



TOWN OF GROVELAND
**Town of Groveland
Zoning Board of Appeals**
2019 AUG -8 AM 8:15 183 Main Street
TOWN CLERK Groveland, MA 01834
RECEIVED/POSTED

APPROVED August 7, 2019
MOTION: Kathy Franson made a motion to approve the July 10, 2019 meeting minutes as drafted. John Stokes seconded the motion. The vote was 4-0, unanimous in favor.

Board/Committee Name: ZONING BOARD OF APPEALS
Date: WEDNESDAY, July 10, 2019
Time of Meeting: 7:30PM
Location: TOWN HALL

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

Absent:

Staff Present: Rebecca Oldham

Jason Normand, Chair: The Zoning Board of Appeals meeting for Wednesday, July 10, 2019 was called to order at 7:32PM.

PUBLIC HEARING

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

J. Normand: We opened the Public Hearing for 929-931 Salem Street at the June 5th meeting. However, we only had three members present and involved the Mullin Rule whereby our fourth member, John Stokes, after having read the minutes or watched the recording from the last meeting would be able to participate at the next meeting. Also at the June 5th meeting we voted to end public comments for the proposed project. Let's have the Engineer provide a recap.

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

Kathy Franson: My concerns are as follows, the trash and the accumulation of trash – I am glad there will be fence up to protect the trash from entering the wetlands. I am also concern about the seating. There are table and chairs and I want to be sure this is not a sit down restaurant. I also want to be sure that the site lighting will not spill over the abutting property. Lastly, I am concerned about the volume



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of the drive-through speaker and position of the speaker. Maybe the applicant could use a sound barrier? Maybe install some soft landscaping. Something that will help regulate the volume and keep the volume as low as possible.

Jason Normand: I am worried about traffic and the impact of the traffic on Salem Street and the site internally. There is a lot of traffic flowing in and out of a small area. Originally the site proposed a body shop which generates a lot less traffic than a drive-through. The drive-through traffic will cause a backup.

H. Choubah: The curb cut has already been approved by the state. We can add more signage. But the scale of the site on the plan is deceiving. The cars are queuing along the back of the building so it won't impact the other area on site.

J. Normand: But they have to get out of the site. So I'm just saying that the drive-thru adds considerable more traffic.

BOARD: The decision should clearly state there is no seating in the restaurant.

MOTION: Kathy Franson motioned to close the public hearing for Application 2019-2, 929-931 Salem Street. Chris Goodwin seconded the motion. The vote was 4-0, unanimous in favor.

MOTION: Kathy Franson made a motion to approve Application #2019-2, 929-931 Salem Street and the plan as submitted with the conditions the Project will not adversely impact the natural or built environment of the Town and will not have an adverse impact on traffic flow, the approved use is a coffee shop/restaurant not to exceed 900SF, the coffee shop/restaurant will not contain tables and/or booths for indoor consumption of food or drink, the Applicant must comply with all state, federal and local codes concerning food service and fuel tanks, the hours of operation will be limited from Sunday through Saturday 5AM to 9PM, lighting will not spill over into abutting properties, drive-through speaker volume will be set at the lowest possible volume as to not disturb abutting neighbors and the applicant will be required to address any noise complaint. Chris Goodwin seconded the motion. The vote was 4-0, unanimous in favor.

MINUTES APPROVAL

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

OPEN DISCUSSION

K. Franson: As of June 30th we no longer have a full Board. Jennifer decided not to renew her appointment and therefore we need a new member.

Town Planner/Zoning Administrator: The Board of Selectmen made all the re-appointments at their last meeting. The Town Finance Director has issued a notice to fill all vacant seats. So we are looking for another volunteer. Especially since we just received the filing for the Comprehensive Permit for 4 Sewall Street. The Applicant is looking to construct 192 apartment units in four (4) residential buildings, a clubhouse with related amenities, such as a pool, and associated access ways, sidewalks, parking, utilities and stormwater infrastructure. We need to hold the meeting within 30 days of the filing. Our next meeting is scheduled for August 7th. Will all members be able to attend?

BOARD: All members can attend the August 7th meeting. During the 40B process additional meetings may need to be held on the third Wednesday of the month. Kathy will send over some materials she received at a training concerning the 40B process.

ADJOURNMENT

MOTION: Kathy Franson made a motion to adjourn the meeting. The motion was seconded by Chris Goodwin. The vote was 4-0, unanimous in favor. Meeting adjourned at 8:29PM.