors need to be kept happy. He said it is good there are no roosters, noting that he feels they can have a coop without a variance. He said he feels there are other options and is not in favor of prolonging the agony.

Don Haberman, abutter and builder in town, said he has built next to paper roads many times and has had to meet setback from the edge of road. He said that he had to collapse his foundation on one project to comply with setback regulations. He said he thinks the coop is not legally built. He said he is trying to market a duplex and the smell was so bad from the chickens that he had to wait to winter to market so the poop was frozen. He said he is opposed to it as a public nuisance, noting that it was illegally built. He said he has a rodent problem that he never had before, and it is overwhelmingly stinky.

Chairman Easom asked about a site walk.

Members Prager and Easom said yes. Member Petropoulos said he agrees with Member McLaughlin but wanted to give the applicants a chance to change his mind. Member Spencer said she feels reluctant to grant a variance but is in favor of site walk.

Member Petropoulos said that the town encourages aggie and a site walk shows an openness to it.

Member Maxwell said yes to a site walk, noting that she also wants to understand how measurement happens.

The applicants said they were amenable to a site walk.

Member Easom said there needs to be clarification as to how measurements are taken when a paper road is involved.

Admin read an email from Chris Furcolo into the record.

Member Prager said he feels that the coop needs to be on the other side of the driveway. He said he also feels it is unnecessary to ask town counsel about measurements from the paper road, noting that no variance can be justified.

Discussion ensued as to whether a site walk is necessary.

Discussion ensued regarding what to ask town counsel and whether any possible compliance is possible.

Member Prager said he needs a drawing of the exact location of the coop.

Mrs. Lambirth said they are not moving but just demoing most of the existing coop.

Mr. Haberman said he feels there is no reason to grant a variance because there is no hardship, and this lowers the standards of granting a variance. He said if a variance was granted it would be a travesty and maybe he wants to put in pigs.

Member Petropoulos said he wants to give the benefit to applicant by a site walk.

Mr. Haberman said there is plenty of room to move the chicken coop.

A motion was made to continue the hearing to 5/26 at 6:45 PM. The motion was seconded and passed unanimously `via roll call vote.

A site walk was scheduled 5/15 @ 2pm.

### **Other business**

### **Minutes and Bills**

No minutes or bills were approved.

A motion to adjourn at 7:40 PM was made, seconded and passed unanimously via roll call vote.