



TOWN OF GROVELAND

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**TOWN OF GROVELAND
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BOARD:	Zoning Board of Appeals
TOPIC:	Monthly Meeting
MEETING DATE:	January 17, 2018
MEETING PLACE:	Town Hall Meeting Room
TIME:	7:30 P.M.
MEMBERS PRESENT:	K. Bailey, K. Franson, J. Normand, D. MacDonald
MEMBERS ABSENT:	none
GUESTS:	Sam Joslin, Groveland Zoning Enforcement Officer
RECORDER:	K. Bailey

Bailey called the meeting into order at 7:36 p.m.

Continuation of Public Hearing on Application 2017-11- for a Special Permit for In-Law
Apartment

Bailey summarized information received by the Board since the last meeting and read certain information into the record.

Attorney Joseph Princi spoke for Baldini Plumbing & Heating to clarify that Baldini Plumbing did not perform work at the premises in violation of any cease and desist order.

Building Inspector, Sam Joslin, indicated that he conducted an inspection of the premises after the December 6th meeting and confirmed that no further work was performed. Mr. Joslin also presented information regarding difference between single-family with accessory apartments and two-family uses and structures.

Bailey requested the applicant present any changes to the plans and additional information to the Board.

Attorney Peter Caruso (the applicant's attorney) presented the plan for the accessory apartment using different calculations for exclusion, bringing the total to 884.5 square feet. The Board asked clarifying questions and Mr. Joslin opined that the proposed changes would still be a single-family home.

Mr. DiBiaso (the architect for the project) explained the location of the second story connection between the existing house and accessory apartment, which makes the internal connection between both living units.

MacDonald requested Mr. Joslin clarify the procedural process with the building permit that had been issued for the project. Mr. Joslin explained the sequence of events that lead to issuance of the building permit for the accessory apartment. Attorney Caruso also clarified the sequence of events leading up to the Superior Court order.

Bailey asked for public comment:

Attorney Rachel Judkins (representing the abutters McNeil, Donohue, Santasossa, Link) provided the Board with copies of pleadings in Superior Court cease and desist action. Attorney Judkins raised concern regarding plans underlying Conservation Commission decision not being referenced in the Application. Bailey requested that comments be limited to zoning concerns and that issues raised regarding the Conservation Commission decision be raised with that board. Atty. Judkins also questioned whether building permits had been issued for work performed on the "original portion" of the apartment. Bailey again requested that comments be based on the application before the Board and not regarding zoning enforcement of past or present violations.

Atty. Judkins raised concern that there is no present need for the accessory apartment and asked the Board to consider the purpose of the proposed apartment. She questioned what the use of the upstairs cold storage would be if it is incorporated into the main house. She also raised concern that the application exceeds the allowable egresses.

Ralph McNeil (97 Star Road) questioned whether Mr. Joslin stated in a meeting (1) that there was nothing that he could do about the proposed apartment and (2) that the home, before the changes, looks like a two-family. Mr. Joslin stated that he absolutely did not state that there's nothing Mr. McNeil could do about it and said that he said he could see why Mr. McNeil thinks it looks like a two family.

Susan McNeil (97 Seven Star Road) states that the original accessory apartment permit requires that any modification be approved by the Board and they didn't appeal because they did not have notice of the building permit. She said that had the apartment been constructed according to the original plan submitted with this application, it would not have complied with zoning.

Bailey asked Mr. Joslin to address the point regarding egresses. Mr. Joslin notes that the Zoning Bylaw also requires the apartment to comply with the state building code, which requires two egresses. The access to the deck and basement stairs are not egresses. The apartment would need two means of egress and that it what it provides. The Zoning Bylaw is somewhat conflicting in this respect.

Normand asked to confirm prior in-law apartment egresses. Mr. Stokes confirmed that it had two, but one is being relocated.

MacDonald asked Mr. Joslin to confirm that the revised plans comply with the Zoning Bylaw and state building code. Mr. Joslin stated that he agrees that the square footage numbers comply with the strict language of the bylaw.

The Board reviewed the pleadings materials that were provided by Attorney Judkins.

MacDonald asked the applicant to comment on the need for the apartment. Attorney Caruso explained that the Stokes' son plans to move into the main house and Mr. and Mrs. Stokes into the accessory apartment. He acknowledged that the future plans include transferring ownership of the property to the son and that, at that time, the special permit would need to be re-issued.

MacDonald asked further questions to Mr. Joslin regarding size of the structure and aesthetics of the structure. Franson asked Mr. Joslin to summarize his finding of last inspection.

No further public comment was made. Bailey closed the public hearing.

MacDonald stated that, based on the information presented, including the information provided by the architect that the dimension comply with the Zoning Bylaw, he believes that the application meets the requirements for a special permit.

Normand stated that his concerns were over single-family nature but tying the second story into the main building alleviates this concern and eliminates concerns over square footage. He finds that all of the other zoning requirements are met. Bailey notes that the second story is usable by both units and Normand agrees that the configuration is acceptable.

Franson was also concerned about connectivity and that was why she wanted to see the plans associated with the original permit. Now that the revised plan will have an internal connection that concern is resolved. The internal connection is something that the Board has typically required. Franson also visited the neighborhood and agreed that the home is not out of place.

Bailey agreed that the applicant has met the size limitation and because it has to meet state building code, the additional egresses are needed to meet the building code. Bailey also agrees that the internal connection is an important distinction in keeping the use a single-family with accessory apartment. MacDonald agreed regarding the need for two egresses.

Bailey moved to approve Application 2017-11 for an accessory in-law apartment as presented in the last version of the plans submitted, on the condition that an internal connection between the accessory and main units be constructed and maintained; that the upstairs of the accessory apartment be maintained as cold storage and not used as living space; that the applicant certify compliance with the permit annually to the building inspector; that no deviation from the approved plans be made without modification of the special permit; and that only one accessory in-law apartment is permitted on the property. MacDonald seconded. No discussion. Voted 4-0.

The Board took a recess.

Other Business:

Further discussion of revised Application Form: Franson discussed making the revised form a fillable PDF. She will continue working on it. Bailey noted that the Rules and Regulations need to be amended to clarify that waivers of application requirements can be made. MacDonald will draft revisions.

The Board discussed approval of meeting minutes. Franson moved to approve minutes for December 6, 2017 meeting. MacDonald seconded. Voted 4-0.

Other Business: Franson had suggestions for the budget request. The budget was submitted at end of December with increase in funding and reasons for increase.

Franson motioned to adjourn meeting at 9.17pm. MacDonald seconds the motion. (Voted: 4-0)


Chair

4-4-18
Date