



ZONING BOARD OF APPEALS

Meeting Agenda and Minutes

July 14, 2021- 6:30 PM- second floor meeting room, Groton Town Hall

Members Present

Bruce Easom, Chairman

Cynthia Maxwell, Member

Dan McLaughlin, Associate Member

Jack Petropoulos, Associate Member

Jenepher Spencer, Associate Member

Members Not Present

Jay Prager

The meeting was called to order at 6:32 PM by Chairman Easom.

Meeting Minutes

Gilson Air BnB – 368 Main Street #4-21

The Chairman re-convened the hearing by reading the Legal Notice.

Applicant, David Gilson, emailed the members requesting a continuation of the hearing. Mr. Easom stated it would be best under the planning board provision. The Planning Board discussed the matter and made a decision. Chairman Easom said it is wise to keep the hearing open until the appeal period is over and then withdraw the application.

Member Petropoulos moved to continue the hearing to August 18th at 6:30 PM. The motion was seconded by Member McLaughlin and carried unanimously via roll call vote.

The Konetzny Variance Front Setback Hearing- Wallace Road

The Chairman convened the hearing by reading the Legal Notice at 6:45 PM.

Attorney Bob Collins represented applicants, Mr. Thomas J. Konetzny and Patricia A. Konetzny, regarding the property they purchased at Wallace Road. The site is shown as Lot 2 on a plan recorded with the Middlesex South District Registry of Deeds. The applicant is requesting a reduction of front setback to 40'.

The lot is very long in the north-south direction and narrow in the east-west direction, and has several constraints. There is a public trail that goes along the southern end of the parcel and another along the eastern edge of the property. The eastern trail is part of a rail trail on the former Boston and Maine rail line. There is a 12-foot elevation change from front Wallace Road down to eastern edge of this property. If the dwelling is built with the front setback requirement of fifty feet, then the back yard would be 10 feet further back and the structure would sit higher on the property. With the requested variance of the front setback to forty feet, the dwelling would sit lower and minimize disturbance. With the house sitting closer to the road, it wouldn't change the soil, topography and aesthetically would fit better in the neighborhood.

Member McLaughlin mentioned there was a conservation restriction that was never recorded at the Registry of Deeds. Attorney Collins said he was unsure of what happened. He explained that Lot 2 was sold off by the Wallace Road developer before the subdivision was approved by the Planning Board and, therefore, this property was separated and not part of the subdivision in spite of what may have been represented to the Planning Board. The Approval-Not-Required ANR deed was not recorded at the Registry of Deeds and therefore, according to Attorney Collins, all restrictions lapsed after 30 years.

Member Spencer stated that the applicants have come before us to see where the home should be placed.

Attorney Collins believes the dwelling closer to the road is a better decision.

Member Easom read Section 218-2.4 B (2) of the Groton Zoning Bylaw aloud which describes the criteria under which the ZBA may grant a variance.

Attorney Collins reiterated, one hardship is the amount of site disturbance and fill that would need to be brought in if you push the house back. This would cost a great deal of money because of the topography.

Member Easom asked if there are any other houses with less than a 50 ft set back with 2 acres or more?

Attorney Collins said he does not believe so.

Public Comments

Neighbors from 30 Wallace Road attended the meeting. They stated their main concern is, there was a review with the Planning Board that they weren't aware of. There is a 150 ft. circle that needs to be set back from that easement.

The neighbors asked if the height of the house from the ground to the roof line will be any different with proposed 40-foot front setback.

Attorney Collins said the front face of the structure will be slightly taller if you push it back.

Member Petropoulos asked the neighbors from 30 Wallace Road if they have any objection to the variance?

The neighbors responded they have no objection to the variance.

Attorney Collins reported that there is an easement that creates public access that is recorded at the registry of deeds.

Attorney Collins stated that Paul and Susan Shay owned this property before. He said that the Planning Board approved things that were not part of the application before it. No body knows why.

Chairman Easom said a 10 ft difference in the set back from the road does not affect the neighbors. He believed it would be a good idea to grant the variance.

Member Maxwell believes it is the right placement.

Member Petropoulos moved to grant the variance for 25 Wallace Road and requested a chronology of events that resulted in the availability for this lot for development. The motion was seconded by Member Spencer and carried with four ayes and one nay (member McLaughlin) via roll call vote.

Other Business

Minutes and Bills

No bills were approved.

Approval of Minutes from May 12, 2021 and May 26, 2021.

Member Maxwell moved to approve the minutes from May 12, 2021 and May 26, 2021. The motion was seconded by Member Spencer and carried unanimously via roll call vote.

Packet Distribution Policy

Member Easom wanted to discuss with the members whether to continue with distributing the meeting packets by mail or if the members would like to have them electronically distributed.

Member Spencer said she likes it as is, the meeting packets mailed to them.

Member Petropoulos is open to either way.

After a brief discussion, the majority like paper. The administrator, Kara Cruikshank, agreed to send the packets electronically and provide paper at the meeting.

Board Re-organization

Chairman- Mr. Bruce Easom to remain chairman. Member Petropoulos made a motion to nominate Mr. Easom to remain Chairman. The motion was seconded by Member McLaughlin and carried unanimously via roll call.

Vice chair- Mr. Jack Petropoulos -Member Easom made a motion to nominate Member Petropoulos as vice chair. The motion was seconded by Member Spencer and carried unanimously via roll call.

Clerk- Dan McLaughlin - Member Petropoulos made a motion to nominate Member McLaughlin as clerk. The motion was seconded by Member Spencer and carried unanimously via roll call.

Member Status

The ZBA members would like to recommend the following members to be advanced for appointment from associate member to full member:

1. Jenepher Spencer- Term to end 2023
2. Dan McLaughlin- Term to end 2023
3. Jack Petropoulos- Term to end 2024

A motion was made by Chairman Easom to recommend the associate members to advance for appointment to full members to the Select Board. The motion was seconded by Member Petropoulos and passed unanimously via roll call vote.

A motion to adjourn at 7:46 PM was made by Member McLaughlin seconded by Member Spencer and carried unanimously via roll call vote.

Documents list

Plan recorded with the Middlesex South District Registry of Deeds for Lot 2 on Wallace Road Plan 763 of 2020

Minutes approved on 11/3/2021