Town of Groton Massachusetts

 ZONING BOARD OF APPEALS

Meeting Agenda and Minutes

November 3, 2021- 6:30 PM- second floor meeting room, Groton Town Hall

**Members Present**

Bruce Easom, Chairman

Dan McLaughlin, Clerk, Full Member

Jack Petropoulos, Full Member

Jenepher Spencer, Full Member

Jay Prager. Full Member

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

**Meeting Minutes**

**Platt Special Permit – 31 Adams Ave #6-21**

The Clerk convened the hearing by reading the Legal Notice aloud.

***The Zoning Board of Appeals will hold a public hearing on Wednesday, November 3rd, 2021 at 6:30 pm at the Groton Town Hall, second floor meeting room to consider the application of Walter H.P Platt, 31 Adams Ave., Groton, MA 01450, for a special permit to allow an addition to a non-conforming structure on Lot 113-84, 31 Adams Ave, Groton, MA. Please refer to Section 218-6. and any other applicable section of the Groton Zoning By-Law. This legal notice shall publish at www.masspublishers.org.***

Attorney Robert Collins was present to represent applicant Walter H.P Platt, Trustee, Adams Avenue Realty Trust, owner of the property situated at 31 Adams Avenue. Mr. Stan Dillis was present as well. Mr. Platt is seeking approval for a Special Permit, under Section 218-6 of the Zoning by law, for an addition to a nonconforming structure at 31 Adams Ave.

Attorney Collins explained to the members, the lot has approximately 206 feet of frontage on Adams Avenue. Despite the zoning classification, the current building has never been used for residential purposes, just commercial uses. The lot contains a nineteenth century commercial building. The property is non-conforming as to lot size, frontage and use. Mr. Platt would like to add a small addition on the easterly façade of the existing building in the size of 1230 sq. ft, as shown in the plans.

Attorney Collins read aloud the criteria for the Special Permit as stated in his cover letter.

Mr. and Mrs. Elliot’s property is under contract to sell their property to Mr. Walter H.B. Platt. He plans to create a parcel that will house the addition/custom cabinet shop. The Planning Board will be endorsing their proposal at their November 4th 2021 meeting, Attorney Collins disclosed. There is a shed that will be coming down and the access is planned to be where the shed is located now.

Members Comments

Chairman Easom stated the Lot is undersized for residential and there is not a 50ft set back on Adams Ave- that will remain the same.

Member Spencer and Member Prager asked if it is currently approved for woodworking and if a custom cabinet shop is there currently?

Chairman Easom and Attorney Collins both replied with Yes.

Various comments were submitted and received, via email, prior to the meeting. Chairman Easom read them aloud. They were all in support of Mr. Platt’s proposed expansion. Supporters from the emails are as follows: Rev. Marvin J. Cadwell of 26 Court Street; Peri Bearman and Harrie Slootbeek of 17 Adams Avenue; Mr. and Mrs. Andrea Mischel of 25 Court Street; David and Anne Elliott of 30 and 36 Court Street.

Public Comments

Margaret Cadwell, of 26 Court Street was present at the meeting. Ms. Cadwell stated that Mr. Platt addressed the concerns of traffic to the neighbors, the street will not be adversely affected. She applauded Mr. Platt.

**Member Jack Petropoulos moved to grant the Special Permit for 31 Adams Ave. The motion was seconded by Member Spencer and carried unanimously via roll call vote.**

**The Gannon Special Permit- 37 Boathouse Road #7-21**

The Clerk convened the hearing by reading the Legal Notice aloud.

***The Zoning Board of Appeals will hold a public hearing on Wednesday, November 3rd, 2021 at 6:45 pm at the Groton Town Hall, second floor meeting room, to consider the application of Bryan Gannon, 37 Boathouse Road., Groton, MA 01450, for a special permit to allow the reconstruction of an existing garage on a non-conforming pre-existing foundation on Lot 129-191,192, 221, 222 37 Boathouse Road, Groton, MA.*** ***Please refer to Section 218-6. E and any other applicable section of the Groton Zoning By-Law. This legal notice shall publish at www.masspublishers.org.***

Applicant, Mr. Bryan Gannon was present for the Special Permit hearing. Mr. Gannon explained he came before the ZBA earlier this year to seek a Special Permit for the dwelling, which was in complete disrepair. The garage, across the street, was not on his radar at the time. The existing garage is located on a non-conforming pre-existing foundation. The structure is in disrepair, unsafe and has been an eyesore to the community for many years. Mr. Gannon would like to rebuild the structure on its existing footprint. It will not increase the extent of the nonconformity. Reconstructing the garage on the existing building footprint will significantly improve the character of the community, neighbors and environment.

Members Comments

Member Prager wanted Mr. Gannon to confirm the garage will be rebuilt on the existing footprint?

Mr. Gannon replied, yes but it may be a bit taller. The septic is on this lot, as well.

The Members all agreed this will only improve the appearance of the property and structure.

Public Comments

There were no public comments.

**Member Prager moved to grant the Special Permit for 37 Boathouse Road, single-story structure on the existing footprint. The motion was seconded by Member Mclaughlin and carried unanimously via roll call vote.**

**The Nutt Variance Front Setback Hearing- Common Street #8-21**

The Clerk convened the hearing by reading the Legal Notice.

***The Zoning Board of Appeals will hold a public hearing on Wednesday, November 3, 2021 at 7:00 pm at the Groton Town Hall, second floor meeting room, to consider the application of Jeanne M. Nutt, 298 Shawmut Ave. Unit 4., Boston, MA 02118, for a Variance from front setback for a new dwelling on Lot 225-9.2, Common St., Groton, MA. Please refer to Section 218-6.3K and any other applicable section of the Groton Zoning By-Law. This legal notice shall publish at www.masspublishers.org.***

Attorney Collins was present to represent applicant, Jeanne M Nutt, for the Variance hearing. Ms. Nutt is requesting a Variance from front setback for a new dwelling on Lot 225-9.2, Common Street. This lot poses several challenges associated with the lot shape, soils and presence of resource areas. Mr. Stan Dillis was also present for the hearing.

The principal dwelling cannot be located on less than 75% of the frontage width due to the shape. This lot is approximately 100,000 square feet of area and 226 feet of frontage on Common Street. This lot narrows to a long rectangle, about 100 ft from the street. The lot width at this portion of the lot is approximately 134 feet. The lot is required to have a lot width of 169 feet. from front façade to the street. If complying with the lot width requirement from following the formula from the bylaw in section 218-6.3K, this would place the house 75 ft from the street. This would be problematic for the dwelling and would fall in the buffer zone. The area suitable for the septic is behind the proposed location for the dwelling. If the home is to be built 75 feet from the Street, this would exceed what is allowed under our local health regulations. The owners would like a more private location, and would like to build the house to be located further back.

Attorney Collins said there is a 35 Ft restriction on removing vegetation there. It will be maintained and marked on the field. This application will go to the Conservation Commission for the driveway because it will have to cross over the 100 ft. buffer zone.

Members Comments

Member Spencer agreed it would be nice to have placement of the dwelling further back for the neighbors.

Public Comments

An abutter of Common Street was present for the hearing and was questioning where the house will be placed. The abutter stated the reason for their presence is they want to make sure the 35 ft buffer zone is not infringed upon when they are cutting trees.

Member Spencer said they can have the buffer zone staked off.

Member McLaughlin stated Variances are based off of hardships and this requested variance has all three.

**Member Prager moved to grant the variance for Common Street as described with the following condition: Provision 35 ft buffer zone, marked off by contractor and inspected prior to construction. The motion was seconded by ­­­Member Spencer. The vote carried 5-0**

**Other Business**

Member MacLaughlin thought a copy of the by-laws to each member would be helpful with applications.

The members discussed how they would each prefer future meetings held. Zoom or in person- will do zoom.

**Minutes and Bills**

Groton Herald invoice in the amount of $253.00.

**Member Spencer moved to approve the invoice from the Groton Herald in the amount of $253.00. The motion was seconded by Member Prager and carried unanimously via roll call vote.**

**Approval of Minutes from July 14th 2021.**

**Member McLaughlin moved to approve the July 14, 2021 minutes as amended. The motion was seconded by Member Spencer and carried 4-0 via roll call vote.**

 **Member Prager abstained.**

**Approval of Minutes from August 18, 2021.**

**Member Prager moved to approve the minutes from August 18, 2021.The motion was seconded by Member McLaughlin and carried unanimously via roll call vote.**

A motion to adjourn at 7:40 PM was made by Member Spencer. Seconded by Member McLaughlin and carried unanimously via roll call vote.