

**Town of Groton**

**Zoning Board of Appeals**

173 Main Street

Groton, Massachusetts 01450

Tel: (978) 448-1121

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August 30, 2023 - 6:30 PM - Second Floor Meeting Room

**Members Present and Voting for Public Hearing**

Bruce Easom, Chairman

Jay Prager, Full Member, via zoom

Dan McLaughlin, Clerk, Full Member

Thomas Peisel, Full Member

Veronica O’Donnell, Associate Member, via zoom

**Others Present**

Jean Nordin-Evans

**The meeting was called to order at 6:30 PM by Chairman Easom and stated that the meeting was being recorded for later broad cast. There will be video and audio for viewing.**

**Mr. Easom stated that Member Prager and Associate Member O’Donnell were attending the meeting via Zoom, so any votes taken will be by roll call vote.**

**Chairman Easom read aloud the agenda for this meeting.**

**Meeting Minutes**

**315 Lost Lake Drive, Special Permit Application #2023-5**

**Chairman Easom opened the public hearing. This is the first hearing in the process for this appeal application.**

**Member McLaughlin read aloud the public notice into the record**.

The Zoning Board of Appeals will hold a public hearing on **Wednesday, August 30, 2023 at 6:30 pm at the Groton Town Hall, second floor meeting room**, to convene the hearing for the application of Gus G. Widmayer, 135 Skyfields Drive**, Groton, MA 01450**, for an appeal of the decision of the Building Commissioner regarding a noise disturbance at Lot 222-39, 179 Indian Hill Road, Groton, MA. Please refer to Section 218-5.7- E (1) and any other applicable section of the Groton Zoning By-Law.

Chairman Easom stated that the voting members for this hearing would be the present members and the members who were attending via Zoom: Chairman Bruce Easom, Member Tom Peisel, Member Dan McLaughlin, Member Jay Prager and Associate Member Veronica O’Donnell.

Applicant Gus Widmayer was not present for this appeal of action.

**Chairman Easom opened the floor for the Board:**

Member Prager stated that Mr. Widmayer provided no evidence of the type of noise that he was dealing with and thinks that Bob Garside’s letter explains it well that this property fits in with what an RA district is allowed to do. He stated that from his understanding, the Zoning Board are not auditors of noise or similar things and that there is nothing in the bylaw that he is aware of that has anything to do with noise on adjacent properties especially in respect to farming properties. Mr. Prager stated that if there was an issue with noise, this should be taken up with the police department.

Bob Garside, Zoning Enforcement Officer, summarized his letter and explained that Ms. Nordin lives in an RA zone, which is allowed, by bylaw, to have chickens, cows, ectara agricultural, as well as a barn. She has applied for all necessary permits for the barn regarding building permits and has gotten permission with all necessary boards and commissions and it wasn’t built outside of any zoning bylaw infractions. He also stated that on behalf of the keeping of the animals is well within the zoning bylaw of the RA zoning in which this property is located on.

Associate Member O’Donnell agrees with what Bob Garside has mentioned and written, as well as what Member Prager stated about this not being a Zoning Board issue.

Member McLaughlin asked Bob Garside how much noise chickens and a barn can really make and what the real complaint is and Bob Garside said that the appeal filed with the Zoning Board was that Mr. Widmayer believes that these animals were intrusive to his lifestyle. Mr. Garside said that according to the zoning bylaw there is no issue here and he said he wasn’t aware of any restrictive covenant or proof of any restrictive covenant that tells neighbors or anyone that they have to do something different than the zoning bylaw in Groton. Mr. Garside said that this was a civil matter and should be handled between neighbors.

Member Peisel concurred with the other members and Mr. Garside.

Chairman Easom mentioned that he did a wordsearch in the zoning bylaws for the word “noise” and stated that it occurs a couple of times and it was for special permits, for example someone asking to do activities that are usually not permitted in an RA zone. However, this is not the situation for this case because this is within the allowed by-right activities in the RA zone. Member Prager did a similar search to this and came up with similar results.

**Chairman Easom opened the floor for public comment:**

Jean Nordin stated that she lived at the 179 Indian Hill Road property that is in question and mentioned the animals that she has on the property and stated that the machinery that is used is not always in operation so she was not sure what the problem was.

***Member McLaughlin made a motion that the Board uphold the decision of the Building Commissioner. Member Prager seconded this motion and it was carried unanimously via roll call vote. (5-0)***

**General Business – NONE**

**Member Prager made a motion to adjourn. Member McLaughlin seconded the motion and it was carried unanimously via roll call vote. (5-0)**

A motion to adjourn at 6:42 PM