Town of Groton Massachusetts

 ZONING BOARD OF APPEALS

Meeting Agenda and Minutes

June 1, 2022- 6:30 PM- second floor meeting room, Groton Town Hall

**Members Present and Voting for Public Hearing**

Bruce Easom, Chairman

Jack Petropoulos, Vice Chair

Jay Prager, Full Member

Dan McLaughlin, Clerk; Full Member

Michael McCoy, Associate Member

**Other Members Present**

Thomas Peisel, Associate Member

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

**Meeting Minutes**

**Donovan Special Permit Hearing– 19 Indian Road #3-22**

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

*The Zoning Board of Appeals will hold a public hearing on Wednesday, June 1, 2022 at 6:30 pm at the Groton Town Hall, first floor meeting room, to convene the hearing for the application of David Donovan, 19 Indian Road, Groton, MA 01450, for a special permit to allow the front and side setback for the reconstruction of an existing dwelling on a non-conforming lot on Lot 124-35, 19 Indian Rd., Groton, MA. Please refer to Section 218-5.7- E (1) and any other applicable section of the Groton Zoning By-Law. This legal notice shall publish at www.masspublishers.org.*

Applicant, David Donovan was present for the meeting. This special permit is to allow the front and side setbacks for the reconstruction of an existing dwelling on a non-conforming lot. Member Easom read aloud the Special Permit bylaw. Mr. Donovan explained he would like to build a 28 by 36 Colonial with a garage and family room, he previously built two on Tavern Road. This will help the neighborhood simply by improving the appearance of the existing dwelling. A plot plan was provided in the application packet to the members for review.

**Member comments:**

*Member Prager stated non-conforming limits the ability to the non-conformance, it can’t increase the extent of the nonconformity. Member Prager read aloud bylaw Section 218-5.7 -Nonconformance.*

*Mr. Donovan said they were deeded a long time ago. All owned by different people. Mr. Donovan does not own them yet (he wanted to get approval from the ZBA first). One parcel is owned by Vitello Trust and one is owned by the kids. Linda Vitello has control of both of them.*

*Member McLaughlin questioned why are these lots not merged? There are two non-conforming lots and owned by one entity.*

*Member Petropoulos said the non-conformity and doctrine merger are the two issues that he sees.*

*Member Prager reiterated what the bylaw says, you can’t increase the non-conformity.*

*Member McLaughlin suggested to demonstrate a hardship if you go for a variance. If you respect the front and side set back of the house, can you put the septic in the front?*

*Member Easom said he reached out to town counsel to seek more information/guidance in regards to the Merger Doctrine. Town Counsel did not have enough time to respond with information but said the Public Hearing could be continued if they wanted to receive the requested information prior to making a decision.*

*Mr. Donovan was confused about if he needs a Special Permit or Variance.*

*Member Easom asked the board if they would issue a special permit in light of the non-conformance issue?*

*All members agreed with no….*

*Mr. Easom asked for the applicant to return with a plan for the septic to be located in the front. Also, the board will wait to hear* Town Counsels response prior to rendering a decision.

**Member Easom moved to release the opinion of Town Counsel to the public. The motion was seconded by Member Petropoulos and carried unanimously via roll call vote.**

**Member Prager made a motion to continue the Donovan Special Permit Hearing until June 15, 2022. The motion was seconded by Member Petropoulos and carried unanimously via roll call vote.**

**The Donovan Special Permit Hearing- Lot 124-33 and 124-34 Indian Road #4-22**

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

*The Zoning Board of Appeals will hold a public hearing on Wednesday, June 1, 2022 at 6:45 pm at the Groton Town Hall, first floor meeting room, to convene the hearing for the application of David Donovan, Lot 124-33 and 124-34, Indian Road, Groton, MA 01450, for a special permit to allow the front and side setback for a new dwelling on non-conforming lots, 124-33 and 124-34, Indian Rd., Groton, MA. Please refer to Section 218-5.7- E (1) and any other applicable section of the Groton Zoning By-Law. This legal notice shall publish at www.masspublishers.org.*

Applicant, David Donovan was present for the meeting. This application is for Lot 124-33 and 124-34, Indian Road. Mr. Donovan is seeking a special permit to allow the front and side setback for a new dwelling on non-conforming lots.

Member Prager read aloud bylaw Section 218- 6.3 H. He believes this application could fall under this bylaw. Could you figure out the average setback of the adjacent existing buildings for the setback of this proposed dwelling?

Mr. Donovan said for this application if the septic is located in the front, it will meet the setback and would have 52 feet for frontage.

Member Prager said this will be reducing the nonconformity.

*Mr. Easom asked for the applicant to return with a plan for the septic to be located in the front. Also, the board will wait to hear* Town Counsels response prior to rendering a decision.

**Member Prager made a motion to continue the public hearing until June 15, 2022. Member McLaughlin seconded the motion and carried unanimously via roll call vote.**

**The Posner Special Permit Hearing- 14 Spruce Rd #5-22**

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

*The Zoning Board of Appeals will hold a public hearing on Wednesday, June 1, 2022 at 7:00 pm at the Groton Town Hall, first floor meeting room, to convene the hearing for the application of Katrina Posner, 14 Spruce Rd., Groton, MA 01450, for a special permit to add a porch onto the front of an existing dwelling on a non-conforming lot on Lot 125-46, 14 Spruce Rd., Groton, MA. Please refer to Section 218-5.7- E (1) and any other applicable section of the Groton Zoning By-Law. This legal notice shall publish at www.masspublishers.org***.**

Applicant, Katrina Posner was present for the public hearing. The homeowners explained they would like to add a three- season porch onto the front of their home in the size of 10 feet by 33 feet, the full length of the house. The septic is located in the back yard and they can’t add it on the side. The house location is not 50 feet back currently so the proposed porch would increase the non-conformance.

**Member Comments-**

Member Prager commentedthe porchwill increase the non-conformity. This application may fall into 218-6.3 (H):

*Modification of front building setback. Except as may be permitted pursuant to §*[*218-7.3*](https://ecode360.com/37183521#37183521)*, Town Center Overlay District, a building shall be set back at least 50 feet from the street lot line. Where existing buildings on adjacent lots are set back less than 50 feet from the street lot line, a new building may be located at the average setback of the adjacent existing buildings. A vacant lot is counted as though occupied by a building set back 50 feet*.

The board would like to ask Town Counsel to clarify the bylaw, if a “new building” includes an alteration or does it apply to new construction only. The administrator agreed to reach out to Town Counsel.

Member Petropoulos suggested using the average setbacks when creating a new building.

Ms. Posner said there is no other place to put the porch.

Member Prager suggested putting the porch on the side of the house. Ms. Katrina Posner said there are manhole covers on the side of the house.

Member MacLaughlin said this is a hardship so suggested to maybe apply for a variance.

The members suggested to Ms. Posner to find out an average for adjacent lots (IE: Hemlock onto Spruce Rd).

Applicants are willing to wait two weeks to continue the Public Hearing to receive clarification from town counsel whether the average setbacks of adjacent existing buildings can be used on this application

**Member Prager moved to continue the Special Permit public hearing until June 15, 2022. Member McLaughlin seconded the motion and carried unanimously via roll call vote.**

**The Enwright Special Permit Continuation Hearing #2-22**

Applicant Mr. Mark Enwright was present for the public hearing continuation. Mr. Enwright’s application is for a Special Permit for a proposed carport.

The carport will be too close to the road. The carport would have to respect the existing setbacks of the building. A carport closer to the road is increasing the non-conformance.

**Member Comments-**

Member Prager asked where the property lines are? Member McLaughlin then asked how they would they know it’s not on town property? Member Prager said the property line to the corner is 8.85 feet. It is about 38 feet to the house. Therefore, it is non- conforming. Your carport can not come out any more than that.

Member Easom said we can grant setback standards for unusual plot situations. He would like Mr. Enwright to provide a drawing from the manufacturer. If it has a roof, it is a permanent structure.

Mr. Enwright requested to withdraw his application without prejudice**.**

**Member Prager made a motion to accept the request from applicant, Mr. Mark Enwright, to withdraw the application without prejudice. Member McLaughlin seconded the motion and carried via roll call vote.**

**Board Re-organization**

Chairman- Member Bruce Easom to remain chairman.

Member McLaughlin made a motion to nominate Member Easom to remain Chairman to expire in June 2023. The motion was seconded By Member McCoy and carried unanimously via roll call vote.

Vice Chair- Mr. Jack Petropoulos to remain Vice Chair.

Member Prager made a motion to nominate Member Petropoulos as Vice Chair. The motion was seconded my Member McLaughlin and carried unanimously via roll call vote.

Clerk- Mr. Dan Mclaughlin

Member Prager made a motion to nominate Member McLaughlin as Clerk. Member Petropoulos seconded the motion and carried unanimously via roll call vote.

**Discuss language on ZBA Application**

Everyone discussed some possible ideas and/or suggestions to improve the ZBA application. Some suggestions were to provide drawings, dimensions of structures and list the setbacks. They questioned if they can request a certified plot plan for Variance applications. A suggestion of gathering/adding FAQs for the Zoning Board of Appeals webpage would be helpful to applicants while applying. The also thought listing various Bylaws that come to the board on the application would be beneficial. They would like to reference if increasing the non-conformity, the applicant should apply for a variance.

**Other Business**

Minutes and Bills

The Groton Herald Invoice- $188.00

Member Prager moved to approve the Groton Herald invoice in the amount of $188.00. The motion was seconded by Member McLaughlin and carried unanimously via roll call vote.

Approval of Minutes from March 16, 2022

**Member Prager moved to approve the minutes from March 16, 2022.The motion was seconded by Member McCoy and carried unanimously via roll call vote.**

A motion to adjourn at 8:15 PM was made by Member McLaughlin seconded by Member Spencer and carried unanimously via roll call vote.

Minutes Approved: July 13, 2022