Town of Groton Massachusetts

 ZONING BOARD OF APPEALS

Meeting Agenda and Minutes

March 16, 2022- 6:30 PM- Via Zoom

**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

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

**Mr. Easom announced the meeting is being recorded. All the members of the board introduced themselves and stated their role.**

**Meeting Minutes**

**The Sarcia Administrative Appeal Hearing Re-Convened- 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****.***

Mr. Easom briefly summarized the application of 3 West Main Street what was discussed at the previous meeting. There was a discussion whether the Use of this building had been continuously used as storage since the inception of the Zoning by law. Applicant Michael Sarcia was asked to provide evidence the structure been continuously used as storage without a gap of more than two years in that Use.

3 West Main Street applicant, Mr. Michael Sarcia, was present virtually for the Public Hearing.

Mr. Sarcia would like to find a good use for the facility and would like to enjoy the space.

**Members Comments**

*Member Prager said based on Mr. Sarcia’s comments and the provided letters of support for this application shows it was a consignment store and the vision card is showing it as “style store”, the purpose of the ZBA is to not find a way to make a special permit or variance happen. It’s to rule on whether an application for a variance, special permit or appeal of the zoning enforcement officers decision was appropriate or not. He believes the best approach for the applicant would be to go to Town Meeting and ask for rezoning of this property to make it useful for the applicant, as this does not meet the zoning requirement. Mr. Sarcia could also request to withdraw without prejudice and come back if he can find an appropriate Use.*

*Member McLaughlin- We have the right to vary the bylaw but not the use. The abandonment clause, we have the right to vary that clause but we can’t create a use that is prohibited. He would make a motion to overturn the determination of the building inspector. If he abides the historic district standards and rehab the building, it would be a good thing for the Community.*

*Member Prager said the variance has very specific requirements that you have to meet in order for it to fit within the variance provision.*

*Member Spencer said she understands the bylaws and rules. She also believes Mr. Sarcia is doing good for the community in rehabbing the building.*

*Member McCoy said he thinks the best out come would be to withdraw without prejudice and would allow him to explore his options for the Use.*

*Member Eason said the applicant would have to provide sufficient evidence the Use had been continuous since the inception of the bylaw as a storage facility. Member Eason did not hear evidence of that. If it came to a vote, he would uphold the decision of the building inspector.*

*Member Petropoulos believed Mr. Sarcia is trying to do something good. Withdrawing this application would be in everyone’s best interest and find an application that will work.*

**Public Comments**

*Mr. Don Black said the building has been there a long time. He expressed his concern on how properties on Lost Lake that have been abandoned for longer than two years and have been able to get building permits.*

*Judy Anderson did not comment.*

Mr. Sarcia would like to withdraw his application at this time.

**Applicant Michael Sarcia requested the application to be withdrawn without prejudice.**

**Member Prager moved to accept the request of withdrawal without prejudice of application 3 West Main Street. The motion was seconded by Member Spencer and carried unanimously via roll call vote.**

**Other Business**

Minutes and Bills

**Approval of Minutes from March 2nd 2022.**

**Member Prager moved to approve the March 2nd, 2022 minutes as amended. The motion was seconded by Member Mclaughlin and carried unanimously via roll call vote.**

A motion to adjourn at 7:10 PM was made by Member Prager seconded by Member Spencer and carried unanimously via roll call vote.

Approved 6/1/2022