



TOWN OF GROVELAND

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**TOWN OF GROVELAND
ZONING BOARD OF APPEALS**

**DECISION FOR SPECIAL PERMIT
APPLICATION #2017-11**

YOU ARE HEREBY notified of the Decision of the Board of Appeals (the "Board") on the application made by John F. Stokes II and Grace E. Stokes (collectively, the "Applicant") for property located at 92 Seven Star Road, Groveland, Massachusetts Assessor's Plat # 13 Lot # 12 located in the Residential 2 Zoning District (the "Property").

Application # 2017-11 was filed with the Board on November 9, 2017 as signified by the Town Clerk's date stamp. The Applicant requests a special permit for an accessory apartment (the "Accessory Apartment").

Notice of a public hearing on the Application was given by posting in Town Hall posting, publication in The Eagle Tribune on November 22, 2017 and November 29, 2017, and by mailing to all parties-in-interest as defined in Section 11 of Chapter 40A of the Massachusetts General Laws.

The Board, as authorized by Section 15 of Chapter 40A of the Massachusetts General Laws, conducted a public hearing on the Application on December 6, 2017 and January 17, 2018.

The Applicant submitted to following materials in support of the Application:

- Zoning Board of Appeals Application, signed by the Applicant on November 3, 2017, and date stamped by the Town Clerk on November 9, 2017, along with a letter explaining aspects of the application, area calculations regarding the addition, and floor plans and elevations dated November 6, 2017, prepared by Alfred J. DiBiaso, Architect (the "Architect").
- A letter to the Board, dated January 3, 2018, describing plan changes made from the plans submitted to the Building Inspector and plans submitted with the Application, along with full size sets of plans dated March 21, 2017 and November 6, 2017.
- An email dated December 28, 2017 with attached floor plan from the Architect regarding calculations of the area of the Accessory Apartment.

- A copy of a Zoning Board of Appeals Application date stamped by the Town Clerk on April 7, 2017, with note from the Board clerk returning the application and fee.
- A copy of the Permit and Order of Conditions from the Groveland Conservation Commission, dated May 18, 2017.
- A copy of a Building Permit issued to the Applicant by the Town of Groveland on June 19, 2017.
- A copy of an order signed by Justice Wall of the Massachusetts Superior Court on matter number 1777cv01378, regarding the Accessory Apartment.
- The Applicant also presented several photographs of the Property and the Accessory Apartment at the December 6, 2017 hearing.

The Board heard testimony from the Applicant, the Applicant's attorney, the Architect, the Groveland Building Inspector, and several abutters and an attorney representing some of the abutters. The Board also viewed several photographs of the Accessory Apartment offered by abutters, received a copy of pleadings in Massachusetts Superior Court civil action 1777cv0138 from the attorney for several abutters, and a letter from Attorney Joseph M. Princi, representing Baldini Plumbing & H.V.A.C., LLC.

FINDINGS:

The Board makes the following findings in connection with this Decision:

1. The proposed use is consistent with the purpose and intent of the Groveland Zoning By-Law, as it will meet the future housing need of the Applicant.
2. The proposed Accessory Apartment meets the Groveland Zoning By-Law size limitations, as the existing second story will be unoccupied storage space and excluded from the calculation of the apartment size and other storage spaces are also excluded from the size of the Accessory Apartment in accordance with the Groveland Zoning By-Law.
3. The proposed Accessory Apartment will not change the single family characteristics of the dwelling, as the addition is minimally visible from the street, is similar in design to the main house, the additional means of egress are required for compliance with the Massachusetts Building Code, and there will be an internal connection between the Accessory Apartment and the main dwelling unit.
4. The Applicant is the owner of the Property and will live in the principal residence or the Accessory Apartment and the other dwelling unit will be only be occupied by the Applicant or the Applicant's immediate family members.
5. There will be no more than one accessory apartment on the Property, as the existing accessory apartment will be incorporated into the new Accessory Apartment.

DECISION:

The Board voted 4-0 to approve the Application and grant the Applicant a special permit for the Accessory Apartment on the following conditions:

1. The Accessory Apartment shall be constructed according to the plans submitted with the Application, including specifically, but without limitation, the internal connection between the main dwelling unit and the Accessory Apartment on the second story, and the floor area of Accessory Apartment shall not exceed the specifications on the submitted plans.
2. The dwelling units on the Property cannot be converted into a two family residence.
3. The Applicant shall occupy either the principal dwelling unit or the Accessory Apartment and occupancy of the other unit is restricted to occupancy by immediate family members of the Application as specified in the Groveland Zoning By-Law.
4. This special permit shall terminate upon a change in ownership of the Property or upon the Applicant no longer occupying the principal dwelling unit or the Accessory Apartment.
5. All submitted plans will become part of this Decision, and any deviation or changes from the approved plans will require an application for modification prior to commencement of any changes.
6. The Accessory Apartment shall comply with the Massachusetts Building Code, all Town of Groveland codes, bylaws, rules and regulations, and must comply with all current safety, health, and construction requirements before occupancy.
7. Parking for the Accessory Apartment shall be accommodated on the existing driveway.
8. This Special Permit is non-assignable.
9. Only one accessory apartment is permitted on the Property.
10. The Applicant shall submit verification of compliance with this special permit to the Groveland Zoning Enforcement Officer annually, within thirty (30) days of the anniversary of the date of the Certificate of Occupancy.

Motion: Katherine Bailey Second: Daniel MacDonald

Vote on the Motion to approve this Decision:

	YES	NO	ABSTAIN	ABSENT
CHAIR (K. Bailey)	X			
VICE-CHAIR (J. Normand)	X			
MEMBER (D. MacDonald)	X			
MEMBER (K. Franson)	X			
MEMBER (Vacant)				

Any Appeal of this Decision shall be made pursuant to Section 17 of Chapter 40A and shall be filed within twenty days after the date of filing this decision with the Town Clerk.

On behalf of the Board:



Chair: Katherine C. Bailey

1/29/2018
Date: