



## Town of Groton Massachusetts Zoning Board of Appeals

Meeting Agenda and Minutes

**May 26, 2021 via ZOOM – Gilson Special Permit, 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**

#### **Gilson Air BnB Special Permit– 368 Main St., #4-21**

The Chairman convened the hearing by reading the Legal Notice.

David Gilson, applicant, lives in an old 1838 farmhouse, alone. He said it is awesome to maintain it and pay taxes, noting that he wants an Air BnB concept to augment the income. He said it is a third-generation family home and this is a way to afford it so his family can stay. He said it has been rezoned to R-B, farm and restaurant. He said his son William cut his teeth here at the Herb Lyceum is his son's fifth restaurant. He wants to have the house included in events happening on site. He said that with Indian Hill coming online there will be more demand. He said the Groton Inn is booked for the summer so there is a need. He said guests will likely utilize other business in town, noting that he has partnered many times with Gibbet Hill Grill and the inn can't maintain housing for the demand. He said he started with the building inspector to do it properly. He said he thinks this is the first formal request and wants it to blend in with the community.

Chairman Easom mentioned the letter from the BI and fire chief about code requirements but wants to start the meeting with comments from board members.

Member Prager asked about which bylaw the application falls under.

Mr. Gilson said there is no clear bylaw, noting that he will not be in the house if guests are there. He said he has hired a company that is working along with the fire chief to make suggestions to comply with what the chief wanted. He said he will have the fire department notified if there is an issue.

Member Prager said it changes things if he is not living there.

Mr. Gilson said it is a form of bed and breakfast, but he will not be providing meals, noting that he doesn't want to put in a second commercial kitchen.

Member Prager said it raises the question of whether it is really a bed and breakfast.

Mr. Gilson said it is not clearly defined in the bylaws. He said he is the first one requesting it as an above-board request, noting that the town might have to change the language in the bylaw. He said he feels there is a flaw in the zoning use regs.

Member McLaughlin said that an inn is allowed in an NB zone with a special permit from the PB.

Member Prager said that if it is an inn and they are zoned NB (they are) then the PB should be involved.

Mr. Gilson said the town planner told him he needs minor site plan review, noting that if they are sending this application to him, he will work with him.

Member Maxwell said that if the guests can cook for themselves, it could be construed as a bed and breakfast.

Member Spencer suggested that if he had someone bring in muffins in the morning that could qualify.

Member McLaughlin said that a bed and breakfast is limited to only four rooms, noting that he thinks this proposal has more than that with no cooking facilities in individual rooms. He said he is very much in favor of the proposal but feels it should be before the Planning Board.

Member Prager said he is in favor of the project also, but said he thinks it's for PB review.

Mr. Gilson said he must check with Bridget Baily of the BOH whether if he is providing something not cooked there is okay.

Discussion ensued with potential limitations depending on which bylaw followed.

Mr. Gilson said the fire chief told him up to ten guests with proper fire suppression was okay.

Member Prager said they are limited to four guests under that bylaw, noting that they should go to the PB.

Member Petropoulos asked about the maximum number of people.

Mr. Gils said ten or less, so there is no need for sprinklers. He said there are four bedrooms and he has to pay a one-time two thousand dollar fee for sewer and water.

Member Petropoulos said he is in favor of the proposal but wants to be sure the applicant is following the proper pathway.

Mr. Gilson said the town may want to go forward with a better bylaw for future projects.

Member Petropoulos said two of the three possibilities require owner occupation.

Mr. Gilson said that he still receives mail there and will only live elsewhere when it is being used by guests.

Member Prager said owner occupied means it is one's principal place of residence, noting that he thinks going to the PB is the way to go.

Will Gilson, son and chef, asked what the likelihood is that this will Ping-Pong back and forth between the ZBA and the PB since there is some ambiguity.

Member Spencer said everyone is in favor of it, and not trying to Ping-Pong it.

Member Prager said doesn't think it can be sent back to the board.

Mr. Gilson said he doesn't want to be in limbo, noting that this should be cleaner for the next person. He asked whether there are more comments.

Admin agrees PB is the route to go.

Jason Conquest, abutter, said he thinks this is good for the town and thanked them for allowing him to join the meeting.

Chairman Easom said he appreciates the neighborhood comments and suggested a motion.

Discussion ensued regarding whether to continue or withdraw and how to let PB know that ZBA approves if under their purview.

Member Petropoulos made a motion to send a memo to the PB alerting them that this will be coming to them, noting his support of the proposal but that this is not the right board to decide.

Member McLaughlin made a motion that the admin draft a memo to be approved by the Chairman and sent to the PB. The motion was seconded and passed via roll call vote.

Chairman Easom said the board should send a general assessment of the merits, noting that he doesn't want the PB to think they are stepping on the toes of the ZBA.

Member Prager made a motion to continue the hearing to July 14<sup>th</sup>, 2021 at 6:30 PM. The motion was seconded and passed via roll call vote.

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

The Chairman re-convened the hearing.

The applicants requested permission to withdraw their variance request.

A motion was made and seconded to allow the withdrawal, which passed via unanimous roll call vote.

### **Other business**

### **Minutes and Bills**

Minutes from 4/7/21 and 4/21/21 were approved via unanimous roll call vote.

Discussion ensued regarding the memo from town counsel regarding paper roads. Of note: paper roads can be ambiguous. Discussion ensued.

Member Petropoulos said he would like a definition of owner occupation.

Member Spencer said she thinks it is clear, that one must live there.

Member Petropoulos said he wants specific clarification, noting that he thinks town counsel should be asked for clarification.

Discussion ensued about definitions and how to pursue the application.

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