



TOWN OF GROVELAND  
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**TOWN OF GROVELAND  
ZONING BOARD OF APPEALS**

**DECISION FOR VARIANCE  
APPLICATION #2018-3**

YOU ARE HEREBY notified of the Decision of the Board of Appeals on the application made by Steven and Jennifer Caddigan (the "Applicant") for property located at 15 Philbrick Street, Groveland, Massachusetts Assessor's Plat #16 Lot #92 located in the R-2 District (the "Property"). The Applicant is also the owner of the Property, pursuant to that certain deed, recorded in the Essex (Southern) Registry of Deeds in Book 25780, Page 301.

Application # 2018-3 was filed with the Board on May 14, 2018, as indicated by the Town Clerk's stamp, requesting a modification of the amended, 15 Philbrick Street Comprehensive Permit dated November 9, 2009. The Board of Appeals questioned whether the Applicant was qualified as an "Applicant" pursuant to G.L. c 40B and 760 CMR 56.02 and the Applicant then reclassified the nature of relief and filed a supplemental application on June 7, 2018<sup>1</sup>. The Applicant requests a variance to permit the construction of an addition on the east side of the existing structure on the Property that will encroach into the required side yard setback.

The Board, as authorized by Section 15 of Chapter 40A of the Massachusetts General Laws, heard Application #2018-3 at a public hearing conducted on May 30, 2018 and June 11, 2018. Notice of the public hearing on Application #2018-3 was given by posting in Town Hall posting, publication in The Eagle Tribune on May 16, 2018 and May 23, 2018, and by certified mail to all parties-in-interest as defined in Section 11 of Chapter 40A of the Massachusetts General Laws.

**FINDINGS:**

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

1. The Applicant has demonstrated that the Property is sloped on the west side of the existing structure and that due to this topography, which is not characteristic of the entire district, construction of an addition would be difficult on that side of the existing

<sup>1</sup> Pursuant to Duteau v. Zoning Board of Appeals of Webster, 47 Mass. App. Ct. 664, 666 (1999), the Board of Appeals determined that reclassification of the relief sought was within its authority as any interested parties had adequate notice of the substance of what was requested.

structure and a strict application of the Groveland Zoning Bylaw would cause a substantial hardship to the Applicant.

2. The Applicant further demonstrated that the granting of the variance would not be a substantial detriment to the public good because, as confirmed by Groveland public officials who provided comments to the Board, there would be adequate access to the structure for public safety purposes. The granting of the variance would not nullify the intent and purpose of the Groveland Zoning Bylaw because negative effects can be mitigated with conditions.
3. The Board heard testimony from the owners of the property, designated as Map 16, Lot 80A (the "Adjacent Parcel"), who expressed concerns about the impact that the construction of the proposed addition would have on the trees on their property, several of which are very large and old, that are close to the lot line shared with the Applicant. The Board found that conditioning the approval to require the Applicant to use certain construction methods and impose certain protections for these trees is sufficient to mitigate the risks to the trees.

#### DECISION:

The Board voted 4-0 to approve Application #2018-3 and grant the Applicant a variance for the eastern side yard setback, allowing an addition to the existing structure to be no closer to the eastern lot line than 7.1 feet, except that a chimney may be constructed no closer than 6 feet to the eastern lot line, on the following terms and conditions.

1. The variance is requested and granted for the purpose of permitting construction of an addition on the east side of the existing single-family home on the Property. Construction of the addition shall be done in conformance with the following plans submitted with the application:
  - a. "Caddigan Residence Addition, 15 Philbrick Street, Groveland, MA" issued 6/4/18, prepared by John Minton, RA and identified as Job Number V17-43 and containing Sheets A-1, A-2, A-3, EX-1 and EX-2.
  - b. "Proposed Addition, 15 Philbrick Street, Groveland, Mass. Prepared for Steve and Jennifer Caddigan" dated April 2, 2018, revised June 5, 2018 and June 7, 2018, prepared by Christiansen & Sergei, Inc. and identified as DWG NO. 04098009. Specifically, (i) construction of the front portion of the addition, closest to the eastern side lot line, shall be constructed using helical piles and not an excavated foundation, and (ii) the stormwater infiltration system shall be constructed to accommodate stormwater from the addition on the Property.
2. Prior to commencement of any construction, Applicant shall clearly delineate the limit of work and install reasonable protections to prevent damage to trees on the Adjacent Parcel (the "Tree Protections"). The Applicant shall not be permitted to cut branches of the trees on the Adjacent Parcel for the purposes of construction.
3. Applicant shall give notice, at least five (5) business days in advance, to the Groveland Tree Warden and the Groveland Conservation Agent of the commencement of work and of the commencement of excavation and shall permit the Tree Warden and/or

Conservation Agent to enter and inspect the Property to ensure that the Tree Protections are in place and remain in place.

4. Prior to issuance of a building permit for this project, the Applicant shall deposit One Thousand Dollars (\$1,000) into a [non-] interest bearing escrow account with the Town of Groveland, to be held for a period of two (2) years after the issuance of the certificate of occupancy (the "Escrow Period"). These monies are to be held for the purpose of providing funds to replace any tree on the Adjacent Parcel that, in the professional opinion of the Tree Warden, or, in the absence of a Tree Warden, the Conservation Agent, is damaged or killed as a result of the construction of the proposed addition. If necessary, in order to access these monies to repair or replace a damaged tree, the owner of Adjacent Parcel shall make a claim to the Tree Warden, or the Conservation Agent as the case may be, who shall investigate and determine whether damage is related to the construction. If no claims are made before the expiration of the Escrow Period, the escrowed funds shall be returned to the Applicant, upon request by the Applicant.
5. The Applicant shall create a deed restriction, reasonably satisfactory to the Board, limiting the number of bedrooms permitted to three (3) bedrooms. The Applicant shall submit the proposed deed restriction to the Board for review by Town Counsel and shall record the deed restriction in the Applicant's chain of title prior to the issuance of a certificate of occupancy.
6. As soon as possible, environmental conditions permitting, after construction is complete, the Applicant shall stabilize and seed all areas disturbed by the construction.

Motion: Katherine Bailey Second: Kathleen Franson

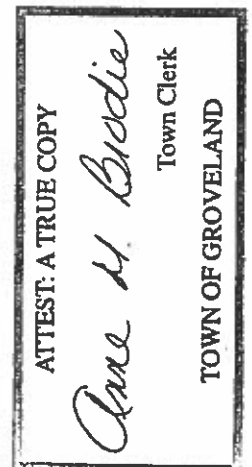
Vote on the Motion to approve this Decision:

	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.

  
Chair: Katherine C. Bailey

6/15/18  
Date:



Tree Description	Distance f. Addition (ft.)	Diameter (in.)	CRR Factor	CRR (in.)	CRR (ft.)	PRZ (in.)	PRZ (ft.)	Comments
A. Maple - large, mature, older, front corner	11	65	1.5	97.5	8.125	195	16.25	No longer at risk - protected w/ use of helical pile.
B. Maple - small, young, healthy, front	10	12.5	1.0	12.5	1.042	25	2.083	Not at risk - protected w/ use of helical pile; and addition is outside of PRZ.
C. Maple - cluster (3-4), small young, healthy, front	12	24.5	1.0	24.5	2.042	49	4.083	Not at risk - protected w/ use of helical pile; and addition is outside of PRZ.
D. Maple - large, mature, older, rear, deep in woods	25	66	1.5	99	8.25	198	16.5	Not at risk - addition is outside PRZ.

**Notes:**

**Tree Diameter (thickness):**

Measured at point 4.5 ft. above ground.

**Protected Root Zone (PRZ)**

Provides circumference area where critical amount of tree's roots may be found and should be isolated from construction.

**PRZ Calculation:**

CRR x 2

**Critical Root Radius (CRR)**

Distance from tree that accounts for critical amount of a tree's roots and accounts for natural growth. More accurate method to determine PRZ when dealing with trees that have been growing in forest or that naturally have a narrow growth habit. Particularly true for columnar trees and for those where competition has reduced the canopy spread.

**CRR Factor:**

For sensitive, older or unhealthy trees: use 1.5  
For tolerant, younger, healthy trees: use 1.0

**CRR Calculation:**

For sensitive, older or unhealthy trees = Diameter x 1.5  
For tolerant, younger, healthy trees = Diameter x 1.0

**Drillline**

Area directly below the branches of the tree; less accurate method to identify critical or protected root area (PRZ).

**Source:**

"Protecting trees from construction damage: a homeowner's guide" by Gary R. Johnson (University of Minnesota).

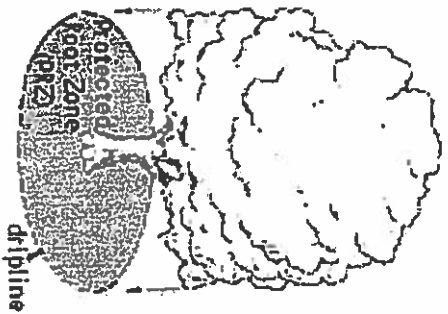


Figure 1. A tree's protected root zone (PRZ) is often considered to be the part of the roots that lie directly below its branches within an area known as the dripline.

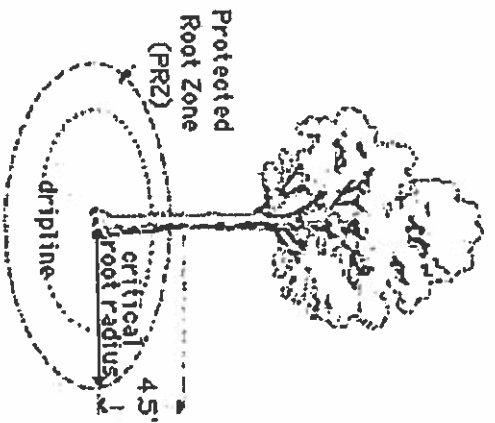


Figure 2. Approximate a tree's PRZ by calculating the critical root radius (CRR). First, measure the tree diameter in inches at breast height (DBH). Then multiply that number by 1.5 or 1.0. Express the result in feet.