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**TOWN OF GROVELAND
MASSACHUSETTS 01834**

BOARD: Zoning Board of Appeals
TOPIC: Monthly Meeting
MEETING DATE: May 2, 2018
MEETING PLACE: Town Hall Meeting Room
TIME: 7:30 P.M.
MEMBERS PRESENT: K. Franson, J. Normand, D. MacDonald
MEMBERS ABSENT: K. Bailey
GUESTS: Bill Dunn (Alternate member)
RECORDER: J. Hauss

Normand called the meeting into order at 7:32 p.m.

Public Hearing on Application 2018-2- for a Special Permit for change of use from business to residential on a non-conforming lot in the Business B District

Robert Gregory, Trustee of 147 Meridian Realty Trust, owner of 23-25 Elm Park, Map 10, Lot 29 was represented by Mitchell Kroner who presented his application for a special permit. Mr. Kroner explained that the property which consists of two buildings, both of which are pre-existing non-conforming structures and uses. The front building (23 Elm Park) is subject of this Application and has one residential apartment on the second floor and a business on the first floor. The applicant seeks to convert the business space to a second apartment in the rear building, for a total of four apartments on the premises.

The subject property has ample parking (10-14 parking spaces). The applicant maintains converting the business use to a residential use would be in harmony with the neighborhood.

Franson asked about the square footage and the amount of bedrooms. The front building which consists of two apartments has one bedroom and a two bedroom. The rear building consists of commercial space and a two bedroom apartment. The commercial space will have 2 bedrooms and 1200 sq. /ft. There is a heated garage attached to the 1st floor which is not part of the living space.

MacDonald asked if the expansion of non-conforming is less detrimental than if there is a business in there. He stated that a business would be less detrimental to the community because of the schools.

Jim Freer (Planning Board) explained that back in the 1950's there were 3 homes on 1 deed which now causes much confusion and the non-conformity.

Kroner said the argument is we keeping the same amount of units. In Section 5.4, the ZBA has discretion that it will be less detrimental. It is legal and non-conforming. This is a historic lot that doesn't conform to anything. There are 4 units and the zone allows residential use.

Normand asked for public comment. No other parties made public comment and Normand closed the public hearing.

Dunn noted that the commercial unit will have 2 bedrooms and 1 bathroom with approximately 1200 sq. /ft. There is parking onsite and any modifications need to come in front of the ZBA.

Under Section 5.4 of the Zoning Bylaw, The Board of Appeals may award a special permit to change or extend a nonconforming use in accordance with this Section 5.4 only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

Dunn motioned to approve the special permit to remain as four units with the commercial unit to be residential with 1200 sq. /ft. and have 2 bedrooms and 1 bathroom with off street parking. Any modifications need to come to the ZBA. Any outside structure needs to come to the ZBA. Franson seconded. No discussion. Voted 4-0.

Public Hearing on a Request for Modification to 15 Philbrick Street Comprehensive Plan by Steven and Jennifer Caddigan- Board to determine whether proposed modification is a Substantial Change- Vote is anticipated

Adam Costa, Attorney for the Cardigans gave a history of the Comprehensive Permit. The parcels of land was divided under the comprehensive permit but were not the applicant. The applicant was Woodridge Realty Trust. The permit granted Woodridge to divide the parcel which at the time had one single family home and to construct two additional single-family dwellings, one to be affordable. The modification includes 660 sq. /ft. which exclude the screen porch for the new addition. There is a small change of lot coverage. He said this is an unsubstantial change.

The setback on the original plans was 16.1ft and they want a 4ft. setback.

MacDonald stated this could be a safety issue because the Fire Dept. wouldn't be able to get a ladder up there.

Franson said this is a substantial change. There a definitely standards with 40B. We need to take into consideration 1) impervious surface, 2) density to the parcel, 3) additional bedrooms. This constitutes a public hearing.

Franson motioned that the proposed modification is a substantial modification and requires a public hearing. The April 23, 2018 modification request is a substantial modification that requires a public hearing because the request would add impervious surface and add new rooms that could be used for additional bedrooms and the November 10, 2009 comprehensive permit for the Project at 15 Philbrick Street expressly provided under (Paragraph 5A on page 5), that any increase in impervious surface shall constitute a major modification that shall require a

public hearing; and under (Paragraph 6 on page 7), that any increase in density shall require the provision and an analysis of updated drainage calculations and of parking requirements.

Normand seconds the motion. Voted: 4-0.

The meeting is scheduled for Wednesday, May 30 at 7:30 p.m. The Building Inspector, Fire Chief and Highway Dept. will be asked to attend.

Other Business:

Dunn asked Hauss to obtain a ZBA checklist from the Town of Amesbury.


Normand moved to approve minutes for April 4, 2018 meeting. Franson seconded.
Voted: 3-1-1. (Dunn abstained and Bailey was absent)

Normand moved to approve invoice for Julie Hauss for the following, \$326.03, \$310.50, \$76.99 for Administrative duties and supplies. Franson seconded. Voted: 4-0.

Normand moved to approve invoice for Eagle Tribune for \$252.50. Franson seconded.
Voted: 4-0.

Normand motioned to adjourn meeting at 9:13 pm. Franson seconds the motion.
Voted: 4-0.


Chair


Date 6/11/18



6/11/18