Town of Groton Massachusetts

 ZONING BOARD OF APPEALS

Meeting Agenda and Minutes

March 2, 2022- 6:30 PM- second floor meeting room, Groton Town Hall

**Members Present and Voting for Public Hearing:**

Bruce Easom, Chairman

Dan McLaughlin, Clerk, Full Member

Michael McCoy, Associate Member

Jenepher Spencer, Full Member

Jay Prager. Full Member

**Other Members Present:**

Jack Petropoulos, Full Member

Thomas Peisel, Associate Member

**The meeting was called to order at 6:­­­­33 PM by Chairman Easom.**

**Meeting Minutes**

**The Sarcia Administrative Appeal Hearing- 3 West Main Street-**

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

*The Zoning Board of Appeals will hold a public hearing on Wednesday, March 2, 2022 at 6:30 pm via ZOOM webinar, meeting ID# 870 5966 9105 to convene the hearing for the application of Michael Sarcia, 27 Prescott Dr., N. Chelmsford, MA 01863, for an appeal of a determination of the Zoning Enforcement Officer regarding the use of a building as a storage facility in the Residential Agricultural (R-A) zoning district Lot 101-12, 3 West Main St., Groton, MA. Please refer to Section 218-5.2 and any other applicable section of the Groton Zoning By-Law. This legal notice shall publish at www.masspublishers.org****.***

Member of the public, Ms. Gail Chalmers, was virtually present for the Public Hearing.

3 West Main Street applicant, Mr. Michael Sarcia, was present virtually for the Public Hearing. Mr. Sarcia said he travels through West Groton often and has noticed the abandoned building. Mr. Vlahos owns the building currently. The sale of the parcel to Mr. Sarcia is contingent upon the overturn of the Zoning Enforcement Officers determination for the Use of a storage facility in the structure. Mr. Sarcia would like to restore the building similar to 1910. Mr. Sarcia provided photos to the members of the current appearance of the structure. When the building was first constructed it was known as “The Ladies Attic” or “The Kids Attic”. Mr. Sarcia explained, he has down-graded his home but still has a lot of memorabilia. He would like to buy this structure to enjoy the river front spot, weather proof the building, and beautify it.

Chairman Easom asked Mr. Sarcia for his interaction with the Zoning Enforcement Officer, Robert Garside.

Mr. Sarcia said he had interaction with Zoning Enforcement Officer; Mr. Robert Garside, Board of Health agent; Mr. Ira Grossman and Conservation Administrator; Mr. Nik Gualco. He would like to seasonably visit the structure and does not believe to need a septic or water. Mr. Sarcia said this building has always been used as storage and the footprint will remain the same, so he would just restore the building.

Zoning Enforcement Officer, Mr. Robert Garside, joined the virtual meeting. He said the Board of Health has weighed in on what they would like to see. He recommended to the ZBA if they approve his application, the decision should reflect this. The Town Attorney has weighed in for guidance to the members for the denying of use from the Zoning Enforcement Officer, to what the board members are determining:

1. Finding something in the Use Regulations under the R-A zoning that allows Mr. Sarcia for this use of the structure.

*or*

1. An existing Use of storage in the structure that Mr. Sarcia can continue to use.

**Members Comments**

*Member Jenepher Spencer asked about the parking there.*

*In response to Member Spencer’s concern, Mr. Sarcia explained he spoke to the director of Residence Courts and the Police Department about parking. The police department advised of public access on Pepperell Road and a pull off if needed that may be used. Carole Wheeler Park may be used for drop off.*

*Member Prager asked Mr. Garside the time frame of when the use of storage occurred and when it has ended. He questioned why one would assume, without evidence, that it was a storage facility. If there is no clear evidence of the use, it may have been used illegally as a storage facility. Member Prager is sympathetic to fixing up the property but it is not allowed under the zoning bylaw. If the use is not specifically prohibited, then he suggested Mr. Sarcia to go to Town Meeting. It’s a slippery slope.*

 *Mr. Garside was not sure of the time frame storage had occurred. Mr. Vlahos has owned It for the last twenty to thirty years.*

*Member McLaughlin drives by the structure often. He said the proposal would be a good way to preserve an old building.*

*Member McCoy would like to know what degree is the letter from Town Counsel binding on the ZBA.*

*Chairman Easom said it’s a legal opinion, it is a recommendation.*

*Member McLaughlin asked why not go for any other use. Mr. Garside said you would need water and septic if going for any other Use.*

**Public Comments**

*Ms. Chalmers stated she views the building often because she lives in West Groton. What Mr. Sarcia is proposing would be better to look at that what is currently there.*

Mr. Garside asked the Members, If Mr. Vlahos has been using the structure for storing materials, at that point would everyone consider it is a continued use?

Member Prager said the bylaw would require the building to be used as a storage facility up until the last 2 years back to at least the date of inception of the zoning bylaw, then it would be grandfathered. If at any time there was a period of two years of lapse it was not used as a storage facility then it goes away. He read aloud the bylaw, 218- 5.7. In the past if evidence was shown, then it is ok.

Chairman Easom asked if the applicant would like to request to continue the hearing to provide evidence that the building has been used continuously, with a gap of less than two years, since the adoption of the bylaw as a storage facility or put an article on the town meeting warrant to get the zoning changes on this parcel.

Applicant Mr. Sarcia requested a continuation of the Public Hearing for 3 West Main Street.

**Member Dan McLaughlin moved to continue the administrative appeal for 3 West Main Street on Wednesday, March 16th, 2022 at 6:30 PM. The motion was seconded by Member Spencer and carried unanimously via roll call vote.**

**Vacancy Candidate-**

Mr. Jerzak has lived in Groton for 11 years. He would like to be involved in local government. He thought the Public Hearing was very interesting.

**Member Prager moved to recommend Mr. Jerzak to the Select Board to be appointed as an associate member to the Zoning Board of Appeals. The motion was seconded by Member Petropoulos and carried unanimously via roll call vote.**

**Other Business**

**Minutes and Bills**

Groton Herald invoice in the amount of $94.60.

**Member** **Prager moved to approve the invoice from the Groton Herald in the amount of $93.60. The motion was seconded by Member Spencer and carried unanimously via roll call vote.**

**Member Prager moved to appoint Member Dan McLaughlin to sign invoices on the ZBA’s behalf. The motion was seconded by Member Petropoulos and carried unanimously via roll call vote.**

**Approval of Minutes from November 3rd 2021.**

**Member Prager moved to approve the November 3, 2021 minutes as amended. The motion was seconded by Member Mclaughlin and carried unanimously via roll call vote.**

A motion to adjourn at 7:39 PM was made by Member McLaughlin seconded by Member Prager and carried unanimously via roll call vote.