Town of Groton Massachusetts

 ZONING BOARD OF APPEALS

Meeting Agenda and Minutes

June 15, 2022- 6:30 PM- via Zoom

**Members Present Via Zoom 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**

Jenepher Spencer, Full Member

**The meeting was called to order at 6:30 PM by Chairman Easom. Just shortly after, Chairman Easom lost connection to zoom, due to technical difficulties.**

**Meeting Minutes**

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

**The Clerk re-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*](http://www.masspublishers.org)*.*

A letter was sent, via email, to the Board requesting a continuation. The Clerk, Dan McLaughlin read aloud the email into the record.

*I, David Daly, President and CEO of Daly General Contracting, INC., located at 229 Stedman Street, Lowell MA and authorized representative, David Donovan would like to request a continuance to the next scheduled meeting of the Board in order to adequately consider comments of the city Council.*

*Thank you, David Daly*

*Abutter, Mr. John Abraham was in attendance for the public hearing. Mr. Abraham stated he would like to attend the continued public hearings.*

***Chairman Easom was still having technical difficulties logging into the meeting. Vice Chair, Jack Petropoulos facilitated the rest of the meeting.***

**Member Prager made a motion to continue the public hearing until July 13, 2022 via zoom. The motion was seconded by Member Prager and carried unanimously via roll call vote. Chairman Easom was not in attendance for the roll call vote.**

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

A letter was sent, via email, to the Board requesting a continuation. The Clerk, Dan McLaughlin read aloud the email into the record.

*I, David Daly, President and CEO of Daly General Contracting, inc. located at 229 Stedman Street, Lowell MA and authorized representative, David Donovan would like to request a continuance to the next scheduled meeting of the Board in order to adequately consider comments of the city Council.*

*Thank you, David Daly*

**Member Prager made a motion to continue the public hearing until July 13, 2022 via zoom. The motion was seconded by Member Prager and carried unanimously via roll call vote. Chairman Easom was not present for the roll call vote.**

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

The previous meeting the Zoning Board of Appeals received an application from Ms. Katrina Posner for a porch that was not within the required front setback, therefore seeking a Special Permit. Building Inspector, Robert Garside submitted a memo to the board, Member Petropoulos read aloud the memo into the record:

*Katrina,*

*Based on my understanding, your farmers porch after construction will be approx. 27’ set back from the road which is*

*obviously more nonconforming than existing house of 37’… which is why it must receive a Special permit for construction*

*However, if you review the average setbacks of the adjacent properties around you will note that the Final 27’ setback is*

*within the average setbacks of the properties*

*The approx. setbacks are as follows:*

*23 Spruce- 50’*

*19 Spruce-38’*

*29 Spruce- 4’*

*7 Hemlock-9’*

*13 Hemlock-20’*

*15 Hemlock-21’*

*Total of all setbacks = 142’/6 properties=23.66 FT average setback.*

*Therefore, the new addition with the 27’ setback is no more detrimental to the existing neighborhood setbacks in my opinion.*

*I hope this helps with your Special Permit, please let me know if you have any questions*

*Bob Garside*

Member Prager read Section 218-6.3 (h), 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 building. He doesn’t believe taking the average of the adjacent homes is the way to do it. Also, a vacant lot is based off of the set-back of 50 feet. Mr. Prager thinks this bylaw is poorly written and wanted input on adjacency and what the term “new building” is from Counsel prior to making a decision.

**Member Comments-**

*Member Prager believes the applicant should apply for a variance.*

*Member McLaughlin agrees they should apply for a variance.*

*Member Spencer questioned how this application is different from other applications they have reviewed?*

*Member Petropoulos said his interpretation of the application would be an increase in the non-conforming nature and is not inclined to increase non-conformity in the neighborhood.*

*Member Easom regained his computer connection and agreed the applicant may find relief in asking for a Variance.*

**The applicant, Ms. Katrina Posner requested to withdraw her application without prejudice.**

**Member Prager made a motion to accept the withdrawal of the application without prejudice. The motion was seconded by Member Petropoulos and carried unanimously via roll call vote.**

**A motion to adjourn at 7:30 PM was made by Member Prager. The motion was seconded by Member McCoy carried unanimously via roll call vote.**