



# Town of Groveland Zoning Board of Appeals

183 Main Street  
Groveland, MA 01834

APPROVED

MAY 1, 2019

MOTION: Kathy Franson made a motion to approve the April 3, 2019 meeting minutes as amended. Jason Normand seconded the motion. The vote was 3-0, unanimous in favor.

Board/Committee Name: ZONING BOARD OF APPEALS  
Date: WEDNESDAY, APRIL 3, 2019  
Time of Meeting: 7:30PM  
Location: TOWN HALL

Present: Kathleen Franson, Jason Normand, Chris Goodwin, John Stokes, Jennifer Connors

Absent:

Staff Present: Julie Hauss

Jason Normand, Co-Chairman: The Zoning Board of Appeals meeting for Wednesday, April 3, 2019 was called to order at 7:35PM.

## PUBLIC HEARING

**CONTINUED: Application #2019-1, 299 Main Street, Zong Yang:** request to Appeal the Building Inspectors Decision and requests for a 38.5 ft. variance for the front setback of the existing building located in the Business (B) Zoning District along with a request for a special permit for use as retail space according to all applicable sections of the Town of Groveland Zoning Bylaw, including Section(s) 4, 4.3.3, & 8. (Vote is anticipated.)

Peter Ogren with Hayes Engineering, Applicant's Project Engineer: We met with the Peer Review Engineer, TEC, to discuss some of the original comments and have provided an updated letter, which has been supplied to you. I won't go through the whole letter but some comments to note. We all know this is not a perfect site because of the taking by the Commonwealth. But we have done a lot of things to improve the situation. While it had not previously been made clear, the applicant is proposing a hydroponics equipment store. The nearest ITE Land Use we could find was 897 - Medical Equipment Store, which would add 2 vehicle trips in the AM peak and 2 vehicle trips in the PM peak. That use is clearly a very light traffic generator. The second issue was the site distance. The applicant has determined the sight distances for exiting autos and they were found to be 300 feet in the easterly direction and 170 feet in the westerly/northwesterly direction. They are sufficient for a 25 MPH design speed. The third issue was queuing. There is queuing space for approximately three (3) exiting autos on site. It is our belief that this is sufficient for the limited use of the hydroponics equipment store and small post office. The fourth issue is parking. The parking has been generally reconfigured and it is believed it is the best possible solution to the site. We believe the requirements for minimum parking- 17 spaces - can be obtained, including the addition of three (3) employee spaces, although the two (2) employee spaces for the hydroponics store will have to be tandem spaces, and the one (1) postal employee space would be on the unused ramp to the rear of the post office building. While I know tandem parking is not typically allowed to be counted as spaces they are employee only. We also eliminated a space, assigning it as maneuvering space, directly across from the mail loading area. This space will also serve as delivery space for the hydroponics equipment store. We also added a 15-minute parking space adjacent to the post office, insuring that that space is frequently clear to allow other maneuvering on the site.

We have also reconfigured the floor plan of the garage building. When we made these floor changes we can now get handicapped access to the building. We also eliminated the outside bathroom and only have a bathroom for employees inside and this will open up space for when the store has deliveries. The largest Groveland fire truck cannot maneuver on site, but we have been told by the

TOWN OF GROVELAND  
2019 MAY -2 AM 8:24  
TOWN CLERK  
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Groveland Fire Department that they would fight a fire on each of these low buildings from Main Street. We are seeking a letter to that effect from the Fire Department. We have also provided an auto-turn analysis to show vehicle maneuvering through the site. We think we have come up with the best solution for the site.

## PUBLIC COMMENT

Brian Connell, Norwood Insurance, Direct Abutter: I have a number of comments. One we haven't received any additional comments from TEC concerning the most recent letter. I have been to the site and taken numerous photos and videos to try and show how difficult it is to maneuver the site. I don't even see how the improved upon plan will realistically work for the site. I see what you are saying with the auto-CAD and the theoretical implementation at the site. However, most of the people using the Post Office are older and a lot of those people use the handicapped ramp and the handicapped space. The new plan proposes to move the handicapped space over to the store and now where the ramp is will become fully in the line with traffic. So, if we are talking about a medical device store, I don't know if that is the true use and I would be more comfortable looking at what is actually being proposed and what the actual traffic is. From what I read on this summary provided by the engineer, it is based off a site surveyed in 2000 conducted in Florida. This does not mean a whole lot in terms of applicability here in Groveland, next to a bridge. So I would challenge that a bit. Now the handicapped parking space as proposed, now those people are going to cross the lines of egress and ingress and go against traffic. It does not seem to me like a very appropriate layout. The handicapped space should be next to the Post Office where it is more frequently used. The tandem spaces are also concerning. The Fire Department has not agreed and/or signed off on this plan. Also, one of the main things that I saw, and I see that you have made adjustments, is the curb cut. If I am standing in this curb cut and there is only 14 ft. left, am I to think that people are to come in across the street, and I know you are going to dig up the grass and add pavers, but that people are not going to go over the base of the handicapped ramp and block the ramp? I don't know what the laws are around accessibility but I am concerned. But with 14 ft. there I don't see how both vehicles are coming in and out of that site and queuing. I only have been here for about 2 years, forgive me. But I do know that around Christmas time that site is chaos. There is no longer a conforming structure. The land taking caused this issue, for the prior owner not for the person who bought the property. He created the hardship by buying the property. The prior owner was paid for the property and the state paid for the gas station, and I have an assessment that states that and I can share with you. So the state was fair. One of things is that they left the structure. The structure should have been torn down. But for whatever the reason the structure was left. The prior owner got the money for the land and after the project, from what I am told, sued the state for some water damage and won additional monies and then sold the remaining property to Lee. I don't know what the assessed value was but I do have an appraisal I can share with you, and it states: *Access to the Post Office will be restricted after the taking. After the taking the only one allowed to use the access will be the postal employees. This situation is temporary and will terminate at the discretion of the Postal Service when they decide to vacate the premises. Once they vacate access to the property will no longer be allowed. The gas station property as improved will no longer be a viable operation after the taking. In order to be a viable operation it would need to be totally reconfigured or improved for another purpose. After the Postal Service vacates, without access, this property will no longer be a viable rental establishment. It is my opinion that the subject property highest and best use before the taking is its current use. The highest and best use of the subject property after the taking is excess land available for possible purchase by an abutter.* I have not found where this document is documented with the State Department of Transportation. But I believe there is an investigation into this. The



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former owner was paid market rate for the value of the gas station. I am new to the Town, and I would like to see Elm Square revitalized, I am a business owner and my wife grew up here. I don't think a hydroponics store is right for that location, in my opinion. That egress and ingress is a problem. And this happens at a stop sign at the intersection with a pedestrian crossing. It's less than ideal. The reason I am here because we are next door and the owner of the building and the land has never granted an easement for the right to use the driveway. I believe I have some valid concerns that the Board will take into consideration during your deliberation.

Lee Yang, Applicant: The state took what the state took. They did not take the building. This is pre-existing, non-conforming. I have the right to use the existing lot.

P. Ogren: I have trouble with the appraisal. If the state takes the value of the building and the land they would take the building down. The access is for the property. The state did not take the access which is over 20 feet and I agree the alignment is not good, but that is why we want to use the stone pavers.

**BOARD:** Discussed whether or not the state would be reviewing the curb cut based on email correspondence received from District 4 stating: *A MassDOT highway access permit application should be submitted by the new owner since the former gas station portion has been vacant for over one year. Once we have details regarding the property use and trip generation, a determination on the best and safest access can be made given the existing conditions and location.*

P. Ogren: We spoke with MassDOT and they stated it does not require an access permit if it does not generate a certain level of traffic. We will get confirmation from MassDOT for the Board.

Kathy Franson: The current building has been vacant for some time and we have to take that into consideration when weighing the impacts of the new use – traffic, parking, etc.- in comparison to the former use. My biggest issue is the curb cut. Since the last meeting we went to the site and walked the property, we parked cars and took measurements. When we measured the curb cut at the very first meeting it was 23 feet and then it shown as 22 feet and now in the new plan it is 24 feet. I also have an issue with the access on the right hand side. The area is tight at the location of the handicapped ramp and there is no way for vehicles to get by. I feel like the curb cut needs to be addressed by DOT or planning.

John Stokes: The curb cut will be a disaster. The square was a horror show and now it is much better with the lights and the new flow of the traffic with the bridge. But having traffic stopped at that red light and trying to get through that line of cars is going to mess up the traffic on both sides of the bridge. The Post Office generates a lot more traffic than what has been discussed. People come in the insurance driveway and then go out the Post Office driveway. This is going to be a disaster if that is used for two-way traffic.

Jason Normand: My main concern is the handicapped parking space being moved across the lot. That is nearly a 100 foot walk from the parking space to the Post Office. That is a far walk for a handicapped person.

L. Yang: The law is on my side, this is pre-existing. No one can force me to take down the building.

**BOARD:** No one is asking you to take down your building.

**MOTION:** Chris Goodwin made a motion to close the Public Hearing for 299 Main Street. The motion was seconded by John Stokes. The vote was 5-0, unanimous in favor.

**BOARD:** It is not going to be a light traffic use. The building is oversized. There could be a better use for the property that is not retail. There is a lot of land there but with the proximity to the River there are Conservation Commission concerns, so maybe the additional land and may not be usable. The curb cut isn't even great being used for one-way traffic. Add two-way traffic and it will severely impact the site. The property line is atypical. So the site is hard to delineate. There needs to be a delineation of the



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property so that we aren't allowing access on property that the Applicant does not own and does not have an easement to access. The use is not accommodating to the site and there is not enough space to access a 2,500 sf retail site.

C. Goodwin: I have issues with the curb cut, parking, the handicapped parking space, vehicles maneuvering the lot and the new intended use. I do not believe this is in the best interest of the Town.

K. Franson: I have been trying to figure out how to make this site work. The curb cut is an issue and even if you do get on the site through the curb cut the issue is the parking. I think the space would work with less parking. However, 7 parking spaces, as proposed on the Application, only satisfies the Post Office requirement. Is there a better number to accommodate both? Also, parking is not allowed in the front setback. I'd rather see it in the back of the lot than the front. My other issue is the deliveries, not just for the Post Office but the new store. I worry about UPS and FedEx because if they can't enter will they park on Main Street and block traffic. The other issue is the non-conforming use. The existing use is vacant which sets the baseline. It doesn't meet the requirements of the bylaw.

Another concern is the crosswalk. Additionally, there is the issue with the aisle width. The aisle width can be reduced but we have two-way traffic and it is hard to maneuver. It is all about health and safety. The handicapped space goes across two lanes of traffic. It just doesn't work. This amount of parking just will not work. The site is just tight. Maybe there is a way to identify other spaces on the street or the municipal lot.

J. Normand: Major concern is the increase in traffic from the use would impact the abutter. The handicapped space is also an issue for access to the Post Office. The two uses combined, retail plus the Post Office, I don't think the site can accommodate both of those uses at the same time. I think we are stretching to get all these spaces in. I currently do not like the layout as proposed. You need better access in order to accommodate both uses. This is significantly more detrimental than the existing use.

J. Stokes: My concerns are the congestion at the crosswalk, traffic congestion and the small curb cut. I think this is going to create a dangerous situation for people driving their cars and those walking the crosswalk

J. Connor-Mills: My biggest concerns are the curb cut and the layout. The challenge is having two-way traffic in and out of the site. There is also the handicapped space and the access for that person to the Post Office. The traffic change from vacant to retail is a big problem. And the comparison in Land Use Code is just not comparable, so it is hard to forecast. There will be an impact.

**BOARD:** Are there any other uses that could go into this site as opposed to retail? We should only review the project as proposed. We should wait to see if the Planning Board gets any additional information from the state. We could do that as a conditional approval and still vote tonight. We cannot verify traffic based on a specific retail use, it is unknown, we are reviewing the project as retail. So the traffic associated needs to be reviewed as retail. They are asking for relief from more than one thing, it is a little excessive. It is not one issue; it is multiple issues that would need to be addressed in order to make this work. Discussion about whether or not the Board should vote tonight or continue until the next meeting. Maybe the Applicant could go back to his team and address some of the concerns, such as parking. We can't review a new use unless he applies with a new application. If we deny he will not be able to put forth a new application for 2 years.

**MOTION:** Kathy Franson made a motion to take a 5-minute recess. Chris Goodwin seconded the motion. The vote was 5-0, unanimous in favor. The time was 9:25PM.

**MOTION:** Chris Goodwin made a motion to break from recess. Kathy Franson seconded the motion. The vote was 5-0, unanimous in favor. The time was 9:38PM.



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L. Yang: I would like to ask to continue until the next meeting.

**MOTION:** Chris Goodwin made a motion to continue the application for 299 Main Street to the next meeting. Jennifer Connor-Mills seconded the motion. The vote was 5-0, unanimous in favor.

## INVOICES APPROVAL

DESCRIPTION	AMOUNT
Clerk – Julie Hauss	\$357.61

**MOTION:** Kathy Franson made a motion to approve the outstanding invoice. Chris Goodwin seconded the motion. The vote was 5-0, unanimous in favor.

## MINUTES APPROVAL

**MOTION:** Kathy Franson made a motion to approve the March 6, 2019 meeting minutes. John Stokes seconded the motion. The vote was 5-0, unanimous in favor.

## OPEN DISCUSSION

**BOARD:** Potential application for the Clerk replacement. The only potential candidate has not returned emails. In the meantime, since we do not have a Clerk we need to distribute some of the administrative tasks – getting the key from the police department and opening Town Hall before the meeting, minutes, meeting notices, picking up applications, decisions. Meeting notices take up a lot of time and could be made the responsibility of the applicant, similar to what the Conservation Commission requires.

**MOTION:** Kathy Franson made a motion that all applicants will need to place their own legal notice with the Eagle Tribune, the notice will be drafted and provided by the Board, and they must provide read receipt green cards to the Board prior to the meeting and if the cards are not returned the meeting will not be opened. Jennifer Connor-Mills seconded the motion. The vote was 5-0, unanimous in favor.

Next meeting is scheduled for May 1, 2019

## ADJOURNMENT

**MOTION:** Chris Goodwin made a motion to adjourn the meeting. The motion was seconded by John Stokes. The vote was 5-0, unanimous in favor. Meeting adjourned at 9:52PM.