



Town of Groveland Zoning Board of Appeals

183 Main Street
Groveland, MA 01834

APPROVED June 5, 2019

MOTION: Chris Goodwin made a motion to approve the May 1, 2019 meeting minutes. Kathy Franson seconded the motion. The vote was 3-0, unanimous in favor.

TOWN CLERK
RECEIVED/POSTED

1

Board/Committee Name: ZONING BOARD OF APPEALS
Date: WEDNESDAY, May 1, 2019
Time of Meeting: 7:30PM
Location: TOWN HALL

2 Present: Kathleen Franson, Jason Normand, Chris Goodwin, John Stokes,

3 Absent: Jennifer Connor-Mills

4 Staff Present: Rebecca Oldham

5

6 Jason Normand, Co-Chairman: The Zoning Board of Appeals meeting for Wednesday, May 1, 2019
7 was called to order at 7:41PM.

8

9 J. Normand: Welcomed the new Zoning Administrator who is also the Town Planner. Rebecca will be
10 taking over for Julie Hauss.

11

12 MINUTES APPROVAL

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

15

16 **MOTION:** Kathy Franson made a motion to take a recess to allow time for the fourth Board Member
17 to arrive. Jason Normand seconded the motion. The vote was 3-0, unanimous in favor. The time was
18 7:47PM.

19

20 *Chris Goodwin Arrived at 7:49PM*

21

22 **MOTION:** Kathy Franson made a motion to break from recess. Jason Normand seconded the motion.
23 The vote was 4-0, unanimous in favor. The time was 7:50PM.

24

25 PUBLIC HEARING

26 **CONTINUED: Application #20 I 9-1, 299 Main Street, Zong Yang:** request to Appeal the Building
27 Inspectors Decision and requests for a 38.5 ft. variance for the front setback of the existing building
28 located in the Business (B) Zoning District along with a request for a special permit for use as retail
29 space according to all applicable sections of the Town of Groveland Zoning Bylaw, including
30 Section(s) 4, 4.3.3, & 8. (Vote is anticipated.)

31

32 Lee Yang: I took the opinions from the Town and I am no longer going to move forward with a
hydroponics store. I think it is more favorable to the town to open a home improvement store or a boat
33 showroom by appointment only. So it would be low impact use and make the site better for the Town.
34 Engineering firm agrees with all of the comments and the Fire Department has approved the site plan.
35 The impact is very little. This building is deteriorating. I have all the building materials on site and I
36 am ready to put on the roof. The Post Office also has signed off on the plans.

37

38 Peter Ogren with Hayes Engineering, Applicant's Project Engineer: We met with the Post Office and
they were happy we moved the handicap space back to its original location. They stated traffic has not
39 been much of an issue at the site. Additionally, the Fire Department signed off on the plans. There is
40 still some disagreement with TEC over the traffic data, but any ITE trip generation is going to be small
41 because the building is small. MassDOT agrees no access permit is needed. The biggest change to the



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plan is there is no longer parking in the front setback and we are now asking for a variance to allow 10 spaces on the site.

PUBLIC COMMENT

James Bevelacqua 26 Coleman Road: I am familiar with the property because I used to manage the property nearby. My biggest concern is that when I am trying to drive out of the Post Office there is no room for another vehicle to get in. The curb cut is off centered and it doesn't make sense to me to have two-way traffic coming in and out of there. It seems very dangerous. And that is how I view the property now, as it sits vacant. Now to expand the property with a second use? I just don't understand how you can allow that. From a logistical standpoint when you are trying to exit the property and turn right to go over the bridge you have to swing far to the right side of the curb cut in order to get around. You are usually blocking traffic going west. You are talking about adding pavers but there isn't enough space with the guardrail and where it ends. It speaks for itself when you drive in and drive out.

J. Normand, Co-Chair: Read the following letter from business owner and resident Gregory Stark, One Off King Way –

I would like to share my concerns about the gas station property at 299 Main Street. As a fellow business person, I sympathize with the need to establish income on a commercial property. But, I do not agree we should allow any compromises which impact our small town square. We should not set a precedence of functionality & aesthetics problems moving forward. From my experience of talking with town's people, they would like see a use which utilizes the river front property as a complement to the beautiful Elm Park. The goal should be an articulate professional plan which everyone could be proud of. This property is a center piece of our square and should be representative of our community.

Points of concern

- 1) An obvious misplaced state curb opening in the middle of Rt113 Signal stop area.*
- 2) Unclear usage and lack of a professional building improvement plan.*
- 3) In adequate parking & maneuvering for postal trucks, postal patrons plus... needs of unspecified use of an auto garage in major dis-repair.*

Last word - I am very concerned that the town does not make compromises which they will regret in the long run. Groveland town square has very obvious parking issues. Presently there is not a completed study or resolution to the parking problem. This sounds like we will be adding to an existing problem.

Brian Connell, Norwood Insurance 291 Main Street: There were a number of things brought up by the Board at the last meeting. Most of the concerns were based on egress and ingress and the curb cut in the way it is currently situated. The State has said there is limited traffic use and I think that is because the ingress is on our side and the egress on their side. I am also surprised to hear that the Post Office would agree to the new layout and I would certainly say that Christmas time indeed generates heavy traffic. We are here today to see if the Board will grant a variance. I did my due diligence and researched MGL 40A section 10- *The permit granting authority shall have the powerto grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or by-law where such permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which*



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88 *it is located...* Circumstances relating to the soil conditions, shape, or topography. I am trying to
89 understand how this applies. It is a pretty strict statute. We are doing extraordinary acts to approve this
90 plan. As case law shows, the literal enforcement should not involve financial hardship, loss of
91 economic advantage, especially one that was purchased as an investment opportunity. He has not been
92 presented with the hardship, it was the person who owned the property beforehand. These are all
93 things that should go into the decision making. I am in opposition to this.

94
95 John Stokes: The biggest issue is the curb cut. Even when a customer goes to the insurance agency, it
96 is common for them to then loop around and exit by the Post Office. Can the neighbors come together
97 and reach an agreement? It seems to me that Norwood Insurance would benefit from this as well. If
98 access is blocked it could prove difficult for them too. I don't think anyone is going to win.

99 J. Bevelaqua: Norwood also has parking in the lot next door that they can use.

100 L. Yang: I have approached Norwood insurance and looking for an agreement we can work with and I
101 get the response is no. I don't want to sell them the property.

102 Brian Connell: The property that is owned is first and foremost not owned by Norwood Insurance.
103 The lot is owned by Groveland LLC, my mother in law, Anne Bevelaqua, owns the property. My
104 interest is two folds. The business interest and representing my mother in law. I was told several times
105 we share this driveway. We do not. Number two, when I was discussing this with Lee. I said that I
106 would speak with Anne about the possibility of an easement. I also stated I would speak to her about
107 purchasing the property because of the curb cut. We are not looking to buy dilapidated buildings but
108 with the ingress and egress it would behoove us more than someone just having one curb cut. As Jim
109 mentioned we have other areas of parking. We don't have a vested interest. What we are opposed to is
110 creating a traffic nightmare in the center of town.

111
112 **MOTION:** Chris Goodwin made a motion to close the Public Hearing for 299 Main Street. Kathy
113 Franson seconded the motion. The vote was 4-0, unanimous in favor

114 **BOARD:** Parking requirements fall under the Planning Board. The curb cut does not function for two-
115 way traffic. This is a safety issue for those driving and pedestrians in the area.

116 **MOTION:** Chris Goodwin made a motions to deny the application for 299 Main Street. John Stokes
117 seconded the motion. The vote was 4-0, unanimous in favor.

118 **BOARD:** Instructed the Applicant to follow-up with the Town Planner/Zoning Administrator for next
119 steps.

120 121 OPEN DISCUSSION

122 Town Planner/Zoning Administrator: Presented new meeting schedule.

123 **BOARD:** The document submittal deadline should be changed to the 10th of the month in line with the
124 application deadline.

125 Town Planner/Zoning Administrator: Noted that all the ZBA files have been taken from the filing
126 cabinets in the main meeting room and vault and moved into the Planning Department office.

127 128 ADJOURNMENT

129 **MOTION:** John Stokes made a motion to adjourn the meeting. The motion was seconded by Chris
130 Goodwin. The vote was 4-0, unanimous in favor. Meeting adjourned at 9:10PM.