

**Town of Groton**

**Zoning Board of Appeals**

173 Main Street

Groton, Massachusetts 01450

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October 4, 2023 - 6:30 PM - Second Floor Meeting Room

**Members Present and Voting for Public Hearing**

Bruce Easom, Chairman

Jay Prager, Full Member

Dan McLaughlin, Clerk, Full Member*, via Zoom*

Thomas Peisel, Full Member

Veronica O’Donnell, Associate Member

**Other Members in Attendance**

Leonard Green, Associate Member

**Others Present**

Dan Wolfe

Larry Hurley

Cathy Berse-Hurley

Paul Alphen

Members of the public

**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.**

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

**Meeting Minutes**

**315 Lost Lake Drive, Variance Application #2023-6**

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

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

The Zoning Board of Appeals will hold a public hearing on **Wednesday, October 4, 2023 at 6:30 pm at the Groton Town Hall, second floor meeting room**, to convene the hearing for the application of Laurence J. Hurley and Cathy Berse-Hurley, **315 Lost Lake Drive, Groton, MA 01450**, for a petition for a variance to reduce the front yard setback on Lot 129-43, 44, & 45, 315 Lost Lake Drive, Groton, MA. Please refer to Section 218-5.7- E (1) and any other applicable section of the Groton Zoning By-Law.

Chairman Easom determined that the voting members for this variance application would be Bruce Easom, Thomas Peisel, Veronica O’Donnell, Jay Prager and Dan McLaughlin.

Dan Wolffe, with David Ross Associates, was there to present this variance application with Larry Hurley and Cathy Berse-Hurley. Mr. Wolfe explained that a variance application is appropriate because they are trying to site this garage off of an area on Lone Lane and Lost Lake Drive that they are finding is a compromised area due to extreme typography. He explained that the existing driveway that serves the existing house is very steep and is about 20% in some areas and is often impassable in storms in the winter. Due to this, they are proposing a garage on the top of the property where they currently have a little landing area. The submitted site plan shows this landing area, as well as the slopes behind where the garage is expected to go, which is even steeper than the driveway. Concluding, this is why they are asking for a variance to site this garage 20 feet off of the right of the lot, which is the right of way line and he clarified that this is about 30-32 feet from the edge of the pavement and explained that there is quite a bit of an offset to the edge of the pavement. Mr. Wolfe also said that to place the garage at the proposed location would be very similar to other nearby properties.

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

Member Peisel asked why the garage was going to be as large as it was planned to be and what Mr. Hurley was planning this garage to be used for. Mr. Wolfe said that for many years Mr. Hurley has had very large trucks and being able to pull trucks in to the garage requires extra space, however the width of the proposed garage, which is 24 feet, is the width of a standard garage.

Member Prager mentioned that when Mr. Hurley originally came before the board for a special permit, they had proposed a 24.4-foot setback from the street. Mr. Prager proceeded to ask why it was now being proposed at 20 feet if they are able to set it further back. Mr. Wolfe said that they were proposing the 24.4 feet based on the averages to hopefully come to an agreement but because of where this garage is placed, the surrounding area is plummeting and is not realistic. Member Prager recommended that the Board should perform a site-walk to get a better understanding of the location of this garage to determine a basis for the setback.

Member McLaughlin was curious about the Bobcat that was shown in the proposal for zoning concerns and Mr. Hurley said that this Bobcat was mostly to use for plowing snow for himself and occasionally neighbors, with the exception of a one-time purpose of a commercial job for the Conservation Trust, which he did pull the appropriate permits for. In sum, this garage is planned to be used for the family vehicle and not for commercial use.

Member Prager asked if the homeowners were using the existing garage and Mr. Hurley explained that this existing garage is a temporary structure and was a nylon tent and after the second winter in use, the roof caved in. Member Prager asked why they could not place the new garage in this location and Mr. Wolfe said that this is approximately 25 to 30 feet lower and they cannot navigate it during storms in the winter. With the proposed garage, the homeowners will have to walk a little to get to the house. Member Prager recommends a sidewalk due to this.

Chairman Easom asked what the dashed line in the drawing was and it was explained that this represents the 8-foot overhang on the left side. This location is to store the Bobcat.

Chairman Easom asked the Boad if they thought a site-walk would be beneficial and it was agreed upon that if the majority would like to do this, they would be willing to attend but otherwise did not believe this would be necessary to do.

There was no public comment on this variance application.

***Member Peisel made a motion that the Zoning Board of Appeals approve a variance for the installation of a garage off of Lone Lane at a lot located described as 315 Lost Lake Drive. Member McLaughlin seconded this motion and it was carried by majority vote 4-0-1.***

***Member Peisel made a motion to close this public hearing. Member McLaughlin seconded this motion and it was carried by unanimous vote 5-0***.

**Cow Pond Brook Road, Heritage Landing #3-23**

**Chairman Easom opened the public hearing. This is the sixth hearing in the process for this comprehensive permit.**

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

Chairman Easom reminded everyone that the members hearing this 40B application were Burce Easom, Dan McLaughlin, Jay Prager, Thomas Peisel and Veronica O’Donnell. He also reminded everyone that the applicant(s) have agreed to the substitution of Ms. O’Donnell in the place of Russell Harris.

At the previous meeting, there were a few questions that needed answers. One question was if abutters needed to pay to hook up to water, if the water line extension is created. Chairman Easom spoke to Tom Orcutt, who is the Water Superintendent, and he indicated that as long as the well on the lots on the houses on Cow Pond Brook Road meet the requirements, the town will put a stub in the water line under the street in case they ever want to hook up to this. However, they are not required to hook up ti it unless there is Board of Health concern about PFAS or contaminants in the water that they are pumping out. The answer appears to be that they do not need to hook up to this water line extension and it was recommended to reach out to Mr. Orcutt at the Water Department if anyone had any questions and would like to get more information.

Member Peisel asked that if this water line extension were to happen, would it be up to the Town to construct it and Mr. Easom said that his expectation would be that the water commissioners would send this out to bid and it would go through a municipal bidding procurement process, regardless of who is funding it.

Chairman Easom read a Sustainability Commission letter into the record, dated September 20th, 2023. In sum, this letter explains what the applicants of Heritage Landing could do better to have their project be more sustainable, which includes, but is not limited to, different lighting options for dark-sky regulations and timing restrictions on these lights, usage of heat pumps, electrical hookups for car chargers and use of appropriate non-invasive plantings.

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

Paul Alphen mentioned that the from the last meeting, there were two tasks to be completed and one of these was the traffic counting, in which he mentioned that there would be more to be obtained from October 5th to October 8th on Cow Pond Brook Road and north of Hoyts Wharf Road and near the proposed driveway. Turning radius’s will also be performed from October 5th from 3PM to 6PM on the Lowell Road and Cow Pond Brook Road intersection. They have advised MDM Transportation of this and conferred with them and while a request has gone out to see if they had any comments, there had not been any received as of this meeting. There will be follow up with them to see if there were any comments from MDM Transportation.

Chairman Easom asked why these dates were chosen and Mr. Alphen explained that this was because this was the earliest availably that they had for the equipment and personnel and knew how close the deadline was from when the sport season ended and they wanted to get more counting’s completed before this was over.

Member Peisel asked if this would be until the end of day on Sunday and Mr. Alphen was unsure of this, so he mentioned that he would ask and find out this answer.

The next topic of conversation was the extension date on the public hearing. There was a document that was recently sent over that was reviewed by Town Counsel and the document was edited to add a Zoning Board of Appeals letterhead and the correct date for the first public hearing. Both the Board and Mr. Alphen reviewed this finalized extension request and deemed it acceptable to sign.

*Member Peisel made a motion to authorize the Chair to sign the letter of agreement extending the public hearing date to April 24, 2024. Member Prager second this motion and it was carried by unanimous vote 5-0.*

Mr. Alphen said that they have received instruction and direction recommendations from Nitsch Engineering. Additional time will be needed to review this and follow up on these recommendations, as well as getting the traffic counting completed and getting the traffic study completed and reviewed by MDM Transportation. Getting all of this information completed might take a month or more, in Mr. Alphen’s opinion, so a November date would be preferable for a next meeting date. This Nitsch Engineering recommendations and direction letter is to be read into the record during a future meeting.

Mr. Alphen asked if the traffic study was not ready for the next public meeting date, how would the applicants go about extending the next public meeting date. Mr. Easom said that the Board will still meet but at this meeting, it will be continued to another date. If they expect to not be ready by this date, just give a heads up about this so the Board is aware.

There was no public comment.

Fran Stanley asked if they should set a projection to get tasks accomplished for the April 24th, 2024 extension. Mr. Alphen suggested that at the next meeting they should discuss this further so that more information can be gathered to get a better idea of a set scheduled of things to get done. For this next meeting, Chairman Easom recommended to have a report ready to explain the progress the applicants have made with Natural Heritage, the water line and with the Board of Health and Mr. Alphen agreed to do his best to get this ready for then.

Anna Elliot asked about the Town Meeting vote on the two articles about the sale of land next to this proposed project and if this has anything to do with the mitigation for the nitrogen loading and if the Board will be expected to make any comments on this at the Town Meeting. Fran Stanley explained that these warrant articles are two parcels that are under consideration and the Heritage Landing developer said that it might be helpful to be able to look at the publicly owned land across the street and part of this is the ball fields and the other part is on Hoyts Wharf Road and are described as wetlands areas. If they would be able to take 14.5 acres of this, they could use this to use for their nitrogen loading concern. Bids are out now, due the day after this meeting, under public procurement and even though is out to bid publicly, Natural Heritage is interested in this land but it is open to anyone to make a bid. Bids will be considered and brought to the fall Town Meeting and will then be brought to a vote at this time if a bid is considered. Mr. Easom said that this was a little out of the Boards purview but that this would definitely impact what options are available going forwarding.

There was brief discussion about the next meeting date and it was agreed upon with the Zoning Board of Appeal members and the applicants that November 8th, 2023 would be a reasonable time for this.

***Member Prager made a motion to continue this public hearing to the 8th of November, 2023 at 6:30PM. Member Peisel seconded this motion and it was carried unanimously via roll call vote.***

**General Business**

Groton Herald invoice of $75.00 for the advertisement of 315 Lost Lake Drive was signed by the Board members to be paid.

**Member Prager made a motion to adjourn. Member McLaughlin seconded the motion and it was carried by unanimous vote .**

A motion to adjourn at 7:24 PM