



# Town of Groveland Zoning Board of Appeals

183 Main Street  
Groveland, MA 01834

APPROVED July 10, 2019  
MOTION: Chris Goodwin made a motion to approve the June 5, 2019 meeting minutes. Kathy Franson seconded the motion. The vote was 4-0, unanimous in favor.

1

Board/Committee Name: ZONING BOARD OF APPEALS  
Date: WEDNESDAY, June 5, 2019  
Time of Meeting: 7:30PM  
Location: TOWN HALL

TOWN OF GROVELAND  
2019 JUL 11 AM 9:27  
TOWN CLERK  
RECEIVED/POSTED

2 Present: Kathleen Franson, Jason Normand, Chris Goodwin  
3 Absent: Jennifer Connor-Mills, John Stokes  
4 Staff Present: Rebecca Oldham

5  
6 Jason Normand, Co-Chairman: The Zoning Board of Appeals meeting for Wednesday, June 5, 2019  
7 was called to order at 7:40PM.

8  
9 J. Normand: We do not have the fourth member required to vote on the Special Permit this evening.  
10 But we recently adopted an article at the annual Town Meeting to accept the provisions of M.G.L c.  
11 39, Section 23D, for boards, committees, or commissions holding adjudicatory hearings in the Town,  
12 which section provides that a member of a public body when holding an adjudicatory shall not be  
13 disqualified from voting in the matter solely due to that member's absence from no more than 1 session  
14 of the hearing at which testimony or other evidence is received, provided that certain additional  
15 conditions as established by said statute are met; or take any other action relative thereto. So we can  
16 have the members not present watch the meeting before the next meeting and vote on the matter.  
17 Faddi Issa, Applicant: Agreed to open the hearing and delay the vote until the next meeting.

## 18 19 PUBLIC HEARING

20 NEW: Application #2019-2, 929-931 Salem Street, ANFEH, LLC c/o Fadi Issa: requests a special  
21 permit under Section 4.5 for use as Restaurant, Fast-Food, to include a drive-through window, as  
22 defined in Section 2 in the Town of Groveland Zoning Bylaws. (Vote is anticipated.)

23 Halim Choubah with Choubah Engineering Group, Applicant's Engineer: The application was  
24 previously approved in 2017 to redevelop the Property's existing commercial/industrial and two-family  
25 uses and constructing an 8,000 square foot building to include a convenience store, five (5) auto repair  
26 bays and two (2) auto body bays and to install four (4) fuel dispensing pumps, with eight (8) fueling  
27 positions under a 44-foot by 47-foot steel overhead canopy. The proposed overhead canopy and  
28 building will be set back 25 feet from Salem Street. The Applicant requested and received a 25-foot  
29 variance from the required 50-foot front setback in the Industrial District. We have reduced the  
30 building size from 8,000 square feet to 7,250 square feet; eliminated previously proposed 2 body shop  
31 bays (a repair bay and a spray booth); added a coffee shop with a drive up window in the Convenience  
32 Store; replaced approximately 750 square feet of landscape areas with paved surfaces to the north of  
33 the proposed building to accommodate drive thru lane; paved surfaces are outside the 100' wetlands  
34 buffer; replaced approximately 1,800 square feet of paved surfaces along the southerly side and  
35 southwest corner of the proposed building with landscape; moved edge of parking along the southerly  
36 side of the proposed building 6 feet away from wetlands edge to provide additional buffer from  
37 wetlands; moved edge of parking along the southwesterly corner of the proposed building 10 feet away  
38 from wetlands edge to provide additional buffer from wetlands; replaced proposed aboveground fuel  
39 tanks with double walled underground fuel tanks and moved away from 100' wetlands buffer. We  
40 appeared before the Conservation Commission in April with the proposed changes and were approved.  
41 We also received approval from the Planning Board for the modifications to the original site plan. So



# Town of Groveland

## Zoning Board of Appeals

183 Main Street  
Groveland, MA 01834

we are here tonight to inform you all of the changes made to the original plan and also to request a new Special Permit for a Restaurant, Fast Food with a drive through window. It is not a dining restaurant. There will be pre-prepared foods but not tables. Coffee and foods will be available for those that are sitting and waiting for their vehicles to be serviced.

Kathy Franson: I have some concerns about the car queuing. You show 11 cars queued in the plans. Would this spill out into Salem Street or impact those looking to get gas?

H. Choubah: You will still have another 10 cars before it became a problem.

K. Franson: What about queuing for those trying to access the drive-thru and cars exiting/entering the service bays? Also, will you have grease or oil separators? This is an environmentally sensitive area.

H. Choubah: The queuing in front of the bays will be handled by operation of the mechanics. Yes, we will have grease/oil separators.

J. Normand: Hours of operation? Would the coffee shop only be open during those hours?

H. Choubah: In the decision issued in 2017 the auto body and auto repair work was limited to Monday through Friday 8AM to 5PM, Saturday 8AM to 3PM and gasoline fueling and convenience store to Sunday through Saturday, 5AM to 11PM. The coffee shop would be in operation during those hours.

### PUBLIC COMMENT

**Tracy Saragosa, 10 Hampshire Lane**: It is a restaurant drive through. Are there any restrictions as to only a coffee shop or could it be a McDonald's?

J. Normand: As defined in the bylaw, *RESTAURANT, FAST-FOOD: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building or off premises and usually requires ordering food at a counter or a drive-through window.*

**T. Saragosa**: Proposed as coffee shop, there is nothing restricting this from expanding in space and becoming a different "restaurant, fast food" in the future. I think this should a stipulation in the decision, if issued. My fear is that we allow this now and then later on it could be a bigger issue. Are there any laws restricting the amount of these establishments in proximity? There are already 4 coffee shops I can think of right next to each other. Why can't this be something like a Cumberland's with a coffee stand? Another concern is the trash associated with the drive-thru. That trash is going to be directed to the wetlands. Could there be fencing put up to make sure this waste is not blowing into the wetlands? Additionally, the site lines on the road and coming out to Salem are horrible. I know the landscaping changed when it was demolished but the signage could impede the site lines even more and interfere with those vehicles entering and exiting Pub 97. Another concern is the idling of cars in the drive thru. You get all the fumes in the air as they are sitting there waiting in line. Also, the smell of the oils and grease from a fast food restaurant is nauseating. Will there be lighting shining onto adjacent property? And you mentioned tables and chairs in the convenience store and that would insinuate that people are sitting down as they would in a restaurant.

**Terry Clifford, 935 Salem Street and 921 Salem Street**: Underground tanks were approved by the Conservation Commission, the Planning Board and the State? We need to make sure that these underground tanks are approved appropriately. I am also concerned about the fast food permit. There should be stipulations in the decision. I am not for corporate America. I don't think our little town needs a corporate name. This destroys small town businesses. I think we need to look at this as way to allow business but stipulate corporate company names. No seating and no sit down restaurant. But there will be seating for those waiting for the cars? If its tables and chairs that will be a sit down restaurant. I don't think it is fair to a small community. Look over the bridge. The Jimmy Sub Shop was there and then Subway went in and she went out of business. Haverhill House of Pizza is now



# Town of Groveland Zoning Board of Appeals

183 Main Street  
Groveland, MA 01834

struggling since there is a new Burger King right in front of them. The corporate name hurts towns. Fadi has spoken to me about his plans and I understand he is a business man but I think there needs to be stipulations in the decision. Can we stipulate franchise vs non-franchise?

**BOARD:** Discussed the ability to limit franchises legally. Would need to discuss with Town Counsel. **Bernadine Clifford, Pub 97:** We had no concerns but then the plans changed and the drive thru is really close to our property. We are going to have to come up with a plan about the retaining wall. The traffic will also be an issue. It already is.

**H. Choubah:** We do have fencing proposed to the south of the parking lot and this would address any trash concern and buffer the wetlands. Trash would also fall under the regular maintenance of the site. This was all reviewed for two years and was all addressed with Conservation and Planning. The underground tanks will need the proper permits with DEP and the Fire Department, and we will obtain them. But we accept the condition that we would need to get the proper permits. There is a lighting plan and it shows the lighting will not spill over on other properties. The sign is 10 feet from the property line and complies with zoning. It would need to be approved under Section 11 of the bylaw. We are not asking for anything that is not allowed. The site is already approved. This is just for the drive-thru. We do have seating but that is for people to sit and wait while the car is serviced. There are no tables other than in the convenience store in order to play Keno. Put we can stipulate that all in the decision. This is 900SF, this is not going to be a McDonald's. The Board can stipulate the coffee shop cannot expand beyond the 900SF. The convenience store is about 2,300SF. It is not a large store. You can condition that any changes require a new permit. The curb cut is already approved by MassDOT. The restaurant will be constructed to code by making sure it complies with a hood and proper ventilation. Gas stations are not traffic generators. They are usually cars in the area that are driving through.

**MOTION:** Chris Goodwin made a motion to end Public Comment for 929-931 Salem Street. Kathy Franson seconded the motion. The vote was 3-0, unanimous in favor

**MOTION:** Kathy Franson made a motions to CONTINUE the Public Hearing for 929-931 Salem Street. Chris Goodwin seconded the motion. The vote was 3-0, unanimous in favor.

## MINUTES APPROVAL

**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.

## ADJOURNMENT

**MOTION:** Kathy Franson made a motion to adjourn the meeting. The motion was seconded by Chris Goodwin. The vote was 3-0, unanimous in favor. Meeting adjourned at 8:53PM.

