

TOWN OF GROVELAND  
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**TOWN OF GROVELAND  
MASSACHUSETTS 01834**

**BOARD:** Zoning Board of Appeals  
**TOPIC:** Monthly Meeting  
**MEETING DATE:** **June 11, 2018**  
**MEETING PLACE:** Town Hall Meeting Room  
**TIME:** 7:30 P.M.  
**MEMBERS PRESENT:** K. Franson, J. Normand, D. MacDonald, K. Bailey  
**MEMBERS ABSENT:** none  
**GUESTS:** none  
**RECORDER:** J. Hauss

Bailey called the meeting into order at 7:35 p.m.

Continuation of 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

A revised drawing and application was submitted.

The Applicant requested a modification to the Comprehensive Permit. However, following objection by Town Counsel and a discussion with the Board, the Applicant seeks to amend its application by replacement and file this request for a Variance pursuant to section 14.7 of the Groveland Zoning Bylaw ("GZB").

The Property consists of 9,512 square feet of area with 84.12 feet of frontage on Philbrick Street. The current structure is permitted under a Comprehensive Permit which was issued on November 10, 2009. Pursuant to that Comprehensive Permit, the southeasterly side setback is 16 feet. The Applicants wish to construct an addition on the southeasterly side of the structure including two stories at the front which then, after 14.4 feet drops to one story for the remaining section of the addition. Originally, the Applicant's proposed that the construction of the structure would encroach to five feet of the side yard line with a 4-foot setback at the chimney. However, having heard the comments of the Board and the neighbors to the left of the Property, the Applicants have reduced the size of the addition to encroach to be 7.1 feet of the side line with a 5-foot setback at the chimney. Further, with respect to the concern about the larger trees on the adjoining parcel during construction, the Applicants have changed their construction techniques by using helical piles on the front portion of the addition rather than a full foundation. The use of helical piles will preserve any possible tree roots which may be growing in the Applicant's property supporting the larger trees on the neighbor's

property. A full foundation is proposed for the rear section of the addition as this section of the addition steps further away from the sideline given the angled nature of the lot line. The Applicants will not be removing any trees as part of this construction.

The Board requested further information regarding the storm water run-off from the new impervious surface created by the addition. The original proposal included 542 square feet of area. The revised addition has been reduced to 465 square feet. As noted in our prior filings, the approved Comprehensive Permit authorized a drainage design for an impervious area of 3,789 square feet. However, only 2,936 were built. As noted in the letter from Phil Christiansen dated June 6, 2018 the shortfall was due to the garage on Lot 3 not being constructed, the garage on lot 2 being smaller than originally proposed, the houses having a smaller impervious footprint than originally proposed, and the walks having less impervious surface area than originally proposed. The amended proposal uses 465 of the extra 853 square feet of area. Even if the garage were to be built to the same specifications as the other garage that would leave impervious area available from the approved plans.

Notwithstanding the above, for any avoidance of doubt, the Caddigans have requested Mr. Christiansen to design and then install infiltration chambers to keep the additional roof runoff on the Cardigans' property thereby not impacting the approved or as-built storm water systems. Therefore, the proposed addition will actually have no impact on the overall Comprehensive Permit design.

In accordance with section 14.7 of the GZB, the Applicant must show that it has a hardship related to the shape, topography or soil condition of the lot which the Applicant did not create which poses a hardship, and if relief were to be granted it can be done so without substantial detriment to the public good and without nullifying the purpose and intent of the GZB.

As described at the meeting on May 30<sup>th</sup>, the topography on the westerly side of the house is difficult. There is an incline as one travels from the street to the side entry on the westerly side. As opposed to the easterly side which is relatively flat. Due to the topographical challenges on the westerly side, constructing an addition would be difficult at best and maybe financially impossible. This description was echoed by the Building Inspector at the meeting on May 30<sup>th</sup>. The Applicant did not create the hardship related to the land, namely the topographical condition.

There will be no substantial detriment to the public good if relief is granted. The proposed addition is very modest. It is located on the side of the home mostly shielded from the surrounding neighbors. Both the Fire Chief and the Building Inspector have stated that even as originally proposed they did not have a concern with regard to public safety. Mr. Christiansen has opined that there will be no discernable effects on any other property with regard to storm water runoff. The Applicants have redesigned their plans and methods of construction so as to protect the trees most impacted on the abutters' property and will put protections into place in order to protect them during construction such as installing a snow-fence type boundary in order to clearly delineate the property line.

Attorney Mead stated the granting of relief will not nullify the purpose and intent of the GZB. While it is true that set back requirements are important for preserving, life safety and allowing light and air to be in and around buildings, all of those characteristics will continue to be present on the Property. The Fire Chief and Building Inspector have already opined on the safety aspect. The Applicant will be taking steps to protect the neighbors' stand of trees. The Applicant has reduced the proposed addition by reducing it another 2 feet. Section 1.3 of the GZB provides that the bylaw is enacted to promote the general welfare of the Town, to protect health and safety of its inhabitants and encourage the most appropriate use of the land throughout the Town. I have addressed the health and safety aspect of this purpose. Additionally, the Applicants desire to stay in Groveland and raise their family here. Allowing for just a small expansion of their home will ensure that there are appropriate bedrooms and family living space to accommodate the family. There is no change in use and the proposed addition is very modest. The proposal certainly will not nullify the purpose and intent of the GZB.

Normand asked why the numbers on the drawings are different than what the applicant is asking for. The correct setback the applicants are looking for is 7.1 ft and 6ft.

Baily asked if there was any public comment.

Mrs. Fontaine said she is concerned about the trees especially the smaller trees.

MacDonald asked if it would be more economical for them to build a smaller addition. Mead said taking the two feet out and making it the size of what the rooms are is very small.

Topography on the east side of the house is steep. They can't construct on that side. It is a financial hardship because it doesn't line up with the house.

Bailey said she appreciates the storm water staying on site and not flowing off into the neighbor's yard. We can mitigate the conditions with the trees during the construction.

Public safety is not an issue.

Franson said the drainage has been addressed. The tree roots will find their way. The ground area is stabilized and grass will be planted as soon as possible. There is a deed restriction for 3 bedrooms. An escrow account with a reasonable amount should be put into place for landscape issues.

Mead would like conditions regarding replacement of trees. \$1000.00 would be a fair amount to be placed into escrow. The setback will be considered at 15 feet.

Bailey closed the public hearing at 8:40 p.m.

Bailey motioned to approve the application as revised for a variance under the revised plans with maximum encroachment of 10ft up to the chimney, 9ft side and allowing a setback at 7.1ft and 6ft at the chimney on conditions that prior to construction the applicant provide protection of trees along property line with a clear limit of work delineated with snow fencing. Upon

construction a 5 day notice will be given to the tree warden and conservation commission prior construction for the purpose of confirming construction and protection of trees to monitor. This is subject to \$1000.00 deposit into escrow account for a period of 2 years.

Conditions for Decision:

1. Deed Restriction to no more than 3 bedrooms to be reviewed by town counsel.
2. Post construction that the area be stabilized and seeded right after construction.
3. No cutting back tree branches.

This motion is based on the hardship of the topography of the land. Letters were received by the abutters and abutters comments.

Franson second the motion. Voted: 4-0.

Other Business:

Invoices:

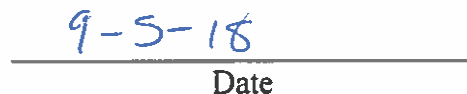
Franson motioned to approve the Eagle Tribune invoice for \$378.00. Bailey seconds. Voted: 4-0.

Minutes:

Normand motions to approve minutes from the May 2, 2018. MacDonald seconds. Voted: 3-0-1. Bailey abstains.

Bailey motions to close the meeting at 9:25 p.m. Franson seconds the motion. Voted: 4-0.

  
Chair

  
Date